UNIVERSITY OF KENTUCKY
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# INVENTORY
OF THE
# COUNTY ARCHIVES
OF
# KENTUCKY

## MEADE COUNTY
*Brandenburg*
NO. 82

THE KENTUCKY HISTORICAL RECORDS SURVEY
WORK PROJECTS ADMINISTRATION

# INVENTORY OF THE COUNTY ARCHIVES

# OF KENTUCKY

## No. 82. MEADE COUNTY (BRANDENBURG)

Prepared by

The Kentucky Historical Records Survey Project
Division of Professional and Service Projects
Work Projects Administration

Sponsored

by

State Department of Libraries and Archives

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Louisville, Kentucky
The Kentucky Historical Records Survey Project
January 1941

The Historical Records Survey

Sargent B. Child, Director
Clifford R. Rader, State Supervisor

Research and Records Section

Harvey E. Becknell, Director
Milton W. Blanton, Regional Supervisor
Donald P. Brown, State Supervisor

Division of Professional and Service Projects

Florence Kerr, Assistant Commissioner
Blanche M. Ralston, Chief Regional Supervisor
E. Fullerton, State Director

WORK PROJECTS ADMINISTRATION

Howard O. Hunter, Acting Commissioner
Malcolm J. Miller, Regional Director
George H. Goodman, State Administrator

# FOREWORD

The Inventory of the County Archives of Kentucky is one of a number of guides to 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 Meade County, is number 82 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carrying out this objective, the project was organized to compile inventories of historical materials, particularly the unpublished government documents and records which are basic in the administration of local government, and which provide invaluable data for students of political,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 country 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 March 1, 1940, when he was succeeded by Sargent B. Child, who had been National 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 Professional and Service Projects, of which Mrs. Florence Kerr, Assistant Commissioner, is in charge.

Howard O. Hunter
Acting Commissioner

# 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 the present director.

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 State Librarian and Archivist, Emma Guy Cromwell, is under the administrative control of the Professional and Service Division of the Work Projects Administration.

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

The arrangement of agencies in Part B of the inventory classifies them according to governmental function; administration; registration of property titles; administration of justice; law enforcement; finance; elections; education; health; and miscellaneous. The structural organization of the agency, the powers and duties (or jurisdiction of courts), 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 deposition 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 entries whose style is formalized to give information concerning the title of record, dates for which available, quantity, labeling of volumes or containers, variant titles, description of record contents, manner of arrangement, indexing, nature of recording, size of volumes or containers, and location.

The original survey of Meade County was begun in June 1938 by Anna B. Troutman and Charles R. Craycroft, under the supervision of Jess H. Raymer, Assistant State Supervisor. In January and February 1940, the original listing was rechecked under the direction of John C. Simmons, Assistant Project Technician, assisted by Joseph Gurganus and Joseph T. Murray, editors in the State office. Kenneth Rawlings and Harry P. Hoskins did the research work involved in compiling data for the historical sketch.

Preface

Robert P. Arnold compiled the legal research work for the office essays, under the supervision of 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.

July Wykle and Frank A. Kenny, Robert P. McAdams, George W. Buck, Arthur C. Best, and Richard D. Spriggs, 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, Assistant Archivist in charge of public records inventories, of the Washington, D. C. office, for her helpful editorial criticism of this inventory in manuscript form, and to Dan Lacy, Assistant Director, Historical Records Survey Projects, for his valuable suggestions. Grateful acknowledgement is made to the Filson Club and the Louisville Free Public Library, Louisville, for their generous cooperation.

This volume could not have been written without the cooperation and interest of the officials of Meade County. Especially do we appreciate the assistance given our workers by County Judge W. E. Brown; the Circuit Court Clerk, Mr. Roy Neafus; and the Deputy Court Clerk, Nellie Lusk Morgan.

The Inventory of the County Archives of Kentucky will, when completed, consist of 120 volumes, each numbered to indicate its alphabetical position among the counties of the State.

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. 376. 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
State Supervisor
Kentucky Historical Records Survey Project

Louisville, Kentucky
January 20, 1941

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# 1. HISTORICAL SKETCH

## Creation

Meade County, the seventy-sixth to be established in Kentucky, was formed from parts of Hardin and Breckinridge by an act approved December 17, 1823. The act creating the new county described it as follows: " All that part of the counties of Hardin and Breckinridge contained in the following bounds: Beginning on the Ohio River at a point halfway between the mouth of Salt River and the mouth of Otter Creek; thence running so as to strike the road leading from the mouth of Salt River to Leitchfield, at a point two miles distant on the nearest point from the road leading from Elizabethtown to the mouth of Salt River; thence a straight line to the mouth of Brushy Fork of Otter Creek; thence a straight line to the Big Spring; thence a straight line to Absolom Carr, Sr's., leaving said Carr's house in the new county; thence a straight line to the lower end of Flint Island in the Ohio River; thence up the same to the beginning, shall be one distinct county called by the name of Meade, in honor of Captain James M. Meade, who fell at the River Raisin."

## Boundaries

As the Ohio River defines the northern part of Meade, it makes a peculiarly irregular outline, giving a strange shape to the county. With an area of approximately 192,640 acres, Meade today retains its original boundary lines, although a legislative attempt to establish the county of Hanson out of parts of Meade and Breckinridge Counties was made, but was defeated in the House on February 10, 1870. (2) It is bounded on the north and northwest for about 5.8 miles by the huge twisted bend of the Ohio River; on the east by Hardin County; on the south by Hardin and Breckinridge Counties; and on the west by Breckinridge. (3)

## Territorial History

Long before the settlement of the county, the pioneers who first reached this territory, which was included in the great bend of the Ohio and stretched from the mouth of Otter Creek to the mouth of Sinking Creek, found a land stocked with game of all kinds. Countless deer and large herds of elk and bison grazed on the barrens. Immense fertile areas covered with grasses and clover furnished them excellent forage in summer; in winter, they found ample food in the dense cane-brakes. Numerous streams in the wooded section and thick forests and groves on the knobs supplied the wild animals and fowl with water and protection. Flocks of wild geese and ducks made their homes on the streams. Passenger pigeons, long extinct, whose

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1. ACTS OF THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF KENTUCKY, 1823-24, FRANKFORT, 1824, P. 336, HEREINAFTER CITED AS ACTS.
2. RICHARD H. COLLINS, HISTORY OF KENTUCKY, 2 VOLS., LOUISVILLE, 1924, I, 201.
3. EDWARD F. SEILLER, (COMPILER) KENTUCKY NATURAL RESOURCES, INDUSTRIAL STATISTICS, INDUSTRIAL DIRECTORY, DESCRIPTION OF COUNTIES, BULLETIN 34, ISSUED BY THE BUREAU OF AGRICULTURE, LABOR, AND STATISTICS, FRANKFORT, 1929, PP. 313, 321; COLLINS, OP. CIT., II, 598.

weight often broke strong branches of trees, and fat wild turkeys, together with innumerable squirrels, provided the early settlers with an abundance and a variety of food. (4)

Among those families who first built their cabins and established themselves in this region were the Shackletts, the Richardsons, the Wimps, the Ashcrafts, the Fairleighs, the Chisholms, the Hardins, Squire Boone, brother of Daniel Boone, and others, many of whom came from Pennsylvania, Maryland, and Virginia. (5) General Benjamin Shacklett, with his family and their few possessions, left Pennsylvania in 1796, and traveled by flat-boat down the Ohio River, landing at the head of the Falls. Two years later he moved on down the river to settle finally in Jackey's Grove, in what was then Hardin and later became Meade County. Here in 1805 was born Benjamin Wooley Shacklett, his son, who developed into one of the greatest fighters of his day. Both the general and his son took a prominent part in the governmental affairs of the new county when it was created.

About the same time several other families built their cabins in the vicinity of Jackey's Grove. Richard Ashcraft had achieved fame as an Indian fighter in Pennsylvania, and his children, exhibiting the same courageous, pioneer qualities that characterized their father, were among the earlier settlers to land at Solomon Brandenburg's Landing and Ferry. With them came John Wimp and his family, and from White Hall, New York, the Richardson family arrived to establish homes in what later became Meade County. (6)

No Indians ever inhabited this region for any length of time, although, crossing the Ohio River at the mouth of Salt River, Rock Haven, Flippen's Run, Buck Creek, and near the mouth of Wolf Creek, they came often to hunt game. Many weapons and some perfect specimens of small pottery of exquisite Indian workmanship have been unearthed at numerous places in the county. One of the most fiercely contested battles with the early settlers occurred on East Hill at Brandenburg. A party of marauding Indians crossed the river and hid their canoes in Flippen's Run. Big Joe Logsdon, one of the famous Indian fighters who spent much time in this region, aided by a party of hunters, attacked the band. After a running fight along the buffalo trail, the Indians were beaten back and not long after decided to seek security on the northern bank of the Ohio. (7)

## First County Court and Officers

On Monday, March 22, 1824, in accordance with provisions of the act creating Meade County, Joseph Stith, John H. Trent, William Ditto, William Garnett, Robert W. Washington, Joseph Atwill, and William F. Foushee met at John Rush's house in Buck Grove and organized the county court. Each

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4. GEORGE L. RIDENOUR, EARLY TIMES IN MEADE COUNTY, KENTUCKY, LOUISVILLE, 1929, PP. 9,10.
5. THE LOUISVILLE EVENING POST, MARCH 27, 1923.
6. RIDENOUR, OP. CIT., PP. 27-31.
7. RIDENOUR, OP. CIT., PP. 15,17.

man produced a commission signed by Governor John Adair, appointing him justice of the peace. Joseph Stith administered the necessary several oaths to John H. Trent, who in turn administered the same oaths to the other appointees. After these justices had taken their seats, Benjamin Shacklett produced a commission as sheriff from the Governor and gave bond in the sum of $3,000. Robert Bleakley was appointed deputy sheriff and William Fairleigh was named clerk pro tempore, furnishing bond for $10,000. The county was divided into three districts. The first district was "east of a line from Moreman's Ferry to a pond half-way from the mouth of Brushy Fork of Otter Creek and the Big Spring." William B. Stith was elected constable of this district. The second district extended "from the line of the first district to a line beginning at Joseph B. Woolfolk's, thence in a straight line to Colonel Carr's." Samuel Brownlee was elected constable of the second district. Oliver Burch was elected constable of the third district. John H. Helm, just 21 years of age, was appointed county attorney. Jesse Shacklett produced his commission as coroner, and Nathan Riatt and Robert Stout were recommended to the Governor by the court as capable surveyors. Daniel S. Bell, W. Allen, Thomas Q. Wilson, and John L. Helm were admitted to practice by this court. (8)

On June 28, 1824, the county court issued the following order: "Ordered that William Ditto and William Garnett, Esquires, be and they are hereby appointed Judges to superintend the Meade General Election to be held at this place in August next, and that Robert W. Washington be appointed clerk of said election." (9) Elections at this time were held for a period of three days. Every man in the county was required to vote at John Rush's house which served as the courthouse. Elections and regimental musters were the scenes of much "fist and skull" fighting to determine the "best man in the county," a title gained with a man's fists. It was a time when public questions were often determined by personal combat. At the first election held at John Rush's, Dan Shacklett fought for 37 minutes with Isaac Vertrees over an acre of ground. This was probably the hardest such fight ever waged in Meade County. (10)

## Establishment of County Seat

After the officers for the new county had been named, the next important business before the court was to decide upon a location for a county seat, and Claysville was chosen. The court thereupon ordered Nathan Raitt to lay off the town of Claysville as the seat of justice "on the upper side between the ridges across Doe Run near Widow Leache's including what is now called the sugar tree grove." William Ditto, James B. Woolfolk, William Garnett, Robert W. Washington, Thomas Stevenson, and Henry Turnstall

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8. ORDERS COUNTY COURT, VOL. A, P. 1 FF., IN MEADE COUNTY ARCHIVES, ENTRY 220; RIDENOUR, OP. CIT., PP. 59,60.
9. ORDERS COUNTY COURT, VOL. A, P. 39, SEE ENTRY 220.
10. RIDENOUR, OP. CIT., PP. 60,61.

were appointed commissioners of the town. (11) Claysville, which was known as "New Philadelphia" by the settlers who had lived there for more than a quarter of a century before Meade was created, was renamed "Brownsville" by order of the court, since there was already a town by the name of Claysville in Kentucky. (12)

Great rivalry existed between this site and Solomon Brandenburg's Landing and Ferry on the Ohio River. At that time New Philadelphia, or "Brownsville," was not a healthful location. Consequently, on January 8, 1825, an act of the Kentucky General Assembly authorized the removal of the seat of justice to Solomon Brandenburg's Landing and Ferry. (13) On February 28, 1825, the county court vetoed the change and ordered that "William L. McGehee, Gerrard Alexander, Joseph F. Woolfolk, Dr. David A. Hascall, and Joseph Atwill be and they are hereby appointed trustees in and for the town to be laid off and established upon the lands of Solomon Brandenburg as the seat of justice of the county." Captain Brandenburg and his wife, Elizabeth, deeded 61 acres of land to the trustees for the new county seat. (14)

Before Captain Brandenburg purchased this land in 1804, it had been involved in a bitter legal dispute over the title and the deed, as indicated in the following statement: "The undersigned decline taking upon themselves the responsibility of deciding absolutely on the validity of the title of the said Solomon Brandenburg to the land above described, but as they are enabled to determine . . . they discover no cause to question his possession in fee simple of the soil."

## Public Buildings

Meetings of the various courts were held at the home and in the yard of John Rush before the erection of a courthouse for the county. (15) On April 4, 1825, the court "ordered that William L. McGehee, Samuel Simmons, Thomas B. Enlows, James B. Woolfolk, and William Fairleigh be and they are hereby appointed commissioners - the five or any part of them - to form a plan of a courthouse and a jail to be erected upon the public square as designated in the plan of the town of Brandenburg, and to let out the building thereof upon the lowest terms they can, by private contract, or at public outcry to the lowest bidder." The order also provided that the courthouse should not exceed $6,000 and the jail not more than $3,000 payable "in gold and silver currency at its value." (16) In June of the same

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11. ORDERS COUNTY COURT, VOL. A, P. 24, SEE ENTRY 220.
12. ORDERS COUNTY COURT, VOL. A, P. 71, SEE ENTRY 220.
13. Acts, 1824-25, pp. 102-105.
14. ORDERS COUNTY COURT, VOL. A, PP. 104, 105, 118, 119, SEE ENTRY 220.
15. RIDENOUR, OP. CIT. P. 61.
16. ORDERS COUNTY COURT, VOL. A, P. 113, SEE ENTRY 220.

year, Thomas Myers was appointed as a commissioner in place of James Woolfolk, to superintend the building of a courthouse and jail. (17)

Courthouses

Leonard B. Parker was awarded the contract to build the courthouse and in 1826 "four of the commissioners appointed to superintend the building of the courthouse of this county made report which proved favorable, by Leonard B. Parker, the undertaker, and at the completion of the contract the court is to deliver over to Parker his said bond given for the completion of said building." (18) The second courthouse was built of brick in 1850-51 (19), and an act approved March 21, 1872, authorized the Meade County Court to sell this courthouse (20) in order that the third and present courthouse might be erected. On July 8, 1872, the court ordered that Franklin Ditto, Blant Shacklett, and T. P. Cundiff, commissioners, be appointed "to let out the contract for the building of a new courthouse." (21) It was completed in 1873, and C. C. Richardson, Sr., was appointed to procure furniture for the new building. (22) A court order of October 10, 1894, directed T. H. Hamilton, County Attorney, and C. C. Fairleigh, a practicing lawyer, to "take proof in a one thousand dollar claim of Meade County against the U. S. Government for the use and damage to the courthouse during the late war by the Federal soldiers. Also, to assist M. H. Gilt, Attorney of Records at Washington, D. C., in the prosecution of said claim." (23)

Jails

In October 1825, the court ordered the first jail, a log building, to be erected "on a piece of ground purchased by the court of William Fairleigh, the said lot of ground to be laid off 130 feet in front of the outside alley of the town of Brandenburg. . . ." (24) In April 1826, William McGehee, Thomas Myers, and William Fairleigh reported to the court that the jail had been completed by Dan S. Richardson, who had been given the contract to erect the building. (25) Apparently, a second jail was built before 1854, since the old log jail, the lot, and the stray pen lot were ordered to be sold by the court in August 1854, and William Fairleigh was appointed to make the sale. He reported the following month that he had disposed of the jail for twenty-seven dollars. (26) The records disclosed no details of the second jail, however, and in April 1906 "a vote was taken by the

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17. ORDERS COUNTY COURT, VOL. A, P. 130, SEE ENTRY 220.
18. ORDERS COUNTY COURT, VOL. A, P. 326, SEE ENTRY 220.
19. ORDERS COUNTY COURT, VOL. H, PP. 454, 482.
20. ACTS, 1871-72, VOL. 2, P. 144.
21. ORDERS COUNTY COURT, VOL. G, P. 565, SEE ENTRY 220.
22. ORDERS COUNTY COURT, VOL. I, P. 4, SEE ENTRY 220.
23. ORDERS COUNTY COURT, VOL. I, P. 174, SEE ENTRY 220.
24. ORDERS COUNTY COURT, VOL. A, P. 167, SEE ENTRY 220.
25. ORDERS COUNTY COURT, VOL. A, PP. 182, 237, SEE ENTRY 220.
26. ORDERS COUNTY COURT, VOL. F, PP. 23, 31, SEE ENTRY 220.

Justices of the county to build a new jail at a cost not to exceed $7,947.50 . . . and it was ordered that a new jail be built," which is in use at the present time. (27)

## Transportation

Buffalo roads and deer runs crossed the barrens in all directions and these served for many years as roads for the early pioneers in this section of Kentucky. From the mouth of Salt River to Wolf Creek, scouts patrolled the buffalo road along the river during trouble with the Indians, so that the small parties of settlers, as they made their way through the wilderness to the scattered stations or settlements, could have some measure of protection. It was over this historic trail that General George Rogers Clark's scouts passed as they convoyed the flatboats down the Ohio, a duty which was one of the most dangerous performed during his expedition against the British at Kaskaskia. "This old buffalo road played the most important part of any highway in the drama that gave the Great West to America." (28)

Early roads in Meade County were treacherous and unsuited for heavy traffic, and this fact probably contributed to the importance which Brandenburg quickly attained as a river port and shipping point. A great loss of trade was suffered by the town shortly, however, because of litigation over grants of land which involved many of the early inhabitants of the county. At the beginning of the suits, Brandenburg was on the highway to the Indiana Territory; but, when the litigation was finally settled, most of the trade had gone to other locations along the river. (29) On August 23, 1824, the court ordered a road to be made from Brandenburg's Ferry to Leitchfield, and on November 22, 1824, this road was opened. (30) Other roads opened not long after the establishment of Meade County were the ones leading from Claysville (Brandenburg) to the mouth of Salt River and to Lane's Ferry. (31) Today Federal Route 60, which was completed in 1927, traverses the county from east to west for about thirty miles. Dixie Highway, or Federal Route 31W passes through the eastern edge of the county. Route 64 crosses Route 60 and leads to Paynesville and Andyville. The Louisville, Henderson, and St. Louis Railroad follows the river along the northeastern section of Meade County and crosses in a southwestern direction near its center. The Louisville and Paducah Division of the Illinois Central also serves the county. Bus service is provided between Brandenburg and Louisville and the eastern section of the State, as well as to Owensboro and other points west. Water transportation still exists between Brandenburg and other Ohio River towns. (32)

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27. FISCAL COURT ORDERS, VOL. 2, P. 411, SEE ENTRY 2.
28. RIDENOUR, OP. CIT., PP. 18, 19.
29. RIDENOUR, OP. CIT., PP. 48, 49.
30. ORDERS COUNTY COURT, VOL. A, PP. 38, 71, SEE ENTRY 220.
31. ORDERS COUNTY COURT, VOL. A, PP. 40, 88, SEE ENTRY 220.
32. SEILLER, OP. CIT., PP. 312, 313.

## Taverns

The first tavern license in the county was issued on June 28, 1824, to Thomas Myers to operate a tavern in his home, "whereupon he gave bond in the amount of 100 pounds, with George Calhoun, Thomas Stevenson, Dr. Joseph H. Lane, and Jonathan Simmons as his securities." The court at the same time regulated the tavern rates in Commonwealth paper as follows:

| | |
|---|---|
| Dinner | .37½ |
| Breakfast or supper | .25 |
| Lodging, nights | .12½ |
| Single horse, feed | .12½ |
| Horse at hay and corn or oats, per night | .37½ |
| Whiskey, per half-pint | .12½ |
| Peach or apple brandy per dr. | .12½ |
| Peach brandy per half-pint | .50 |
| Wine | .50 |
| Gin | .25 (33) |

A court order recorded April 23, 1827, revealed certain changes in these rates: "A majority of all the magistrates of this county being present, they proceeded to establish the tavern rates of this county as follows to wit:

| | Silver |
|---|---|
| Breakfast, dinner or supper | .25 |
| Lodging per night | .12½ |
| Single horse, feed | .12½ |
| Keeping horse per night | .25 |
| For whiskey and apple brandy per half-pint | .06¼ |
| Peach brandy per half-pint | .12½ |
| French brandy per half-pint | .25 |
| Rum per half-pint | .25 |
| Wine per half-pint | .25 |
| Bounce per half-pint | .12½ |

Whereupon it is ordered that the several tavern keepers of this county be governed in their charges by the foregoing rates in Specie." (34)

## Educational Development

In the early days facilities for education were generally poor and in many of the homes tutors were hired until the War Between the States. "The Reverend Simeon Buchanan taught school on Doe Run soon after coming to this

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33. ORDERS COUNTY COURT, VOL. A, P. 46, SEE ENTRY 220.
34. ORDERS COUNTY COURT, VOL. A, P. 366, SEE ENTRY 220.

section in 1822. Another Baptist preacher, the Reverend James Nall, also taught school on the creek before his marriage in 1822 to the daughter of Enoch Boone." (35) Although details of these early private schools are lacking, they were most probably of the "old-field" type described by Lewis in his History of Higher Education in Kentucky. (36) Ridenour, quoting from the Fairleigh manuscript, cites some interesting comments on the early educational methods followed during this period in Meade County. Studying was done aloud, and the more noisy a child was, the more studious he was considered to be. A peculiar custom of "turning out the teacher" prevailed. Since the schools were taught by subscription, the teachers, not wishing to lose time, often refused to dismiss schools on holidays. When a teacher arrived at the schoolhouse on the morning of a holiday, he would find every door and window barred. If he was unsuccessful in gaining entrance, he would compromise by treating the pupils to apples, cakes, and cider. (37)

Under provisions made by legislation in 1798 allowing counties in which seminaries had not been provided for, to have located 6,000 acres of vacant and unappropriated land (38), at the January term of court in 1826, Willis Morgan was appointed to locate the seminary lands due Meade County. A later order authorized Thomas B. Endows for the same purpose, but in October 1829 these orders were set aside by the court, "Endows being personally present in court and consenting thereto and the court being fully satisfied that said Morgan has failed to make the location aforesaid." The court, therefore, ordered Waters F. G. Lansdale "to locate and have surveyed and carried into grant, six thousand acres of land for the benefit of a public academy or seminary." He was to be allowed, as compensation for his services, one-fourth part of the land to be so located, provided said land was surveyed and carried into grant by the March term of court. (39)

An act approved December 23, 1831, authorized the grant of 6,000 acres of land to Brandenburg Academy and the trustees appointed by the same act were empowered to have a survey made of the "quantity of land allowed on any vacant land in the state, on the east side of the Tennessee River, and such land shall be free from taxes as long as it remains the property of said academy." (40) In 1836, legislation provided for the appropriation of $1,000 for the erection and construction of a seminary in Brandenburg, and commissioners were appointed to superintend the building. (41)

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35. RIDENOUR, OP. CIT., P. 69.
36. A. F. LEWIS, HISTORY OF HIGHER EDUCATION IN KENTUCKY, WASHINGTON, 1899, PP. 30, 31.
37. RIDENOUR, OP. CIT., PP. 70, 71.
38. LITTELL, VOL. 2, 1798, PP. 107-109, 174, 175.
39. ORDERS COUNTY COURT, VOL. B, PP. 120, 121, SEE ENTRY 220.
40. ACTS, 1831-32, P. 210.
41. ACTS, 1835-36, P. 165.

In 1840 an election was ordered to be held for the purpose of ascertaining the "wishes of the citizens as to the propriety of adopting the common school system and the laying of a tax upon the citizens of each district respectively, sufficient to defray the expense of a school." (42) Slowly the public educational system developed in Meade County. In 1926 there were 6 high schools, 55 elementary schools for white pupils, and 3 elementary schools for Negro children. Brandenburg High School, a class "A" institution, had an average attendance of 82 pupils in that same year. Meade County claimed the best school attendance in Kentucky for 1926, 86.7 per cent of their pupils having attended school every school day during the year. In 1929, Brandenburg, Beech Grove, and Cedar Grove districts built an eight-room consolidated brick school, with a large combination auditorium and gymnasium. (43) At present the county has 31 one-room schools, 6 two-room buildings, and 3 consolidated schools. It still maintains 3 schools for Negroes.

## Religious Development

Religious beginnings in the territory which Meade County now comprises suffered many setbacks. Pioneer itinerant preachers labored under great difficulties which aroused a corresponding zeal for evangelism. Indian forays were a constant menace to the little groups of worshippers in the wilderness. The history of the Salem Association of Baptists began about 1785 in the dense unexplored forest of Severn's Valley. Various sessions of Baptists were held and bitter controversies over the matter of "perpetual slavery" ensued, preventing a united group for many years. The first Baptist preacher in this vicinity, from all available evidence, was Squire Boone, who preached at a crude hunting camp at Blue Spring near the head of Doe Run. In 1813 the Otter Creek Baptist Church "was gathered" and requested admission into the Salem Association. (44) When Meade County was formed, this congregation was already well organized. In 1877 the present brick building of Gothic architecture was dedicated on the same ground where the original structure stood. The Phillips Memorial Baptist Church, first known as the Mt. Pleasant Church, another of the early religious bodies, was organized in 1829. The present church, built of brick and Gothic in design, was dedicated in 1916. It also was erected on the same spot occupied by the first building. The Methodist Episcopal Church, South, was founded in 1832 at Brandenburg and met for years in a building on East Hill as the Methodist Society of Brandenburg. The brick building now occupied by this congregation was erected in 1855, on grounds purchased from the Brandenburg Academy. (45) During the War Between the States, Federal soldiers camped in the building and the Government paid the damages incurred during that period. (46)

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42. ORDERS COUNTY COURT, VOL. C, P. 346, SEE ENTRY 220.
43. SEILLER, OP. CIT., PP. 312, 313.
44. J. H. SPENCER, HISTORY OF KENTUCKY BAPTISTS, 2 VOLS., CINCINNATI, 1886, II, 52; RIDEMOUR, OP. CIT., P. 93 FF.
45. DEEDS, VOL. H, P. 109, IN MEADE COUNTY ARCHIVES, ENTRY 58.
46. CHURCH RECORDS FORMS, HISTORICAL RECORDS SURVEY, WORK PROJECTS ADMINISTRATION, LOUISVILLE, 1939.

In June 1825, on motion of William L. Booth, a license was granted him by the court to solemnize the rites of matrimony in Meade County "since there was no ordained preacher of the Gospel in the neighborhood of said Booth, and thereupon the said William L. Booth took the oaths required by law and entered into and acknowledged bond in the penalty of five hundred pounds." (47) Again in November 1826, "it appearing to the satisfaction of the court that there is no authorized preacher of the Gospel in the town of Brandenburg or its vicinity, therefore on motion of Thomas Myers . . . it is ordered that a license be granted the said Myers to celebrate the rites of matrimony. . . ." (48)

In 1926 the number of Southern Baptists in the county was listed as 1,715. There were also 240 Negro and 106 Regular Baptists listed. Other denominations included 143 Disciples of Christ; 202 Protestant Episcopalians; 1,730 Roman Catholics; and 533 divided among the Methodist Episcopalians (white and colored); Methodist Episcopalians, South; and Presbyterians (U.S.A.), making a total of 4,669 church members in Meade County. (49)

## Population

With a total population of 4,131, including 5 free colored and 945 slaves in 1830, the inhabitants of Meade County increased steadily until the turn of the century. By 1860 the number of slaves had increased to 1,932; the free colored to 22; and the white population was listed as 6,944, making a total of 8,898. By 1870, as the result of the Emancipation Proclamation, the colored inhabitants of the county had dropped to 1,294, while the white population increased to 8,191, the total population of the county being 9,485. (50) The number of inhabitants reached an all-time high in 1900 with 10,487, although there was a further reduction in the number of colored inhabitants. In 1930, however, the total population of the county was only 8,042. (51)

## Economic Development

### Agriculture

In common with most counties bordering on the river, Meade County has an unusual amount of land known as "bottoms." The soil based upon clay, with a limestone foundation, was at one time rich and fertile. The surface

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47. ORDERS COUNTY COURT, VOL. A, P. 129, SEE ENTRY 220.
48. IBID., P. 324, SEE ENTRY 220.
49. RELIGIOUS BODIES: 1926, 2 VOLS., WASHINGTON, 1930, II, TABLE 32, 617, 619.
50. NINTH CENSUS OF THE UNITED STATES, STATISTICS OF POPULATION, WASHINGTON, 1872, TABLE 2, PP. 32, 33.
51. TWELFTH CENSUS OF THE UNITED STATES: 1900, POPULATION, WASHINGTON, 1901, PART I, TABLE 92, P. 983; FIFTEENTH CENSUS OF THE UNITED STATES: 1930, POPULATION, WASHINGTON, 1932, III, PART I, TABLE 13, P. 918.

of the county is hilly and irregular. Three chains of hills traverse the county, with level valleys between. In the western part of the county the soil lies over sandstone and its general character is not conducive to farming. In 1924 the total harvested crop lands amounted to 39,398 acres; the pasture lands, to 72,019 acres; and woodlands not used for pasture, to 33,212 acres. (52)

The agricultural development of Meade County, generally, is one of the past rather than the present, with tobacco and corn the leading products. In 1840, the county produced 170,464 pounds of tobacco, 199,233 bushels of corn, 41,597 bushels of wheat, 75,529 bushels of oats, 9,199 bushels of potatoes, and 536 tons of hay. (53) In 1870 both corn and tobacco production increased to 464,270 bushels and 450,800 pounds, respectively. In this year hay also increased to 1,834 tons. (54) Corn production in 1900 had increased to 553,650 bushels, while the wheat production of 111,830 bushels represented almost a 100 per cent increase over 1870. This same year marked the development of the poultry industry as was indicated by the report of $21,933 worth of poultry and eggs produced. (55) Meade County at this time also showed great progress in fruit growing. An area of from 75,000 to 100,000 acres, known as Fruit Ridge, was one of the finest fruit producing sections in the United States. Here in 1900 was grown 113,471 pounds of grapes and 75,365 bushels of apples. The county became famous for apple growing, and particularly for the brandy made from the apples. The distillation of this liquor, however, was chiefly a traditional household art, probably handed down from one generation to another and practiced with great skill. In later years tree-destroying insects caused farmers to abandon the orchards and thus ended the brandy industry. (56)

Statistics for 1930 in Meade County present a true picture of the agricultural decline. Wheat production that year dropped to 27,187 bushels, oats declined to 17,362 bushels, while the production of corn fell to 293,126 bushels. Tobacco production, however, remained average with 1,219,085 pounds, while hay increased to 8,409 tons. Fruit production was almost negligible. Seven years previous to 1900, land values in Meade County had dropped to $45.05 per acre, much below the State average, but this agricultural decline marked the beginning of a new era for the county in sheep raising. (57)

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52. THE LOUISVILLE EVENING POST, MARCH 27, 1923; COLLINS, OP. CIT., II, 598; SEILLER, OP. CIT., PP. 312, 313.
53. COMPENDIUM OF THE ENUMERATION OF THE INHABITANTS OF THE UNITED STATES ... OF THE SIXTH CENSUS, WASHINGTON, 1841, PP. 263, 264.
54. COLLINS, OP. CIT., II, 267, 269.
55. TWELFTH CENSUS OF THE UNITED STATES: 1900, AGRICULTURE, WASHINGTON, 1902, V, PART I, TABLE 47, P. 646; VI, PART 2, TABLE 55, P. 166.
56. LOUISVILLE EVENING POST, LOC. CIT.; PERRIN, OP. CIT., P. 623; TWELFTH CENSUS OF THE UNITED STATES: 1900, AGRICULTURE, V, PART I, TABLE 47, P. 646; VI, PART 2, TABLE 2, P. 647.
57. FIFTEENTH CENSUS OF THE UNITED STATES: 1930, AGRICULTURE, WASHINGTON, 1932, II, PART 2, TABLE 5, P. 805.

Animal Husbandry

To the visitor in Meade County today it probably would seem that almost every field has a pond. Sixty years ago, however, this was not true. At that time these ponds were merely sink holes. Without protective forest covering the plowed hillside fields washed; sink holes were filled and depressions hold rainfall, thus forming the ponds. Erosion caused hillsides to lose their fertility, and many farmers gave up the struggle. Only a small percentage of the acreage is now devoted to plowed crops, but some of the farmers, having learned the value of liming land, are using their acres to produce clover. As far as crop production is concerned a great part of Meade County land now lies idle, covered with weeds, briars, and wild grasses. Most of these acres are good pastures for sheep, and ponds are natural watering troughs. The county has made good progress in sheep raising and has found it a profitable business. In 1930, 321 farms reported 12,194 sheep and 28,005 pounds of wool, and during the same year 35 sheep breeders in the county became members of the Golden Hoof Club. (58) Although sheep raising is by far the most important branch of livestock development in Meade, the county in 1930 also reported 3,531 horses and mules, 7,006 cattle, and 7,384 swine. During the same year 25 members were added to the 4-H Heifer Club, and the county boasted 5 junior clubs with a total membership of 150. (59)

Industry

According to historians the industrial development of Meade County began with the creation of the county and perhaps even before. Otter Creek and, west of it, Doe Run Creek have since the earliest settlement of this section been a region of grain mills. Both of these creeks in their course to the Ohio River descend swiftly and furnish many natural water-power sites, and in the early part of the eighteenth century many such mills were built, including three fine stone ones, which are still standing. (60) The first corn mill in the county was an undershot cornracker, built by Jonathon Essory just below the mouth of Blue Spring Branch on Doe Run. On September 22, 1824, Justus and Zadock Hurd borrowed $75 in " round silver" executed a note with three securities, and also mortgaged two water grist mills and one sawmill on Doe Run. Samuel Root and John Stone operated a tannery on Doe Run at this time, and James Overton built the first flour mill on Otter Creek. (61)

In 1840, Meade County produced home-made goods valued at $72,845 and had $59,400 capital invested in stores. (62) Fifty years later the county had 26 manufacturing establishments, with invested capital amounting to

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58. LOUISVILLE COURIER-JOURNAL, SEPTEMBER 12, 1928; FIFTEENTH CENSUS OF THE UNITED STATES: 1930, AGRICULTURE, II, PART 2, COUNTY TABLE 9, P. 840; KENTUCKY: RESOURCES, ATTRACTIONS, OPPORTUNITIES, MEADE COUNTY, (ASSOCIATED INDUSTRIES OF KY., LOUISVILLE, 1928)
59. FIFTEENTH CENSUS OF THE UNITED STATES: 1930, AGRICULTURE, II, PART 2, COUNTY TABLE 4, PP. 794, 795.
60. DR. WILLIAM ALLEN PUSEY, "GRAHAMTON AND THE EARLY TEXTILE MILLS OF KENTUCKY", FILSON CLUB HISTORY QUARTERLY, (JULY 1931) V, 127.
61. RIDENOUR, OP. CIT., P. 26.
62. COMPENDIUM . . . OF THE SIXTH CENSUS, 1841, P. 265.

$137,140, the value of their products being $162,867. These establishments employed 163 persons. (63)

A textile mill, in continuous existence for over ninety years in Meade County, is of great interest in the history of the textile industry of this county. It is located at Grahamton on Otter Creek, five miles from the point where this stream empties into the Ohio River. It is difficult to understand how this mill could have been located, and operated successfully for about 93 years, when one considers that Otter Creek Valley, although settled early, was for a long time a primitive and wild region, hardly conducive to the development of a technical industry. Of the fine water-power sites on Otter and Doe Run Creeks, the best was at Big Falls on Otter Creek, at Grahamton. In 1813, David Brandenburg bought this water-power site and built a dam and grain mill. (64)

In 1835, Robert Graham and Mr. Snead, who had established a textile mill in Louisville in 1829, bought 335 acres from David Brandenburg including this mill site and water power. They shipped the machinery from Louisville in 1837, complete with cards, spindles, and looms, dragged it with oxen up the valley of the creek (there was no road at that time) to the mill site, and built the present stone mill. They named the place Grahamton. (65)

Negro labor was used for only a short time in the mill itself but slaves were employed for outside work. The mill employees, numbering from 40 to 60 were people living in the vicinity. As a result, families have grown up, whose members have for generations been connected with the mill. Except for interruptions caused by depredations of guerillas during the War Between the States, the mill has operated constantly. (66) This property has been managed for some time by the Charles W. McChord Company, which operates the mill exclusively as a cotton yarn mill. (67)

## Mineral Resources

For many years the mineral resources of Meade County contributed to its industrial progress. Foremost among these was natural gas. There are 101 old gas wells in the Meade County field, with an average depth of 560 feet. Gas was first developed in 1858, but was not commercialized until 1888. The wells were not large, either in volume or rock pressure, but their resource value was considerable. The largest lease owner in these fields was the Louisville Gas and Electric Company, serving the city of

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63. REPORT ON MANUFACTURING INDUSTRIES IN THE UNITED STATES AT THE ELEVENTH CENSUS: 1890, WASHINGTON, 1895, VOL. VI, PART I, TABLE 6, PP. 432, 433.
64. PUSEY, OP. CIT., P. 127 FF.
65. IBID.
66. IBID.
67. IBID.; LOUISVILLE EVENING POST, LOC. CIT.

Louisville for many years through an 8 inch line, with a capacity of 10,000,000 cubic feet daily. The decline of gas production in the county, however, has been steady. (68)

East of Brandenburg is a salt district containing from 3,000 to 4,000 acres fronting on the river for 4 or 5 miles and extending back for 2 miles. Salt was discovered during early oil prospecting, when natural gas flowed in such volume from salt wells as to prove more than sufficient fuel to manufacture salt. West of the salt district and below Brandenburg, fronting on the river for 18 miles there was at one time what was said to be the richest deposit of oolite in the United States. Oolite is used for marble dust and whiting, the latter being used in making putty, calcimine and paints. (69)

The Rock Haven Cement Mill at Rock Haven was for a number of years a prosperous concern, which shipped out large quantities of cement by boat. When a better grade of limestone was discovered 9 miles down the river at Oolite, where the Kosmosdale Portland Cement Company built a huge plant, the Rock Haven quarry was practically abandoned, and Rock Haven became a ghost town. Limestone in Meade County is produced in commercial quantities for all general purposes of building, and highway and railroad construction. Meade County also has a valuable deposit of lithographic stone, which constitutes one of the largest deposits known, excluding the Bavarian deposit. All efforts to develop it, however, have failed because of the expense entailed in removing the great over-burden of limestone before the lithographic stone can be reached. (70)

## Drainage

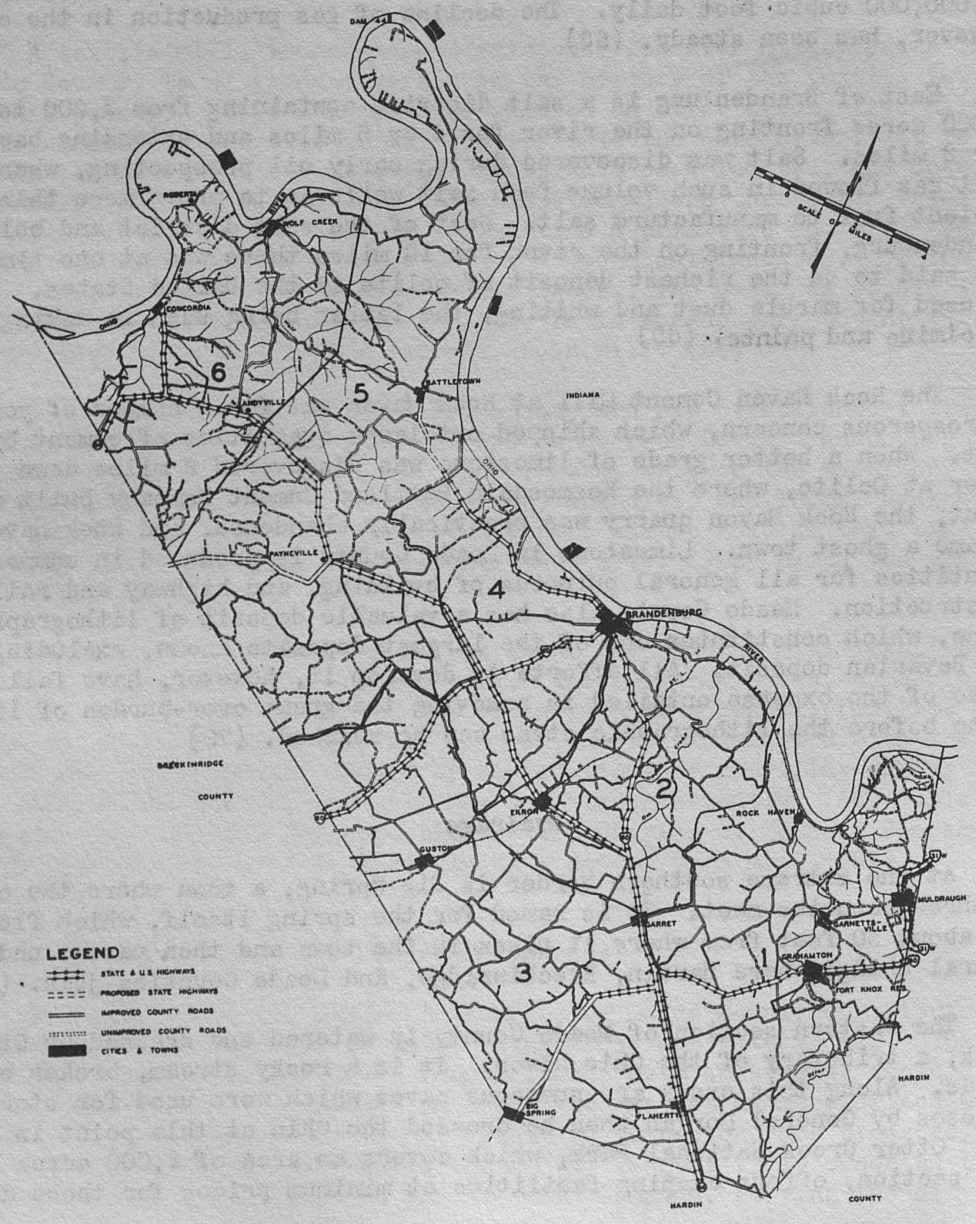
At the extreme southern border is Big Spring, a town where the corners of three counties meet. It is named for the spring itself, which flows for about 50 feet from where it rises in the town and then passes under a natural bridge where Hardin, Breckinridge, and Meade Counties join. (71)

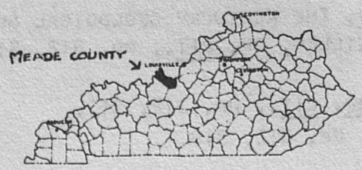
The eastern section of Meade County is watered and drained by Otter Creek, a tributary of the Ohio River. It is a rocky stream, broken by rapids. Along this creek are numerous caves which were used for storage purposes by General Morgan when he crossed the Ohio at this point in 1863. (72) Otter Creek National Park, which covers an area of 2,000 acres in this section, offers camping facilities at minimum prices for those desiring

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68. WILLARD ROUSE JILLSON, NATURAL GAS IN KENTUCKY, THE KENTUCKY GEOLOGICAL SURVEY, FRANKFORT, 1931, SERIES 6, XXXVIII, 13, 14; SEILLER, OP. CIT., PP. 312, 313.
69. PERRIN, OP. CIT., P. 623.
70. LOUISVILLE EVENING POST, LOC. CIT.; SEILLER, OP. CIT., PP. 312, 313.
71. COLLINS, OP. CIT., II, 598; SEILLER, OP. CIT., PP. 312, 313.
72. COLLINS, OP. CIT., II, 599.

# MEADE COUNTY




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to avail themselves of the opportunity to camp. The attractiveness of this spot, possessing originally a wild, scenic beauty, has been greatly improved under the supervision of the National Park Service. (73) Some of the territory of Meade County has been taken over by the Fort Knox Military Reservation. According to current plans, this reservation is to be enlarged by the acquisition of several thousand additional acres in Meade and Hardin Counties. (74)

### Towns

In addition to Brandenburg, the county seat, there are many small towns and villages in Meade County. Among these, the most important are Grahamton, Garret, Little York, Paynesville, Stapleton, Boonesport, and Richardson's Landing. Brandenburg in 1870 had a population of 427. (75) In 1930, the inhabitants numbered 1,430. (76) At one time Brandenburg was one of the most active shipping points on the Ohio, between Louisville and Owensboro, and shipped annually large quantities of tobacco, grain, and livestock. Today, while many modern homes have been built on the outskirts of the town, the sloping main street, built between steep hills, is still lined with picturesque old buildings, indicative of a busy, almost forgotten past. (77)

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## 2. GOVERNMENTAL ORGANIZATION AND RECORDS SYSTEM

### Legal Status of the County

In general usage the county is 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)

The foregoing remarks are true of the counties in Kentucky, and the degree to which these counties are dependent upon specific authorization

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73. Courier-Journal, August 29, 1937.
74. Louisville Times, January 23, 1941.
75. Ninth Census. . . Population, Table 2, pp. 32, 33.
76. Fifteenth Census . . . Population, III, Part I, Table 13, p. 918.
77. Collins, op. cit., I, 208; II, 598; Perrin, op. cit., p. 623; Louisville Evening Post, loc. cit.

1. John A. Fairlie and Charles Mayard Kneier, County Government and Administration, New York, 1930, pp. 221-224.

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 later reaffirmed in the case of Adams' Heirs v. McCoy. Here the Court of Appeals said 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. From the beginning of the State the legislature of Kentucky has used this power; however, under the present constitution it 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

Meade County was created by an act of 1824. This act provided that the court of the county be composed of eight justices of the peace, but only seven assumed office. Each justice of the peace also held court within his district. The county court appointed its own clerk. (5)

The act creating Meade County also provided for the establishment of a circuit court, which had been created by legislation in 1802. (6)

When Meade County was formed, few constitutional officers were provided for. These were the justices of the peace, to be appointed by the Governor (7), and the sheriff and coroner, who were elective. (8) 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. (9) Other statutory officers at this time were the surveyor, appointed by the Governor (10), and the commissioner of the tax, appointed by the county court. (11)

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2. BREATHITT COUNTY V. HAMMONDS, 150 S.W. 661 (1912).
3. ADAMS' HEIRS V. MCCOY, 212 KY. 73, 279 S.W. 1103 (1926).
4. CONST. OF 1891, SEC. 63-65.
5. LITTELL, VOL. 1, 1792, PP. 91-93; ACTS, 1823-24, P. 336.
6. LITTELL, VOL. 3, 1802, P. 37 FF.; ACTS, 1823-24, P. 336.
7. CONST. OF 1792, ART. 5, SEC. 6.
8. IBID., ART. 6, SEC. 1.
9. LITTELL, VOL. 1, 1792, P. 101.
10. IBID., P. 61.
11. IBID., P. 89.

Governmental Organization and Records System

(First entry, p. 115)

Before Meade County came into being, the Constitution of 1799 had been adopted by Kentucky. The same general structure of county government provided for in the first constitution was continued under the second, with certain important changes. The sheriff and coroner, the only elective county officers under the first constitution, were made appointive. (12) 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. (13) It also changed the county court from a legislative to a constitutional body. (14) 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. (15)

While 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 for the purpose of carrying out a public school program. (16) An act of 1838 established the State Board of Education, and provided for a five-member board in each county, including Meade. (17)

Several fundamental changes in county government were effected by the third constitution adopted in 1850. The most significant change was the 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. (18) This constitution created the separate office of county judge (19), and also made provision for the establishment of the court of claims by the Kentucky General Assembly. (20) In addition to the above constitutional courts, the legislature created the quarterly court. (21)

The office of county assessor was established by the Constitution of 1850 to take over the functions of the former tax commissioner (22),

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12. CONST. OF 1799, ART. 3, SEC. 31; ART. 4, SEC. 8.
13. CONST. OF 1799, ART. 3, SEC. 23; TESH V. COMMONWEALTH, 4 DANA 522 (1836).
14. CONST. OF 1799, ART. 4, SEC. 5.
15. CONST. OF 1799, ART. 3, SEC. 9.
16. ACTS, 1829-30, PP. 272-281.
17. ACTS, 1837-38, PP. 276, 277, 281.
18. CONST. OF 1850, ART. 4, SECS. 16, 29.
19. IBID., SEC. 30.
20. IBID., SEC. 37; ACTS, 1850-51, VOL. 1, PP. 4-46.
21. ACTS, 1850-51, VOL. 1, P. 40.
22. CONST. OF 1850, ART. 6,

and an act of 1851 created the board of tax supervisors (23), and also provided for the appointment of a master commissioner by the circuit court. (24)

In 1867 the Kentucky General Assembly established the court of common pleas to relieve the overburdened circuit court. This court was in existence one year when it was abolished in the third district. (25)

In most instances 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. The fiscal court was created to assume the functions formerly performed by the court of claims and levy. (26) Even more significant was the provision for a commission of three members as an alternative administrative set-up for the county. (27) The entire court system was given constitutional status, and the courts of common pleas, not being so provided for, were abolished. (28)

Following soon upon the adoption of the fourth constitution, the legislature 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 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)

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 Meade are: the county livestock inspector (33), the county board of registration and purgation (34), the county budget commission (35), and the county agricultural agent. (36)

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23. Acts, 1850-51, vol. 1, pp. 279, 280.
24. Acts, 1851-52, p. 293.
25. Acts, 1867, vol. 1, pp. 18-21; 1867-68, vol. 1, pp. 12, 13.
26. Const. of 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.
32. Acts, 1906, p. 324; see County Court, p. 193.
33. Acts, 1910, p. 192.
34. Acts, 1938, pp. 576-578.
35. Acts, 1934, p. 63.
36. Acts: 1916, p. 156; 1930, p. 37.

## General Administration

Since the counties in Kentucky 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, they 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.

Those 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 evident that every such official has almost unlimited discretion in deciding matters relating to the performance of his duties.

It therefore 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. (37) 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 (38), and those of the county court and the sheriff to appoint and supervise certain minor officials (39), 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.

While the relationship between the State and the counties is constantly changing, because of the transfer of functions from or to the county

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37. FAIRLIE AND KNEIER, OP. CIT., P. 107 FF.
38. SEE FISCAL COURT, P. 106.
39. SEE COUNTY COURT, P. 193; SHERIFF, P. 244.

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 Meade County provided for a county court composed of seven justices of the peace (40), which sat as a judicial body and also in a quasi-legislative capacity as the court of claims and levy. (41) 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 the presiding officer, continued in its former capacity. (42) 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. (43)

From the beginning of Meade County, each justice of the peace constituted a separate court in which petty cases were determined. (44) In 1851 the county was divided into six districts with two elective justices of the peace in each. (45) The county is still divided into six districts, in each of which a single justice of the peace is elected. Since about 1925, however, they have ceased to function as judicial agents and serve only in their capacity as members of the fiscal court. (46)

The circuit court, which was established in Meade County upon its creation (47), 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. (48)

Legislation in 1850 created the quarterly court to be presided over by the county judge (49) 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. (50) This court also serves as an appellate court for all judgments and orders of justices', fiscal, and police courts. (51)

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40. Acts, 1823-24, p. 44; ORDERS COUNTY COURT, VOL. A, P. 1, SEE ENTRY 220.
41. LITTELL, VOL. 1, 1792, P. 93; Acts, 1824-25, P. 29.
42. CONST. OF 1850, ART. 4, SECS. 29, 30, 33; Acts, 1851-52, P. 96.
43. CONST. OF 1891, SECS. 140, 141.
44. LITTELL, VOL. 1, 1792, P. 91.
45. CONST. OF 1850, ART. 4, SECS. 34, 35; Acts, 1850-51, VOL. 1, PP. 4-14.
46. SEE JUSTICES' COURT, P. 237.
47. LITTELL, VOL. 3, 1802, PP. 37, 38, 45, 86, 88.
48. SEE CIRCUIT COURT, P. 150.
49. CONST. OF 1850, ART. 4, SEC. 1; Acts, 1850-51, VOL. 1, P. 40.
50. SEE QUARTERLY COURT, P. 223.
51. Acts, 1904, P. 157.

Governmental Organization and Records System

(First entry, p. 115)

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. (52) Other peace officers are: the constable, who has power to arrest and conduct persons to jail for riots, routs and breaches of the peace (53); the coroner, whose peace officer powers are essentially those of the sheriff (54); and the jailer who has the same power to act as the sheriff in civil, criminal, and penal matters. (55)

Inquests are chiefly performed by the coroner; in his absence, however, any justice of the peace can function in his stead. (56)

Other phases of law enforcement carried out by the county are: indictments, which are returned by the grand jury (57); 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 (58), 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. (59)

The county in Kentucky has always served as a unit for the conduct of elections. In the beginning, elections were held in the county courthouse. 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. (60) Other changes in the election machinery were made from time to time (61), until 1898, when the State Board of Election Commissioners was created with power to appoint a county board of election commissioners, which has complete control of the county's election machinery. (62)

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52. LITTELL, VOL. 1, 1796, PP. 584, 585; ACTS, 1891-93, PP. 556, 557.
53. LITTELL, VOL. 3: 1802, P. 55; 1803, PP. 129, 130; ACTS, 1891-93, P. 819.
54. RICHARD H. STANTON, THE REVISED STATUTE OF KENTUCKY, 2 VOLS. CINCINNATI, 1860, P. 349. HEREINAFTER CITED AS REV. STAT.; ACTS, 1859-60, P. 49; GEN. STAT., 1873 ED., P. 263.
55. ACTS, 1891-93, P. 753.
56. ACTS, 1851-52, P. 10; GEN. STAT., 1873 ED., P. 311; ACTS: 1891-93, P. 371; 1936, P. 271.
57. SEE COMMONWEALTH'S ATTORNEY, P. 159.
58. ACTS, 1934, P. 63 FF.; SEE COUNTY BUDGET COMMISSION, P. 284.
59. SEE FISCAL COURT, P. 106.
60. LITTELL, VOL. 2, 1799, PP. 340, 341; ACTS, 1836-37, P. 23.
61. SEE COUNTY BOARD OF ELECTION COMMISSIONERS, P. 291.
62. ACTS: 1898, PP. 43-57; 1900, P. 28.

Governmental Organization and Records System (First entry, p. 115)

During the early years of the State's history, popular education was not looked upon as a public obligation, but it soon came to be considered 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. (63) 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. (64) Other agencies of the county educational system are: the county school superintendent who serves as the administrative agent of the county board (65); and the subdistrict trustees, who have general control of schools within their subdistrict. (66)

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. (67) As a part of the county road program, and also of the program of public health and sanitation, the county has had the power to carry out drainage and reclamation projects. (68)

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 required 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 necessary. In Meade County the welfare work has been provided for and supervised by the fiscal court. In 1928 and 1934 acts were passed which provided for a degree of State participation in this function; however, all such work is still under the direction of the fiscal court. (69)

More recently the county has been made the unit whereby Federal, State, and local aid to agriculture is administered. The county agricul-

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63. Acts, 1829-30, pp. 272-281.
64. Acts: 1837-38, pp. 276, 277, 281; 1838-39, pp. 381, 382; 1855-56, vol. 1, pp. 103-105; 1883-84, vol. 1, pp. 121-128; 1908, pp. 138-142.
65. Acts, 1934, pp. 264, 265.
66. Ibid., pp. 235-237.
67. See County Road Engineer, p.340; Fiscal Court, p.106 ; County Court, p. 193.
68. See Fiscal Court, p. 106; County Court, p. 193.
69. Acts: 1928, p. 129; 1934, p. 679.

tural agent and the home demonstration agent are optional offices with the fiscal court, and 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. Meade County has an agricultural agent, but has not set up the office of home demonstration agent. (70)

An act of 1910 created the office of county livestock inspector, to be appointed by the county judge (71), 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. (72) 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. (73)

The county has always had the duty of record-keeping, and the county court clerk is the official chiefly charged with this function. These records have been kept primarily in connection with his duties as clerk of the county court (74), and of the fiscal court since its creation in 1892. (75) He became clerk of the juvenile session of the county court upon its creation in 1906 (76); 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, keeps their records.

The circuit court clerk is the recorder for the circuit court (77); however, he keeps various other records. In addition to the records kept by the county and circuit court clerks, certain other officers keep 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, and has been primarily a duty of the county court clerk. (78) He also keeps an indexed record of conveyances (79), and records and certifies all instruments, mortgages, pledges, and liens on personal property. (80)

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70. Acts: 1916, p. 156; 1930, p. 37; Carroll, secs. 4636f-9, 4636h-1.
71. Acts, 1910, p. 192.
72. Acts, 1918, p. 375.
73. Acts, 1936, First Extra Session, p. 7.
74. Const. of 1799, art. 4, sec. 10; Gen. Stat., 1873 ed., p. 306.
75. Acts, 1891-93, p. 269.
76. Acts: 1906, p. 324; 1908, p. 183.
77. Littell, vol. 3, 1802, pp. 37 ff., 87, 88, 358.
78. Littell, vol. 1, 1796, p. 567.
79. Acts: 1840, p. 27; 1891-93, p. 835.
80. Gen. Stat., 1873 ed., p. 259.

Upon the creation of Meade County the Governor appointed a surveyor, and, while this office became elective in 1850, the functions of the office have continued with little change up to the present. The primary 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. (81)

## Administration of Justice

### Civil Jurisdiction

A. Justices' Courts:

When Kentucky County was created in 1776 (82) the jurisdiction of the justices' courts was governed by the Virginia law of 1748, which became effective in 1751. This act reformed the courts' jurisdiction and in civil cases gave them jurisdiction over all cases involving less than 25 shillings or 200 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 persons. Attachments over these amounts issued by the justices were returnable to the county court. (83) Since 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 the 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. (84)

In 1792, when Kentucky was established, 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, and it 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. (85) 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

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81. LITTELL, VOL. 1, 1792, P. 61; ACTS, 1904, PP. 263, 264.
82. WILLIAM W. HENING, STATUTES AT LARGE, LAWS OF VIRGINIA, 13 VOLS., VARIOUS PLACES AND DATES, VOL. 9, P. 257. HEREINAFTER CITED AS HENING.
83. HENING, VOL. 5, PP. 489-508.
84. HENING, VOL. 10, P. 352.
85. LITTELL, VOL. 1: 1792, PP. 91, 93; 1796, P. 595.

justices to less than that amount. 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. (86)

An act 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. (87)

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 or over, but which had been subsequently reduced below that amount by credits duly endorsed. (88) 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 is above 5 pounds (89); 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. (90)

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. (91) 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. (92) This jurisdiction was made concurrent with the quarterly court upon its creation in 1850. (93)

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. (94)

In 1839 the justices were given equity jurisdiction of cases involving sums of less than 5 pounds. (95) 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. They were given law and equity jurisdiction in all cases where

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86. LITTELL, VOL. 1: 1792, PP. 157, 158; 1796, P. 376.
87. LITTELL, VOL. 1, 1794, P. 262.
88. LITTELL, VOL. 3, 1807, P. 503.
89. LITTELL, VOL. 4, 1816, PP. 342-345.
90. LITTELL, VOL. 5, 1812, P. 29.
91. LITTELL, VOL. 4, 1809, PP. 182-186.
92. Acts: 1819-20, P. 867; 1834-35, P. 301; 1851-52, P. 100.
93. Acts: 1851-52, P. 94; 1891-93, P. 1057.
94. Acts, 1819-20, P. 976.
95. Acts, 1838-39, P. 310.

the amount in controversy did not exceed $16. By the same act they were given concurrent jurisdiction with the circuit court and quarterly court to issue attachments in cases of judgments for less then $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. (96)

Today 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 in civil cases, exclusive of the circuit courts, but concurrent with the quarterly courts, 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. (97) They also have jurisdiction over forcible entry and detainer proceedings (98) and distress warrants. (99)

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. (100)

After Kentucky became a Code State, an act of 1852 simplified the jurisdiction of the courts, including the quarterly court, and reenacted in substance, with some minor modifications, 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 impanel a jury (101), and was authorized to issue and try warrants of forcible entry and detainer. (102) This is the law today. (10

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96. ACTS, 1851-52, PP. 99, 100.
97. ACTS, 1891-93, P. 1057.
98. JOHN D. CARROLL, KENTUCKY CIVIL CODE OF PRACTICE, 1938 ED., CLEVELAND, SEC. 454. HEREINAFTER CITED AS CIVIL CODE.
99. CIVIL CODE, 1938 ED., SEC. 651; ACTS, 1891-93, PP. 458, 459.
100. ACTS, 1850-51, VOL. I, PP. 40-43.
101. ACTS, 1851-52, PP. 93, 94.
102. ACTS: 1850-51, VOL. I, P. 42; 1851-52, P. 93.
103. E. I. BULLOCK AND WM. JOHNSON, THE GENERAL STATUTES OF THE COMMONWEALTH OF KENTUCK FRANKFORT, 1873, PP. 300-302. HEREINAFTER CITED AS GEN. STAT.

Governmental Organization and Records System

(First entry, p. 115)

From 1851 to 1893 the legislature enlarged the jurisdiction of the quarterly courts by certain special acts. An act of 1874 increased the civil jurisdiction, concurrent with the circuit court, for 43 counties from cases involving not more than $100 to cases involving amounts up to $200. (104) 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. (105)

In 1893, however, 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 and 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 (106); and reaffirmed the jurisdiction, concurrent with justices' courts, over forcible entry and detainer proceedings. (107)

In 1851 appeals from justices' courts were directed to the county court. (108) 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. (109) 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. (110) 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. (111)

C. County Court:

Most of the early judicial system in Kentucky was adopted directly from Virginia; however, there were some important changes made when Ken-

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104. Acts, 1873-74, p. 32.
105. Acts, 1885-86, p. 211.
106. Acts, 1891-93, pp. 1049, 1057.
107. Civil Code, 1938 ed., sec. 651; Acts, 1850-51, vol. 1, p. 2; Gen. Stat., 1873 ed., pp. 300-302.
108. Acts, 1850-51, vol. 1, pp. 43, 44; 1851-52, p. 96; Rev. Stat., vol. 1, p. 327.
109. Acts, 1855-56, vol. 1, p. 51; Rev. Stat., vol. 1, p. 346.
110. Acts, 1891-93, p. 1050.
111. Acts, 1904, p. 157.

tucky became a state. This is true particularly with regard to the county courts, because before and after Kentucky became an independent state, 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 sums over $20 or 800 pounds of tobacco, except 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, trover and conversion, or detention, and of any matter not exceeding $20 or 800 pounds of tobacco. The two sessions together were referred to as the county court, and the line of jurisdiction separating them was $20 or 800 pounds of tobacco. (112)

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." (113) 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. (114) With slight additions these acts were

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112. HENING, VOL. 12, PP. 32-36, 467-474.
113. HENING, VOL. 1, PP. 302, 411; LITTELL, VOL. 1, 1792, PP. 90-101, 279, 374.
114. LITTELL, VOL. 1: 1793, PP. 194-197; 1796, P. 374.

reaffirmed, and they delegate today 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 shall also have such other jurisdiction as may be conferred upon it by law. (115)

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 the county court was not exclusively a judicial tribunal, although classed in the judicial department by the constitution; thus, though possessing judicial powers, it is not exclusively a judicial tribunal. Many other non-judicial functions are vested in this court. (116) 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 it may be attacked collaterally, the onus being upon the assailant to show want of jurisdiction (117), and in Miller v. Swan, it was held that the order of probate of a will is conclusive as to everything except jurisdiction. (118)

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; however, an act of December 19, 1793, repealed this measure and provided for the support of the poor 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. (119) With the exception of providing for the poor, which today belongs to the fiscal court, the matter of apprenticeship still remains a county court jurisdiction. (120)

The county court still exercises administrative control in matters of issuing licenses, fixing rates, supervising local option elections, et cetera. (121) Acts of 1922 and 1934 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. (122)

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115. CONST. OF 1891, SECS. 140, 141; ACTS, 1891-93, P. 1051.
116. 79 KY. 13; 3 REPORTER 42 (1880).
117. 10 BUSH 263 (1874).
118. 91 KY. 36; 14 S.W. 964.
119. LITTELL, VOL. 1: 1793, P. 191; 1796, P. 374; 1797, P. 677.
120. CARROLL, SEC. 2591, ET SEQ.
121. ACTS: 1850-51, VOL. 1, P. 43; 1891-93, P. 216; 1902, PP. 41-43; 1938, PP. 59-61.
122. ACTS: 1922, P. 129; 1934, P. 653; 1936, P. 17.

(First entry, p. 115)

Legislation in 1793 gave county courts jurisdiction over bastardy proceedings; this was reaffirmed in 1892 and remains true today. (123) An act of 1802 made the county courts examining courts for criminal offenders (124); 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. (125)

The county court was early authorized to hear cases challenging the evaluations placed upon property by the tax commissioner. (126) In 1842 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. After such determination, the county court could render judgment according to the findings of the jury. (127) A later act required the board of tax supervisors to report tax delinquents to the county court (128), and this court, rather than the circuit court, was made the tribunal in which proceedings were heard against tax delinquents. (129) This jurisdiction was reaffirmed by an act of 1906, and is today a function of the county court. (130)

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. (131) 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 (132), nor does the current law specify any particular court. (133)

In 1892 when the law concerning the original registration of voters was repealed by an act of 1924, and registration was 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. (134) When registration was later 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. (135) In 1938 the General

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123. LITTELL, VOL. 1, 1793, P. 202; ACTS: 1851-52, PP. 95, 96; 1891-93, PP. 67-72.
124. LITTELL, VOL. 3, 1802, P. 41.
125. LITTELL, VOL. 4, 1809, PP. 67-70.
126. ACTS, 1817-18, P. 660.
127. ACTS, 1841-42, P. 76.
128. REV. STAT., VOL. 2, PP. 257, 258.
129. REV. STAT.: VOL. 1, PP. 295, 296; VOL. 2, PP. 254, 255.
130. ACTS, 1906, P. 111; CARROLL, SECS. 4061-4063.
131. ACTS, 1850-51, VOL. 1, P. 42; GEN. STAT., 1873 ED., PP. 300-302.
132. CIVIL CODE, 1876 ED., SEC. 454.
133. ACTS, 1894, P. 190; CIVIL CODE, 1938 ED., SEC. 454.
134. ACTS, 1924, P. 153.
135. ACTS, 1936, P. 130.

Registration and Purgation Act was passed, which provided that appeals 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, could be made to the county judge or to the circuit judge. (136)

Legislation of 1918 gave the county courts jurisdiction over cases of parents failing to educate deaf children. (137)

In 1934, for the first time in Kentucky, the county court by name was given concurrent jurisdiction with the justices', quarterly, and police courts, 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, the county court was also given jurisdiction concurrent with the circuit courts in such cases the punishment of which is limited to a fine not exceeding $500, or imprisonment not exceeding 12 months, or both. (138)

The county court has always had jurisdiction to punish for contempt. Legislation in 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. (139) 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 $3 or imprisonment for more than 6 hours. Contempt proceedings were also prohibited 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." (140)

In 1792 the county court was given appellate jurisdiction in cases tried before single justices involving a sum of 25 shillings or over. (141) No appeal could be taken from the decisions 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." (142) 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." (143) Since 1856 the county court has had no appellate jurisdiction. An act of that year gave this jurisdiction to the quarterly court. (144)

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136. Acts, 1938, pp. 595, 596.
137. Acts, 1918, p. 142.
138. Acts, 1934, p. 422.
139. Littell, vol. 1, 1793, p. 198.
140. Acts: 1829-30, p. 205; 1851-52, pp. 348, 349; 1891-93, pp. 796, 797.
141. Littell, vol. 1: 1792, p. 157; 1796, p. 374.
142. Littell, vol. 2, 1801, p. 443.
143. Acts, 1851-52, p. 96; Rev. Stat., vol. 1, p. 327.
144. Acts, 1855-56, vol. 1, p. 51; Rev. Stat., vol. 1, p. 346.

(First entry, p. 115)

D. County Judge - Judicial Functions:

The county judge, or the presiding judge of the county court (both phrases are used interchangeably, either one 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, creating this office (145), 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 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 was not given to the county court, or to the quarterly court, but 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. . . ." (146)

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145. CONST. OF 1850, ART. 4, SECS. 29-31.
146. STEINBERGEN V. MILLER ET AL., 96 S.W. 1101 (1906).

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." (147) 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 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 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 the constitution made a conservator of the peace. Under this power, he may, as provided by 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 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. . . ." (148)

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147. Acts, 1906, pp. 382, 383.
148. Hickman County v. Jackson, 153 Ky. 551; 156 S.W. 391 (1913).

Governmental Organization
and Records System

(First entry, p. 115)

The county judge since his creation as a judicial officer is not required to be a lawyer, and, with an office so ubiquitous as his, it is not to be wondered at 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, and also all the 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. (149)

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 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. (150) In the case of injunctions, the Code provided that the stay of proceedings in actions or suits, could be granted at the 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. (151) 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. (152)

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149. ACTS: 1850-51, VOL. I, PP. 40-43; 1851-52, P. 94.
150. ACTS, 1850-51, VOL. I, PP. 147, 151, 153; CIVIL CODE, 1854 ED., SECS. 264, 275.
151. CIVIL CODE, SECS. 300, 305.
152. CIVIL CODE, 1938 ED., SECS. 238, 251, 284, 689.

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. (153)

The act of 1893, which prevails today, reaffirms the original acts of 1851 and 1852, and provides that the county judge may administer oaths, 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 may singly hold a court of inquiry in such proceedings. (154)

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 appear is not in session. The case shall then be transferred from the circuit court to the county judge to try, where the trial and proceedings after judgment shall be in all respects the same as if the case had been tried in the circuit court. (155) 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." (156) 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 (157); and 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. (158)

The powers of the county judge to hold inquests in matters of 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

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153. REV. STAT., VOL. I, P. 584; JOHN D. CARROLL, KENTUCKY CRIMINAL CODE, CLEVELAND, 1854 ED., SEC. 395-I; 1938 ED., SEC. 399. HEREINAFTER CITED AS CRIM. CODE.
154. ACTS, 1891-93, P. 1055.
155. ACTS, 1891-93, PP. 1055, 1056.
156. HICKMAN COUNTY V. JACKSON, 153 KY. 531; 156 S.W. 391 (1913).
157. CARRINGTON V. COMMONWEALTH, 78 KY. 83 (1879).
158. COMMONWEALTH V. CARTER, 152 KY. 463; 153 S.W. 735 (1913).

circuit judge, and as a sort of special judge of that court. (159) 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. (160) 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. (161)

The county judge also holds examining trials, and in cases of homicide he has exclusive jurisdiction as an examining court. (162)

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. (163) This court was also authorized to issue all process and attachments at common law, subpoenas, and other process in chancery. (164)

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." (165)

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. (166) This jurisdiction still belongs to

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159. TURPIN'S ADM. V. SPRINGER, 228 KY. 32; 14 S.W. (SECOND SERIES) 189 (1929)
160. ACTS, 1851-52, PP. 94, 100, 253.
161. ACTS: 1891-93, P. 483; 1928, P. 110.
162. CRIM. CODE, 1938 ED., SECS. 71A-1 TO 71A-3; HICKMAN COUNTY V. JACKSON, SUPRA.
163. LITTELL, VOL. 1, 1796, P. 504.
164. IBID., P. 505.
165. LITTELL, VOL. 3, 1802, P. 40.
166. IBID., P. 40.

the circuit court and includes all cases concerning a lien upon land or provisional remedies to subject land to payment of debt. (167)

The circuit court of Meade County also inherited from its predecessor bodies jurisdiction over persons of unsound mind. (168) Although 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. (169) 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. (170)

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. . . ." (171)

By an act of 1879 the circuit court was given jurisdiction of claims against the State treasury (172), 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 defaultors." (173)

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167. Acts, 1891-93, p. 1030; Carroll, sec. 966.
168. Littell, vol. 1: 1793, p. 191; 1795, p. 302; vol. 3, 1802, p. 40; Acts, 1831-32, pp. 109-111.
169. Rev. Stat., vol. 2, pp. 33, 35, 37; Gen. Stat., 1873 ed., pp. 534, 536; Acts, 1891-93, pp. 483, 485.
170. Acts: 1918, p. 156; 1924, p. 27; 1928, pp. 110, 123; Carroll, secs. 216 aa-68, 2149; Turpin's Adm. v. Springer, 228 Ky. 32, 14 S.W. (second series) 189 (1929).
171. Acts, 1851-52, pp. 90, 91.
172. Acts, 1879, vol. 1, p. 106.
173. Acts: 1851-52, p. 93; 1891-93, p. 1048.

(First entry, p. 115)

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 the cases allowed by law." (174) 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 shall have 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." (175)

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 the general law of Virginia of 1748, and for the most part was in effect when Kentucky became a state 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. (176) 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. (177)

Before the creation of Meade 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

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174. ACTS, 1891-93, PP. 1048, 1049.
175. IBID., P. 1033.
176. HENING, VOL. 5, PP. 489-508.
177. HENING, VOL. 9, P. 415.

a meeting of the quarter session court within 5 to 10 days to sit as an examining court with power to hold over the accused to the next regular session of the quarter session court, or to the court of oyer and terminer (178), and after the abolition of this court in 1795, to the district court. (179) Criminal jurisdiction of the court of quarter session was provided for in an act of December 22, 1792, in that it 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 issue summonses calling this court into session. (180) Additional jurisdiction over slavery cases was 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. (181) 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. (182) An act of December 27, 1806, extended this jurisdiction to include trial without jury of all misdemeanors against slaves. (183) 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. (184) 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. (185)

In the conduct of examining trials, the justices were given, by an act of 1802, 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. (186) A further modification in the examining procedure was

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178. LITTELL, VOL. 1, 1792, P. 96.
179. IBID., 1795, P. 316.
180. IBID., 1792, P. 158.
181. IBID., VOL. 2, 1798, P. 115.
182. LITTELL, VOL. 2, 1800, P. 417.
183. LITTELL, VOL. 3, 1806, P. 403.
184. LITTELL, VOL. 3, 1807, PP. 499, 500.
185. LITTELL, VOL. 4, 1810, P. 224.
186. LITTELL, VOL. 3, 1802, P. 41.

provided for by an act of February 11, 1809, which took from the county court its jurisdiction in this matter and required 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 might commit him for further trial before the circuit court. (187)

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." (188) This, however, did not imply 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 on charge of bastardy to appear before him or some other justice to be bound over to the next session of the county court. (189) The justices' courts have continued to hold the power to conduct preliminary proceedings in bastardy cases, but the actual trial has been from the beginning in Kentucky a jurisdiction of the county court. (190)

Other early criminal jurisdictions of the justices' courts were: to hear cases concerning stray boats and animals (191); to punish violations of laws respecting taverns and tippling houses (192); to punish summarily for contempt not exceeding a fine of 20 shillings nor imprisonment for over 6 hours (193); to issue warrants and bind over to the county court persons charged with violation of vagrancy laws (194); to issue escape warrants for persons escaping from jail to other counties (195); to conduct proceedings against runaways (196); to aid in the enforcement of gambling laws by having such places closed and the devices seized (197), and the owners of such establishments apprehended and held (198); to report such offenders to the grand jury (199); to arrest and confine in jail persons interrupting places of worship (200); to fine constables or other of-

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187. LITTELL, VOL. 4, 1808, PP. 67-70.
188. LITTELL, VOL. 1, 1793, P. 202.
189. IBID., 1795, PP. 282, 283.
190. IBID., 1793, P. 202; ACTS: 1851-52, PP. 95, 96; 1891-93, PP. 67-72.
191. LITTELL, VOL. 1: 1792, P. 88; 1794, PP. 250, 251.
192. IBID., 1793, P. 196.
193. IBID., 1793, P. 199.
194. IBID., 1794, P. 291.
195. IBID.: 1796, P. 590; VOL. 2, 1798, PP. 31, 32.
196. LITTELL, VOL. 2, 1798, P. 4.
197. LITTELL, VOL. 2, 1799, P. 284.
198. LITTELL, VOL. 3, 1804, PP. 176, 177.
199. LITTELL, VOL. 5, 1815, P. 318.
200. LITTELL, VOL. 5, 1812, PP. 48, 49.

ficers not over $10 for neglect of duty in summoning jurors and delinquent or disorderly jurors not over $5 (201); 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. (202)

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 him to jail, or to allow and take bail. Also reaffirmed was his power to impanel juries and grant new trials or rehearings in civil or penal cases. (203)

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. (204) In 1906, the justices' and quarterly courts were given concurrent jurisdiction in amounts not over $20. (205) 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. (206) This jurisdiction was again enlarged in 1934 by extending the imprisonment phase to 1 year, and the county court was also made concurrent in the exercise of this jurisdiction. (207) Today, justices have jurisdiction to hold inquests in the absence of the coroner (208), and also to hear and determine vagrancy cases. (209)

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. It also 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. (210) The jurisdiction in examining trials was repealed by the act of 1852, and his jurisdiction reaffirmed by a general statement that he should have all the powers of a justice in penal and criminal pro-

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201. LITTELL, VOL. 5, 1812, P. 29.
202. ACTS, 1820-21, PP. 263, 264.
203. ACTS, 1851-52, P. 99.
204. ACTS, 1891-93, P. 1058.
205. ACTS, 1906, P. 383.
206. ACTS, 1928, PP. 55, 56.
207. ACTS, 1934, P. 422; CRIM. CODE, 1938 ED., SEC. 13-5.
208. ACTS: 1891-93, P. 371; 1936, P. 271.
209. ACTS, 1904, P. 134.
210. ACTS, 1850-51, VOL. 1, PP. 42, 43.

ceedings, and of a court of inquiry, which court at that time was to be composed of two justices. (211) 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. (212)

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 came within the definition of 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 purpose. (213)

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, 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 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. (214) The lines of demarcation are very fine indeed, and therefore the county judge and his per se powers are treated in a separate section. (215)

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,

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211. Acts, 1851-52, pp. 94, 99.
212. Bowman v. Commonwealth, 14 B.M. 313 (1854).
213. Crim. Code, 1854 ed., sec. 66; Commonwealth v. Cummins, 18 B.M. 21; Cookendorfer v. Commonwealth, Mss. Opin. (1857).
214. Arthur v. Green, 60 Ky. 75, (1860); Craig v. Shelton, 201 Ky. 790 (1924).
215. Acts, 1891-93, p. 1055. See County Judge -- Judicial Functions, supra, p. 36.

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. (216) 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. (217) 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. (218)

An act of 1904 gave the quarterly court concurrent jurisdiction with the circuit, police, and justices' courts, over offenses of vagrancy. (219)

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 applied only to liquor offenses, and did not change the then current general criminal jurisdictions as shown above in the act of 1906. (220) 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. . . ." (221)

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. (222) A local option law was passed February 25, 1936, and the enforcement of the liquor law was given to the above-

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216. Acts, 1906, p. 383.
217. Acts, 1928, pp. 155, 156.
218. Acts, 1934, p. 422.
219. Acts, 1904, pp. 133, 134.
220. Acts: 1922, p. 129; 1934, p. 653.
221. Lakes v. Goodloe, 195 Ky. 240; 242 S.W. 632 (1922).
222. Acts, 1934, p. 177.

named courts where the penalty did not exceed a fine of $100 and imprisonment under 60 days. (223) 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 falls within the respective jurisdictions of the various courts, just as does jurisdiction of other offenses according to the amount of fine and punishment involved. (224)

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. (225)

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. By an act of February 12, 1798, it was 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." (226) In criminal matters the court of quarter session was limited to "such criminal causes where the judgment upon conviction shall be for loss of life or member. . . ." (227) An act 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." (228)

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." (229) 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." (230) 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. (231)

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223. ACTS, 1936, P. 17.
224. ACTS, 1938, PP. 59, 119.
225. CRIM. CODE, 1938 ED., SEC. 362.
226. LITTELL, VOL. 2, 1798, P. 127.
227. LITTELL, VOL. 1, 1792, P. 94.
228. LITTELL, VOL. 3, 1802, P. 37 FF.
229. LITTELL, VOL. 5, 1816, P. 346.
230. ACTS, 1819-20, P. 831.
231. ACTS, 1840-41, P. 18.

General state-wide jurisdiction of charges against fugitives escaped from the State pentitentiary was given to the Franklin Circuit Court by an act of 1852.(232)

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 sixteen dollars, except where the jurisdiction thereof is otherwise specifically conferred." (233) The same act conferred upon the presiding judge of the county court "all the powers of a justice in penal and criminal proceedings." (234) 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." (235) By the same statute the county judge was given "all the power of a justice in penal and criminal proceedings." (236) In 1906 the penal jurisdiction of the justices' courts was continued as stated above and the quarterly court was made concurrent with them. (237) In addition to reaffirming the above 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." (238) 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." (239)

Violations of the common carrier laws were made cognizable by the circuit court by an act of 1920. (240) In 1934 concurrent jurisdiction with the quarterly and justices' courts over violations of local option

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232. Acts, 1851-52, p. 338.
233. Ibid., p. 99.
234. Ibid., p. 94.
235. Acts, 1891-93, p. 1058.
236. Ibid., p. 1055.
237. Acts, 1906, p. 383.
238. Acts, 1924, p. 66.
239. Acts, 1928, p. 155.
240. Acts, 1920, p. 250 ff.

laws was given (241), and also jurisdiction of appeals from decisions of the Public Service Commission. (242) The circuit court was authorized by an act of 1936 to set aside sentences and place the persons convicted on probation. (243)

Chancery

When the Meade 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. (244) An act of 1793 had placed the care of persons of unsound mind under the jurisdiction of a chancery court. (245) This jurisdiction was later given to the circuit court and was reaffirmed by subsequent legislation. (246) The fourth constitution abolished such chancery and equity courts as were then in existence and placed this jurisdiction with the circuit court. (247)

Probate

In its broader sense, probate jurisdiction 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 and settling of their accounts. . . ." (248) 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 authorized him "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

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241. Acts: 1934, p. 653; 1936, p. 17.
242. Acts, 1934, p. 606.
243. Acts, 1936, p. 74.
244. Littell, vol. 3, 1802, p. 40; Acts, 1851-52, p. 90.
245. Littell, vol. 1: 1793, p. 191; 1795, p. 302.
246. Acts, 1831-32, pp. 109-111.
247. Const. of 1891, Schedule, sec. 3; Acts, 1891-93, p. 1030.
248. Littell, vol. 1: 1792, p. 93; 1796, p. 374.

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. (249)

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. . . ." (250)

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 provisions of the act of 1852, referred to above, providing for exceptions to be taken by interested parties and the ultimate determination of the settlement of the county court, were also reaffirmed. (251)

In all matters wherein the title to real estate is involved, the circuit court has always had original and exclusive jurisdiction. (252) It has also had general appellate jurisdiction in cases concerning the probating of wills. (253)

Juvenile

Under provisions of legislation in effect when Meade County was created, the county court had jurisdiction over orphans, neglected, dependent, and delinquent children. (254) Provisions of an act of 1896, which 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. (255)

It was not until 1906 that the legislature provided for special treatment of juvenile offenders. (256) 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

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249. Acts, 1851-52, pp. 98, 99.
250. Acts, 1891-93, p. 1051.
251. Ibid., 1053, 1054; Carroll, sec. 2015.
252. See Circuit Court, p. 150.
253. Acts: 1829-30, p. 217; 1891-93, pp. 1048, 1049; Carroll, sec. 978.
254. Littell, vol. 1: 1793, pp. 191, 192; 1797, p. 677; vol. 3, 1802, p. 74; Acts: 1825-26, p. 137; 1894, pp. 28, 29.
255. Acts, 1896, pp. 60-62.
256. Acts, 1906, pp. 322-332.

the Court of Appeals in 1911, create a new court, but merely increased the powers of the county court. (257) 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. (258)

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. (259)

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, to compose the grand jury. (260) 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. (261) 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 be 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. (262) 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. (263)

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. (264) An early decision of the Court of Appeals held that no indictment on a statute could be supported

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257. MARLOW V. COMMONWEALTH, 142 KY. 106 (1911).
258. ACTS: 1908, PP. 181-198; 1912, PP. 446-449.
259. ACTS: 1825-26, P. 137; 1894, PP. 29-31; 1906, PP. 322-332; 1908, PP. 152-157; 1910, PP. 226-228.
260. JAMES SPEED, GRAND AND PETIT JURORS, LOUISVILLE, 1873, P.5.
261. HENING, VOL. 12, 1788, PP. 730-763.
262. LITTELL, VOL. 1, 1792, PP. 99, 100.
263. REV. STAT., VOL. 2, PP. 75, 76; GEN. STAT., 1873 ED., PP. 570, 571; CONST. OF 1891, SEC. 248.
264. HENING: VOL. 12, 1786, P. 270; VOL. 13, 1789, PP. 38-40; LITTELL, VOL. 1, 1796, P. 466.

unless it stated that the offense had been committed against the statute. (265) Another decision at about the same time held that an indictment need not express that it was by the authority of the Commonwealth. (266)

Presentments have always been required to specify the crime committed, time and place, and by whom, as well as the name of the person or persons upon whose information the presentment was made. Early laws required that a prisoner be given a copy of his indictment and a panel of the jury who are to try him. They also 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. (267)

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. (268)

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, tavern-keeper, 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. (269) The general statutes provided that a grand jury composed of bystanders could be empaneled after the discharge of the grand jury first empaneled. (270) Legislation now in effect authorizes the judge to summon bystanders, not to exceed three, to supply grand jury vacancies. (271) An early law gave the courts power to summon a grand jury term time. (272) Present laws require that a grand jury shall be summoned at three regular terms of circuit court, unless otherwise ordered by the judge. (273) Each time a grand jury is empaneled, the court appoints a foreman. (274)

In addition to those persons prohibited from serving as grand jurors, justices of the peace were exempted from grand jury service by early legisla-

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265. McCULLOUGH V. COMMONWEALTH, 3 KY. 95 (1805).
266. ALLEN V. COMMONWEALTH, 2 BIBB 210.
267. LITTELL, VOL. 1, 1796, P. 466.
268. LITTELL, VOL. 1, 1796, P. 468; LEE V. COMMONWEALTH, 210 KY. 410 (1925).
269. ACTS: 1891-93, P. 948; 1918, P. 672.
270. GEN. STAT., 1873 ED., P. 570.
271. ACTS: 1891-93, P. 948; 1894, P. 219; 1906, P. 519.
272. LITTELL, VOL. 4, 1811, P. 267.
273. ACTS: 1891-93, P. 957; 1932, PP. 350, 351.
274. LITTELL, VOL. 5, 1814, P. 136; ACTS, 1891-93, P. 948.

tion.(275) Later legislation exempted physicians, surgeons, ministers of the gospel, cashiers, and tellers or those who may be supplying their places for the time. (276) 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. (277)

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." (278)

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 order entered of record by the court they are permitted to sit longer. (279)

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. (280) Early legislation authorized the sheriff to summon jurors from bystanders for trial of causes (281), and with the advent of jury commissioners, petit jurors were selected in the same manner as grand jurors, as is the case today. (282) 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. (283)

A petit jury in the circuit court consists of 12 persons, although legislation in 1932 provided for a thirteenth juror. In all trials held 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. (284)

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275. LITTELL, VOL. 3, 1804, P. 242.
276. GEN. STAT., 1873 ED., P. 572.
277. ACTS, 1924, P. 62.
278. REV. STAT., VOL. 2, P. 79; GEN. STAT., 1873 ED., P. 572; ACTS: 1891-93, P. 948; 189[illegible] P. 219; 1906, P. 519; 1912, P. 451.
279. GEN. STAT., 1873 ED., P. 574; ACTS: 1891-93, P. 948; 1926, P. 165.
280. LITTELL, VOL. 1, 1796, P. 468.
281. IBID.
282. REV. STAT., VOL. 2, P. 79; GEN. STAT., 1873 ED., P. 572; ACTS: 1891-93, P. 948; 189[illegible] P. 219; 1906, P. 519; 1912, P. 451.
283. GEN. STAT., 1873 ED., P. 572.
284. GEN. STAT., 1873 ED., P. 571; ACTS: 1891-93, P. 957; 1932, P. 341.

Early legislation provided compensation of $1 per day for veniremen, except when challenged and rejected. (285) 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. (286)

Early legislation prohibited a justice of the peace who had committed a felony from serving as a petit juror at a felon's trial. (287) A later act exempted all justices of the peace from jury service. (288) An act of 1803 exempted transient persons, physicians, surgeons, and ministers of the gospel from jury service. (289) 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. (290) An act of 1910 exempted persons more than 60 years of age from serving as petit jurors. (291) In 1924 teachers, principals, and all employees of boards of education were exempted from jury service while schools were in session. (292) Later this exemption was extended to the term of contract of such persons. (293) Legislation of 1932 exempted from jury service all officers and enlisted men of the Kentucky National Guard. (294) This was later amended to extend only to members of the active militia. (295)

By the common law a prisoner had a right in all prosecutions for felony to challenge peremptorily 35 jurors. (296) 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 over 24 jurors for treason and 20 for murder or felony. (297) A later act extended the rights of peremptory challenge to all criminal cases whatsoever. (298) 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 challenge as now allowed by law. (299)

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285. LITTELL, VOL. 5, 1817, P. 436.
286. GEN. STAT., 1873 ED., P. 574; ACTS: 1891-93, P. 949; 1926, P. 164; 1932, P. 351; 1934, P. 664.
287. LITTELL, VOL. 1, 1795, P. 319.
288. LITTELL, VOL. 3, 1804, P. 242.
289. LITTELL, VOL. 3, 1806, P. 402.
290. ACTS, 1891-93, P. 959.
291. ACTS, 1910, P. 77.
292. ACTS, 1924, P. 62.
293. ACTS, 1934, P. 179.
294. ACTS, 1932, P. 443.
295. ACTS, 1934, P. 157.
296. MONTEE V. COMMONWEALTH, 3 JJ. MAR. 138 (1830).
297. LITTELL, VOL. 1, 1796, P. 466.
298. LITTELL, VOL. 2, 1798, P. 236.
299. ACTS: 1891-93, P. 948; 1894, P. 219.

## 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. (300) 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. (301) 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. (302) He also suppresses places of gambling (303), and enforces the game and fish laws. (304) Incident to these duties, and to the enforcement of the law in general, the sheriff has the right to carry concealed weapons (305), and he may now call out the county militia when needed to enforce the law and maintain order. (306) 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. (307) 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. (308)

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 inquest over the body of any person whose death may have resulted from violence (309), the coroner also has 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. (310) Although the coroner, who has always been the highest peace officer

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300. CONST. OF 1792, ART. 6, SEC. 1.
301. LITTELL, VOL. 3, 1802, PP. 48, 49, 55, 56, 73.
302. ACTS, 1891-93, PP. 558-560.
303. ACTS, 1908, P. 121.
304. ACTS: 1912, P. 162; 1916, P. 634.
305. ACTS, 1891-93, P. 800.
306. ACTS, 1934, P. 166.
307. ACTS, 1936-37, FOURTH SPECIAL SESSION, PP. 116-118.
308. LITTELL, VOL. 1, 1796, P. 580; ACTS: 1891-93, PP. 555, 556; 1906, P. 157.
309. LITTELL, VOL. 2, 1798, PP. 69, 70; REV. STAT., VOL. 2, P. 349; ACTS, 1859-60, VOL. 1, P. 49; GEN. STAT., 1873 ED., P. 263; ACTS, 1891-93, P. 369; CARROLL, SECS. 528-533.
310. ACTS, 1891-93, PP. 369, 370.

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. (311) The coroner also has the following powers: 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. (312)

The early duties of the constable were as follows: To arrest persons for riots, routs, and breaches of the peace; to arrest persons charged with bribery; to conduct prisoners to jail; to arrest fugitives from justice; and to whip slaves when so ordered by the justice of the peace. (313) He also has the power to seize and destroy any gambling device with or without a warrant, and is authorized to carry concealed weapons. (314)

The jailer has power to act in the county in civil, penal, or criminal cases, with the same authority as the sheriff. (315)

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. (316) 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. (317) A coroner's jury formerly consisted of twelve persons (318), but is now composed of sixteen householders. (319) As the result of 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. (320)

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311. REV. STAT., VOL. 2, P. 349; ACTS, 1859-60, VOL. 1, P. 49; GEN. STAT., 1873 ED., P. 263.
312. LITTELL: VOL. 1, 1795, P. 282; VOL. 2, 1798, PP. 64, 72; VOL. 3, 1805, P. 292; ACTS, 1820, P. 117; GEN. STAT., 1873 ED., P. 263; ACTS, 1891-93, P. 371.
313. LITTELL, VOL. 3: 1803, PP. 129, 130; 1805, P. 300; 1806, P. 403.
314. ACTS, 1891-93, PP. 743, 800; CARROLL, SEC. 1906.
315. ACTS, 1891-93, P. 783; SEE SHERIFF, P. 244.
316. LITTELL, VOL. 2, 1798, PP. 69, 70; REV. STAT., VOL. 2, P. 349; ACTS, 1860, P. 49; GEN. STAT., 1873 ED., P. 263; ACTS: 1891-93, P. 369; 1936, PP. 269, 270; CARROLL, SECS. 528, 533.
317. REV. STAT., VOL. 2, PP. 349, 350; ACTS, 1891-93, PP. 369-371; CARROLL, SECS. 528, 533.
318. LITTELL, VOL. 2, 1798, P. 349.
319. ACTS, 1859-60, VOL. 1, P. 49; GEN. STAT., 1873 ED., P. 263; ACTS, 1891-93, P. 369; CARROLL, SEC. 533.
320. 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. 327.

## 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." (321) This general prohibition of indictments made otherwise than by grand juries was reaffirmed by the subsequent constitutions of the State. (322) For a more detailed treatment of indictments see Grand Juries and Indictments, supra, p. 52.

## Apprehension of Criminals

It has always been the duty of the sheriff to apprehend criminals. (323) The constable also has the power to apprehend criminals (324), and the coroner is authorized to arrest and commit to the county jail any persons adjudged by an inquest to be guilty of murder or manslaughter, or of being an accessory thereto. (325)

## Custody of Prisoners

Although both the sheriff and the constable have always been authorized to convey prisoners to jail (326), and although prior to 1799 the sheriff took charge of prisoners in the county jail (327), the actual custody of prisoners today rests primarily with the jailer. (328) 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 safekeeping of prisoners. It is also his duty to keep the jail clean and warm. (329)

## Prosecutions

The commonwealth's attorney is required 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. (330) The county attorney has always assisted in the enforcement of laws against riots, routs, and breaches of the peace, and

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321. CONST. OF 1792, ART. 12, SEC. 11.
322. CONST. OF 1799, ART. 10, SEC. 11; CONST. OF 1850, ART. 13, SEC. 13; CONST. OF 1891, SEC. 12.
323. LITTELL: VOL. 2, 1798, P. 118; VOL. 3, 1802, PP. 55, 56, 73; VOL. 5, 1813, PP. 48, 49.
324. LITTELL, VOL. 3: 1803, PP. 129, 130; 1805, P. 300.
325. ACTS, 1891-93, PP. 369, 370.
326. LITTELL: VOL. 2, 1798, P. 118; VOL. 3, 1803, P. 130.
327. LITTELL, VOL. 1, 1792, P. 86.
328. LITTELL: VOL. 1, 1795, PP. 317-319; VOL. 3, 1802, PP. 89, 90.
329. GEN. STAT., 1873 ED., PP. 566-569; ACTS, 1891-93, PP. 752-755; CARROLL, SECS. 2230-2
330. CONST. OF 1792, ART. 2, SEC. 16; CONST. OF 1799, ART. 3, SEC. 23; LITTELL: VOL. 2, 1798, P. 77; VOL. 5, 1813, PP. 19, 20; ACTS, 1891-93, P. 263.

has prosecuted all such cases, except those in circuit court. (331) Later legislation required the county attorney to attend the circuit courts held in the county, and aid the commonwealth's attorney in all prosecutions therein. In the absence of an acting commonwealth attorney he attends to all the business of the Commonwealth in these courts. (332)

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. (333) Early statutes also authorized the constable to execute the sentence of the court by conveying prisoners to jail. (334) When a prisoner is condemned to death by electrocution, the sheriff and the jailor 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. (335)

## Financial Administration

Taxation

The principal source of State and county income has always been taxation. In the early history of the State some of the taxes imposed were: 2 shillings for every hundred acres of land; 2 shillings for every slave except those who were exempted by the county court for infirmities; 8 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; 3 pounds for every retail store. (336) Tithables also figured importantly in early taxation. A law of 1797 stated that all male persons and all female slaves over 16 years were chargeable for defraying county levies, unless exempted by the county court by reasons of age or infirmities. (337) 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. (338) 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. (339)

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331. ACTS, 1828-29, P. 105.
332. ACTS, 1891-93, P. 258.
333. IBID., PP. 558-560.
334. LITTELL, VOL. 3, 1803, P. 130.
335. ACTS: 1910, P. 111; 1920, P. 693; CARROLL, SECS. 1137-1, 1137-2.
336. LITTELL, VOL. 1, 1792, P. 64.
337. IBID., 1797, P. 678.
338. LITTELL, VOL. 4, 1808, P. 38.
339. GEN. STAT., 1873 ED., PP. 269,270.

Fees

County revenue has been supplemented also by fees 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 has its origin in the laws of Virginia, is, however, hedged about with certain limitations: first, all allowable fees are specifically set out in the statutes; and second, 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. (340)

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. (341) This law was continued in substance when the Kentucky Legislature passed an act in 1792 making all fees payable in currency of the State at the rate of one penny current money for each pound of tobacco. (342)

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. (343) An act of 1798 provided that clerks of district courts 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. (344) 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. (345) 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 from those relating to the private interests of individuals. (346)

Legislation from year to year in connection with fees indicates that almost from the beginning there has been a tendency to question the offi-

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340. THE GOVERNMENT OF KENTUCKY, REPORT OF THE EFFICIENCY COMMISSION, THE STATE JOURNAL COMPANY, FRANKFORT, 1924, 1, 624.
341. HENING, VOL. 5, 1745, PP. 326-344.
342. LITTELL, VOL. 1, 1792, P. 88.
343. LITTELL, VOL. 1, 1796, PP. 586-589.
344. LITTELL, VOL. 2, 1798, PP. 247-262.
345. LITTELL, VOL. 5, 1817, P. 543; REV. STAT., VOL. 1, P. 527; GEN. STAT., 1873 ED., P. 471.
346. GILBERT V. JUSTICES OF MARSHALL COUNTY, 18 B.M. 430 (1857).

ciency of the fee system. The Revised Statutes and later the General 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. (347)

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 as costs against the defendant more than $3 or $4, 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 an extent that either or both constitute a "substantial pecuniary interest" to be paid by 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. (348)

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 courts to require such records to be kept and reports made to that body. (349)

In addition to these statutory limitations the constitution limits the personal compensation of public officials, except that of the Governor, to $5,000 per year. (350) The Court of Appeals, in interpreting this pro-

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347. REV. STAT., VOL. I, P. 528; GEN. STAT., 1873 ED., P. 477.
348. OPINIONS OF THE ATTORNEY GENERAL OF KENTUCKY, VARIOUS PRINTERS, PLACES, AND DATES, VOL. 88, 1928, PP. 106-111, HEREINAFTER CITED AS O.A.G.; WAGERS V. SIZEMORE, 222 KY. 306; 300 S.W. 918; CHESTER D. ADAMS, ET AL. V. JAMES SLAVIN, ET AL., 225 KY. 135.
349. HOLLAND, JAILER, V. FAYETTE COUNTY, 240 KY. 37 (1931).
350. CONST. OF 1891, SEC. 246.

vision, has put a definite responsibility on the fiscal court to make this rule effective, even in the face of inadequate legislation. The Court of Appeals stated as follows: "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. . . ." (351)

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. It also has been held by the Court of Appeals that the county must apply its revenue first to governmental matters, before it expends funds on non-governmental matters. (352)

Such powers to incur indebtedness as the fiscal court has, have been granted from time to time as the need has arisen. By an act of 1904, for example, 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 to retire bonds at maturity. (353) 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 per cent be paid. (354) 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 other than incorporated towns. (355) The establishment of sinking funds was provided for by 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. (356) 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

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351. SHIPP V. RODES, AND SHIPP V. BRADLEY, 196 KY. 523 (1922).
352. BALLARD V. ADAIR COUNTY, 268 KY. 347; 104 S.W.(2D)1100 (1937).
353. CONST. OF 1891, SEC. 178; ACTS: 1891-93, P. 269; 1904, PP. 177-180; PAYNE V. CITY OF COVINGTON, 276 KY. 380; 123 S.W. (2D) 1045 (1938).
354. ACTS, 1891-93, P. 200.
355. ACTS, 1902, P. 239.
356. ACTS, 1910, P. 154.

competent jurisdiction, and had been declared as based upon and covering an indebtedness incurred within the constitutional limitations governing the creation of such indebtedness. (357)

A further limitation upon the power of counties to incur indebtedness was provided in the County Debt Act of 1935. This act created the County Debt 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 per cent of the value of the taxable property, an appeal from his decision being 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 the changes he deems 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 unanticipated 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, the 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. (358)

The constitutionality of this law was soon challenged, chiefly on the grounds that it was a limitation upon the constitutional authorization of counties to incur indebtedness up to 2 per cent of their assessed valuation (359), and that it supplanted the fiscal courts of the counties by the County Debt Commission. In upholding the law the court held

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357. Acts, 1932, p. 125.
358. Acts, 1938, First Special Session, p. 1095 ff.
359. Const. of 1891, sec. 158.

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 to the unbusinesslike manner in which their fiscal affairs have been handled. The First Extra Session of the 1938 Kentucky 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." (360)

Fines and Forfeitures

An early law provided that all fines and forfeitures should be applied toward lessening the county levy, and made it the duty of the sheriff, constable, or other person having custody of these funds to transmit an account to the county court clerk one week before time for laying the county levy. (361) Later legislation applied these fines and forfeitures to seminaries of learning, but this act, as applying to certain counties, was repealed. (362) 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. (363)

Although the legislature attempted in the early history of the State to provide a sort of budgetary control for counties, they had little success. Many county officials claimed 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 jug-

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360. COUNTY DEBT COMMISSION ET AL. V. MORGAN COUNTY ET AL....SAME V. BALLARD COUNTY ET. AL., 130 S.W. (2D) 779 (1939).
361. LITTELL, VOL. 2, 1801, PP. 481, 482.
362. ACTS, 1819-20, P. 976.
363. REV. STAT., VOL. 2, P. 223.

gling of funds. (364) Early legislation 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. (365)

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 claims. (366) 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. (367) 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. (368)

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 to 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. (369)

While various laws have been enacted by the Kentucky General Assembly dealing with settlements of county officials and audits of their accounts, these matters have never been dealt with efficiently until the creation of the State and county budget commissioners. As early as 1793 a law provided that the justices of the county courts take bonds and security of the sher-

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364. GOVERNMENT OF KENTUCKY, OP. CIT., I 591.
365. LITTELL, VOL. 4, 1809, PP. 172, 173.
366. LITTELL, VOL. 4, 1811, PP. 217, 218.
367. ACTS, 1820-21, P. 443.
368. ACTS, 1851-52, P. 9; GEN. STAT., 1873 ED., P. 309.
369. GOVERNMENT OF KENTUCKY, OP. CIT., I, 597.

iff or collector 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. (370) An act of the previous year had established the office of Auditor of Public Accounts and abolished the office of Solicitor which existed under Virginia laws. (371)

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. (372) 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. (373) 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. 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. (374)

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, and Meade County was placed in the fifth district. Under this law the Auditor of Public Accounts 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. (375) 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. (376) In 1936, however, this duty was transferred to the State Department of Revenue. (377)

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370. LITTELL, VOL. I, 1793, P. 202.
371. IBID., 1792, P. 60.
372. GOVERNMENT OF KENTUCKY, OP. CIT., I, 552.
373. REV. STAT., VOL. I, P. 327.
374. ACTS, 1859-60, VOL. I, P. 110.
375. GEN. STAT., 1873 ED., PP. 753-759.
376. ACTS, 1934, PP. 525, 526.
377. ACTS, 1936, FIRST EXTRA SESSION, CH. I, ART. XI.

Governmental Organization and Records System (First entry, p. 115)

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 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 counties 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. (378) 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. (379)

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. (380)

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 too 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

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

any objectionable features. It further provides for the adoption of a system of bookkeeping whereby the condition of each budget can be ascertained at any time, thus preventing any department from overcrowding.

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. (381)

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. (382)

## 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 three 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 of the State were elected by the same electoral college. (383)

The Constitution of 1799 changed the manner of voting to viva voce. (384) It provided for divison 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. (385) This constitution also provided for the election of Senators by the people. (386) 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. (387) At this time the justices of

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381. ACTS, 1934, P. 63; SEE COUNTY BUDGET COMMISSION, P. 284.
382. ACTS, 1938, FIRST SPECIAL SESSION, P, 1095 FF.
383. CONST. OF 1792; ART. 2, SECS. 2, 3; ART. 3, SECS. 1-3.
384. CONST. OF 1799, ART. 6, SEC. 16.
385. IBID., ART. 2, SECS. 5, 6.
386. IBID., ART. 2, SEC. 14.
387. LITTELL, VOL. 2, 1799, PP. 339-354.

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 failed to attend, or if the county court failed to make the appointments, the sheriff appointed such persons. (388) 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. (389)

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 judges of the election in each precinct, together with a clerk. The judges superintended the elections, attended to the proper summing up 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. (390)

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. (391)

In 1871 a Federal statute provided that all votes for Representatives in Congress be by written or printed ballot (392), 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. (393)

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388. LITTELL, VOL. 2, 1799, P. 339.
389. ACTS, 1841-42, PP. 83-86.
390. ACTS: 1851-52, PP. 123-138; 1891-93, P. 140.
391. ACTS, 1863-64, PP. 122-125.
392. THE CODE OF THE LAWS OF THE UNITED STATES OF AMERICA, OF A GENERAL AND PERMANENT CHARACTER, WASHINGTON, 1935, TITLE 2, P. 6. HEREINAFTER CITED AS U.S. CODE.
393. ACTS, 1871-72, VOL. 1, PP. 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 provided for in the Constitution of 1891 from voice voting to voting by ballot. (394) 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 precient, 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. (395)

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 is also provided that elections be held between the hours of 6 a.m. and 7 p.m. (396) 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. (397)

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 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. Then the county election seal and the keys of the box are given to the judge of

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394. CONST. OF 1891, SEC. 147.
395. ACTS, 1891-93, PP. 106-119.
396. CONST. OF 1891, SEC. 149.
397. ACTS, 1891-93, PP. 106-119.

election, who delivers them to the sheriff at the courthouse. The county board of election commissioners continues to examine and canvass the election returns of the county, and gives triplicate or more certificates of election to those who have received the highest number of votes for any office exclusively within the gift of the voters of the county. One copy goes to the Secretary of State, one to the person elected, and the other is retained in the clerk's office. (398) Later acts have made minor changes in election procedure, but the basic provisions of the 1900 act remain in effect today. (399)

## 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 "Old-field Schools," probably because they were built on wastelands formerly used by the Indians for agricultural purposes. These schools were very primitive and were provided for by joint subscription and joint labor. (400)

While the old-field schools were multiplying throughout the State, there was also in the process of formation an academy system of education under the influence of Transylvania Seminary, which was known later 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 granted a regular charter to an enlarged board of 25 trustees, among whom were George Rogers Clark, Isaac Shelby, and Thomas Marshall. (401)

The first Kentucky legislation on the subject of academies was that of December 12, 1794, incorporating Kentucky Academy at Pisgah, near Lexington. (402) This was followed by other legislation of 1798

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398. ACTS, 1900, SPECIAL SESSION, P. 27.
399. ACTS, 1936, P. 143 FF.
400. A. F. LEWIS, HISTORY OF HIGHER EDUCATION IN KENTUCKY, WASHINGTON, 1899, PP. 12,30, 31; GEORGE W. RANCK, HISTORY OF LEXINGTON, KENTUCKY, ITS EARLY ANNALS AND RECENT PROGRESS, CINCINNATI, O., 1872, PP. 97-99.
401. HENING: VOL. 10, P. 287; VOL. 11, P. 282.
402. LITTELL, VOL. 1, 1794, PP. 228, 230.

which reserved a considerable area of land for use of "seminaries of learning" 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. (403) Similar acts approved December 21, 1805 and January 27, 1808, extended these provisions to all counties of the State. (404) These grants were noble in purpose and liberal in plan, but by subsequent ill-considered and unwise legislation, 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. (405) 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 destroy the chances of Transylvania Institute developing into a strong university. (406)

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 of education 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. (407) Since the Bank of the Commonwealth failed a few years later, little progress in education was made, however, with the aid of this fund. (408)

Legislation of 1825 provided for the establishment of private schools throughout Kentucky (409), 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. (410)

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 for the management of each county's schools to be placed in the hands of county school commissioners and with few changes it con-

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403. LITTELL, VOL. 2, 1798, PP. 107, 234.
404. LITTELL, VOL. 3: 1805, PP. 279, 280; 1808, PP. 440, 441.
405. LITTELL, VOL. 5, 1814, PP. 163, 164.
406. A CYCLOPEDIA OF EDUCATION, EDITED BY PAUL MONROE, PH.D., NEW YORK, 1912, III, 592.
407. Acts, 1821-22, P. 351.
408. BASIL W. DUKE, HISTORY OF THE BANK OF KENTUCKY, LOUISVILLE, 1895, PP. 20, 21.
409. Acts, 1825-26, P. 118.
410. Acts, 1829-30, PP. 272-281.

tinued to function in principle until the legislature in 1884 created the office of county school superintendent. (411)

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. (412) This donation was for the establishment of a State Agricultural and Mechanical College, and 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. (413)

The education of Negroes, upon their emancipation, presented a new problem to the people of Kentucky. An act of 1865 provided for a separate fund for Negro education, and trustees were authorized to cause a separate school to be taught in districts for education of Negro and mulatto children. (414) 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 one 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. (415) 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, required them to give evidence of moral character, and sign a pledge to teach in a Negro common school for a period at least twice as long as that spent in the school. (416) The present constitution provided that in the distribution of the school fund no distinction was to be made on account of race or color. (417) Legislation of 1904 provided higher education for Negroes by authorizing the erection and maintenance of separate private schools, colleges, or other institutions of learning to be not less than 25 miles distant from any other similar institution for pupils of the same color. (418)

In 1925 education of Negroes in the State had progressed to the point where there were 2,586 Negro pupils in high schools, and 43 counties were providing education above the elementary level for Negro children. (419)

An act of 1908 which created county boards of education also made it a duty of each board to provide one or more high schools in the county. (420) Another act of this year created the Kentucky Educational Commission, which was authorized to make a thorough investigation of the school system

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411. ACTS: 1837-38, PP. 274-282; 1883-84, VOL. I, PP. 121-139.
412. U.S. CODE OF LAWS, 1934 ED., TITLE 2, P. 135.
413. ACTS, 1861-63, PP. 335, 336; Z. F. SMITH, HISTORY OF KENTUCKY, LOUISVILLE, 1901, P. 707.
414. ACTS: 1863-64, PP. 27-38; 1865-66, PP. 51, 72, 74.
415. ACTS, 1873-74, PP. 61-66.
416. ACTS, 1885-86, VOL. I, PP. 233, 234.
417. CONST. OF 1891, SEC. 187.
418. ACTS, 1904, P. 182.
419. THE COURIER-JOURNAL, JANUARY 22, 1925.
420. ACTS, 1908, PP. 138-142.

and all the educational interests in the State; to make a comparative study of other school systems; and to submit to the next Kentucky General Assembly a report embracing recommendations concerning the State's educational system. (421) Many of the suggestions embodied in this report, made a year later, formed the basis of constructive school legislation of subsequent years. (422)

Adult education received attention in 1911 with the advent of "moonlight schools," a movement which 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, had their beginning in Rowan County, and their success there caused these unique schools to spread throughout the State and succeeded in awakening the State to the educational needs of that great body of adult illiterates. (423) Earlier in the year a legislative act had created an 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. (424)

A survey of 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. (425) In February 1934, the Federal Emergency Relief Committee for Kentucky received $150,000 for current teachers' pay to be used in rural districts having a population of 5,000 or less, to permit full school terms in counties which, having assessed the maximum school tax of 75 cents, were still unable to continue schools for the full term. (426)

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. (427) An act of 1938 made it a

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421. BARKSDALE HAMLETT, HISTORY OF EDUCATION IN KENTUCKY, FRANKFORT, 1914, PP. 209,210, 226-229.
422. ACTS, 1908, PP. 133-142, 170,171.
423. W. E. CONNELLEY AND E. M. COULTER, HISTORY OF KENTUCKY, 5 VOLS., CHICAGO AND NEW YO 1922, III, 991.
424. ACTS, 1914, PP. 101, 103; THE COURIER-JOURNAL, MARCH 19, 1916.
425. THE LEXINGTON HERALD, JULY 23, 1933.
426. THE LOUISVILLE TIMES, FEBRUARY 8, 1934.
427. ACTS, 1934, PP. 228, 229.

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 to another district, or provide board and room within reasonable walking distance of such school, provided the expenses do not exceed $100 a year per pupil. (428)

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 which 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. (429) The free textbook law approved March 16, 1928 (430), has also furthered the cause of public education in the State and during the school years of 1934-35, 1,333,402 books were purchased and delivered. The increase in school attendance in recent years is demonstrated by the contrast between the increase in population of 9.5 per cent for the period of 1920 to 1935, and an increase in daily school attendance of 43 per cent. (431)

Local Administrative Agencies

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, who had the right of self-perpetuation, managed - and often mismanaged - the land grants, buildings, and faculty; set the rates of tuition, which were not uniform; and formulated rules for discipline. (432)

An act of 1825, establishing private schools in the State, 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. (433)

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428. Acts, 1938, First Special Session, pp. 1039, 1040.
429. The Courier-Journal, April 10, 1938.
430. Acts, 1928, pp. 183-188.
431. "Biennial Report of the Superintendent of Public Instruction of the Commonwealth of Kentucky, Biennium Ending June 30, 1937" Educational Bulletin, Frankfort, Dec. 1937, pp. 10, 17, 18, 31.
432. Littell: vol. 3, 1805, pp. 279, 280; vol. 4, 1808, pp. 440, 441.
433. Acts: 1825-26, p. 118; 1827-28, p. 15.

Governmental Organization and Records System (First entry, p. 115

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 so great the unwillingness of the people to pay taxes, that few schools were ever organized under the provisions of this law. (434)

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. The latter, 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. (435)

Although the act of 1838 provided a definite form of organization for a public school system, for years the 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. (436) 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. (437) However, in 1849, this power was returned to the county court. (438) An act of 1856 reduced the number of county school commissioners in each county to one. (439) In 1874, the number of subdistrict school trustees was reduced to one from each subdistrict. (440) In 1878 this number was increased to three. (441)

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434. Acts, 1829-30, pp. 272-281.
435. Acts: 1837-38, pp. 276-282; 1838-39, pp. 381, 382.
436. Acts, 1843-44, pp. 53, 54.
437. Acts, 1844-45, pp. 47-51.
438. Acts, 1849-49, pp. 26, 27.
439. Acts, 1855-56, vol. I, pp. 103-105.
440. Acts, 1873-74, p. 61.
441. Acts, 1877-78, vol. I, pp. 21, 22.

Governmental Organization and Records System

(First entry, p. 115)

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. (442) During this period the subdistrict trustees continued to function as formerly. They were required to keep a record of their official transactions open at all times to the inspection of the county school superintendent. (443)

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 methods and offer graver 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 three to six, controlled the 8,000 school districts, and each group was in a large measure a law unto itself. (444)

Under the provisions of the act of 1908, which created 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. The act also provided 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 division board of school trustees, one of whom 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, as created by this act, 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

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442. Acts, 1883-84, vol. I, pp. 131-139.
443. Acts, 1883-84, vol. I, pp. 143, 144.
444. Hamlett, op. cit., p. 206.

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. (445)

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. (446)

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. (447) In 1934, under the new 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. (448)

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. (44

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445. Acts, 1908, pp. 133-142.
446. Acts, 1922, pp. 150-153.
447. Acts, 1932, pp. 371,372; The Courier-Journal, February 19, 1932.
448. Acts, 1934, pp. 247-277.
449. Acts, 1829-30, pp. 272-281.

An Act of Congress of June 11, 1836, however, deposited with the Commonwealth $1,433,757 of the surplus revenue of the United States, with the understanding that the profits arising from this sum should be set apart for sustaining the public schools of the State. (450) 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 encroachment 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. (451)

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 authorized and 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. (452) 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. (453)

The office of the county school treasurer was created in 1843, and made appointive by the county court. (454) 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 voted for the levy. (455)

District taxation, the most vital feature of the 1838 law, was discarded in 1845 and the raising of money by private subscription was substituted. (456) 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. The idea of popular education apparently had not 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 (457), and in 1849 a proposal to levy a State 2-

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450. THE PUBLIC STATUTES AT LARGE OF THE UNITED STATES OF AMERICA, BOSTON, 1846, VOL. 5, P. 55.
451. ACTS: 1836-37, P. 321; 1837-38, P. 274.
452. ACTS, 1837-38, PP. 276-281.
453. ACTS, 1844-45, P. 69.
454. ACTS, 1842-43, PP. 72, 73.
455. ACTS, 1844-45, PP. 47-51.
456. IBID., PP. 53, 54.
457. ACTS, 1848-49, PP. 26, 27.

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. (458)

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. (459) 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 common school 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. (460) In 1856 the State tax was raised from 2 cents to 5 cents per $100 of assessed valuation. (461)

An act passed in 1865 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. (462) 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. (463)

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 1884. (464) 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. (465)

The school fund in 1893 consisted of $1,327,000, in addition to a surplus of $381,986, then due the several counties. This was to remain a perpetual obligation against the State for the benefit of the counties.

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458. Acts, 1849-50, pp. 29-31.
459. Const. of 1850, art. II.
460. Smith, op. cit., p. 703.
461. Acts, 1855-56, vol. I, p. 11.
462. Acts, 1865-66, pp. 51, 72, 74.
463. Acts, 1869-70, p. 28.
464. Acts, 1883-84, vol. I, p. 111.
465. Acts, 1887-88, vol. I, pp. 194-200.

Governmental Organization and Records System

(First entry, p. 115)

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. (466)

Under the provisions of an act of 1908 the fiscal court was required, upon 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. (467)

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 the 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. (468) An act of 1920 provided for a minimum salary of $75 for teachers. (469)

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 a 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. (470)

A decision of the Court of Appeals in 1931 put the county boards of education on a pay-as-you-go basis by invalidating $845,600 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

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466. CONST. OF 1891, SEC. 188; ACTS, 1891-93, P. 1416.
467. ACTS, 1908, P. 139.
468. ACTS, 1912, PP. 402, 403.
469. ACTS, 1920, PP. 8, 9.
470. ACTS, 1922, PP. 153, 154.

could issue bonds to retire an accumulated debt, if the debt, when added to the taxes collected in a year, did not exceed the total that would have been collected if the maximum tax levy had 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. (471)

In 1934 the new school code 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 provided 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 was 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. (472)

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, and 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 two dollars 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 could also, by authority of this act, 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. (473)

Legislation passed in 1934 at a special session authorized counties to acquire elementary and high school buildings and to issue bonds therefor, payable from 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. (474)

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471. HOSKENSMITH V. COUNTY BOARD OF EDUCATION OF FRANKLIN COUNTY, 240 KY. 76 (1931).
472. Acts, 1934, pp. 237-239, 259-261.
473. Acts, 1934, pp. 266-272.
474. Acts, 1934, SPECIAL SESSION, pp. 119, 120.

## 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. (475) 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. (476) 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. (477)

When in 1830, a disease appeared in the lower part of Meade County, "bearing strong and alarming symptoms of the smallpox," Meade County was aroused to action. Justices John S. Chapman and Thomas Myers issued a summons to James Woolfolk, the sheriff, commanding him to direct all of the justices of the county to meet at the courthouse on February 11, of that year. As a result of this meeting, all families of persons having the smallpox were required to set up a white flag at each house where the disease prevailed. A penalty of 40 shillings for every 24 hours was imposed for failure to have this signal set up. Compensation was given to any one who rendered service to one having the disease, provided such diseased person was unable to defray the expenses incurred. The sheriff was authorized to advertise in the most public places that the disease was prevalent in the county, and to advise families of the danger. The court, convinced of the efficacy of a proper use of vaccine as a preventive of the serious disease, recommended that all persons in the county make immediate application for such vaccine. All the physicians of the county were called upon to use their influence with the inhabitants to prevent the spread of the disease. (478) In 1873 all persons of the age of 21 years and over, who had not been successfully vaccinated, were required to procure their own vaccination or revaccination. (479) A decision of the Court of Appeals in 1916 uphold the authority of the county board of health to order vaccinations. The court in discussing the case stated: "the power and discretion lodged in health boards will not be interfered with by the courts unless it is plainly abused." (480)

The first attempt to establish State control for 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

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475. LITTELL, VOL. 2, 1798, P. 46.
476. LITTELL, VOL. 3, 1803, P. 133.
477. REV. STAT., VOL. 2, P. 389.
478. ORDERS COUNTY COURT, VOL. B, PP. 136, 137, SEE ENTRY 220.
479. GEN. STAT., 1873 ED., P. 790.
480. HIGHLAND PARK GRADED COMMON SCHOOL DISTRICT NO. 46 V. MCMURTRY, 169 KY. 457 (1916).

such a board. (481) In 1904 this act was amended and the county board of health was composed of three licensed and practicing physicians, together with the county judge and one person appointed by the fiscal court. (482)

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 it is satisfied with the measures taken, the department of health is established and must be maintained up 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, make chemical and bacteriological examinations, and 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 the exercise of his powers, he may call upon the county attorney for legal aid. (483)

Under provisions of an act of 1918 counties may now receive State aid up to one-third of the monthly salary, which aid may in no case exceed $25 a month, for employment of a visiting nurse. This 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. The nurse visits schools, conducts drills to inculcate health habits in pupils, and instructs them in personal hygiene. (484)

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481. Acts, 1891-93, pp. 824-826.
482. Acts, 1904, p. 107.
483. Acts: 1918, pp. 290-315; 1920, pp. 558-565.
484. Acts, 1918, pp. 149-153.

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. (485)

## Public Welfare

The county had almost unlimited freedom of action 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 have worked out their problems as best they could. One of the earliest acts of the Kentucky General Assembly 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. (486)

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. (487) Legislation of 1820 provided for a grant of 100 acres of waste land to any widow without an estate of a value of $100 or more. (488)

The establishment of poorhouses by counties, and the appointment of superintendents and receivers for the money appropriated for the maintenance of such institutions was provided for by legislation of 1821. (489) Although poorhouse commissioners, superintendents, and receivers were authorized by statutory provision, none of the titles were generally used. It became the practice of the county courts to designate some person to take charge of the poorhouse and poor farm, although the statutory provisions authorizing these appointments were reaffirmed by later legislation. (490)

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 object of trust confided to county courts as curators of the

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485. ACTS, 1936, PP. 298, 299.
486. LITTELL, VOL. 1, 1793, P. 191.
487. LITTELL, VOL. 2, 1798, P. 87; GEN. STAT., 1873 ED., P. 696.
488. ACTS, 1820-21, P. 159.
489. ACTS, 1821-22, P. 385.
490. REV. STAT., VOL. 2, PP. 215-217; GEN. STAT., 1873 ED., PP. 696, 697.

poor was two-fold: 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. (491)

Early in the history of Meade County, paupers were farmed out by the county court. (492) This practice continued until 1844, when a poorhouse and 300 acres of land were obtained by the county at an annual rental of $12. (493) In 1876 the county purchased from the heirs of W. H. Richardson the site of the present poor farm. (494) The poor farms of Meade County have always been operated under the supervision of poor commissioners, these being appointed first by the county court and later by the fiscal court. (495) Poor commissioners, however, are only quasi officers, performing such duties as are bestowed upon them as the agents of such authority. (496) At the present time Meade County has but three paupers at the poor farm. Other cases requiring direct relief, however, are cared for throughout the county by committees, the fiscal court paying for such care. (497)

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. (498) This allowance was later increased to $75 per year. (499)

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 the management of poorhouses and poor farms, and to provide for burial of paupers. (500)

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491. ORPHAN SOCIETY OF LEXINGTON V. FAYETTE COUNTY, 6 BUSH 413 (1869).
492. ORDERS COUNTY COURT, VOL. A, PP. 172, 297, 299, 306, SEE ENTRY 220.
493. MINUTES COUNTY COURT, VOL. D, P. 115, SEE ENTRY 221.
494. ORDERS COUNTY COURT, VOL. Q, P. 580, SEE ENTRY 220.
495. FISCAL COURT ORDERS, VOL. 5, P. 542, SEE ENTRY 2.
496. SILBERSACK V. KRAFT, ET AL., 194 KY. 587.
497. FISCAL COURT ORDERS, VOL. 6, P. 461, SEE ENTRY 2.
498. ACTS: 1823-24, P. 432; 1824-25, P. 112; REV. STAT., VOL. 2, PP. 215-217.
499. ACTS: 1891-93, P. 853; 1928, P. 81.
500. GEN. STAT., 1873 ED., P. 698.

When the fiscal court was created all legislation conferring upon county courts the care of the poor was repealed, and this function was placed under the jurisdiction of the fiscal court. (501)

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. (502) It was made a duty of the fiscal court in 1902 to provide hospitalization facilities for the indigent sick of the county, or contract with another hospital in the county for the care of such persons. (503)

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, county judge, or the Kentucky Children's Bureau. (504) 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. (505)

## 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 the 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 a 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.

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501. Acts, 1891-93, p. 268; FARMER V. MARR, 238 KY. 417 (1931).
502. Acts, 1894, pp. 28, 29.
503. Acts, 1902, p. 215.
504. Acts, 1928, pp. 129-142.
505. Acts: 1934, p. 879; 1936, First Extra Session, p. 3.

(First entry, p. 115)

From the creation of Meade County until December 1851, a person or persons wishing to have a new road opened or an existing road altered in the county, 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 viewers examined the proposed route - in case of an application to alter a road, they viewed 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 damnum to be directed to the sheriff, commanding the latter to impanel 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 viewer's 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. (506) This procedure continued unchanged - except that an act of 1851 stipulated that the county court should appoint only two road viewers (507) - until an act of 1893 provided the following changes in procedure: 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 damnum summoning interested parties to the hearing. If the latter filed no exceptions, the court made its decision. If exceptions were filed, the court impaneled 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

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506. LITTELL, VOL. 1, 1797, PP. 633-636.
507. REV. STAT., VOL. 2, PP. 285-289.

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 to the road overseer of the precinct in which the road was to be built, an order to that effect. (508)

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 notified 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 county court could apply to the circuit court for the non-cooperating county for a writ of mandamus, and thus force compliance. (509) This procedure, with minor variations (510), continued until 1893, when the fiscal court, instead of the county court, was given jurisdiction. (511)

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, ran 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. (512) This procedure was soon changed to give the county court sole authority in such a case (513), and this method was reaffirmed in 1893. (514)

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 the State roads and bridges throughout the Commonwealth. The commissioner of the State Department determined the method of their construction. (515) 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

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508. Acts, 1891-93, pp. 1187-1192.
509. Littell, vol. 1, 1797, p. 637.
510. Rev. Stat., vol. 2, pp. 292, 293.
511. Acts, 1891-93, pp. 1196, 1197.
512. Acts, 1859-60, p. 103.
513. Gen. Stat., 1873 ed., p. 268.
514. Acts, 1891-93, p. 1198.
515. Acts, 1912, pp. 98, 99.

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." (516) 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 State Commissioner of this body now acts as consultant in such inter-county matters. (517)

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. (518) The road surveyor continued indefinitely in office until the county court replaced him. (519) 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. (520) An act of 1894, reaffirmed by the present law, specified that his appointment by the court was for 2 years. (521)

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 the 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. (522) 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. (523) 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 $5 fine. (524)

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516. ACTS, 1914, P. 349.
517. ACTS, 1936, FIRST EXTRA SESSION, CH. 1, ART. 12, SEC. 1.
518. LITTELL, VOL. 1, 1797, P. 634; ACTS, 1914, P. 381.
519. LITTELL, VOL. 1, 1797, P. 634.
520. GEN. STAT., 1873 ED., P. 764.
521. ACTS: 1894, P. 79; 1914, P. 381.
522. LITTELL, VOL. 1, 1797, PP. 634, 635.
523. GEN. STAT., 1873 ED., P. 764.
524. ACTS, 1894, PP. 79, 80.

Governmental Organization and Records System

(First entry, p. 115)

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, until their emancipation. 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 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. (525) Ministers of the gospel were exempted from road work (526), as were all free male inhabitants of the county who were 50 years or older. (527) The road surveyor could not call out road hands on militia muster days. He had to give 2 days' notice to road workers, but could call out one or more hands at any time to remove road obstructions. (528)

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. (529) A later act changed the fine to $2.50. (530) 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. Delinquent road workers were fined $2.50, as before. Road and bridge supervision was placed under the fiscal court instead of the county court. (531) For other duties of that court in connection with the county's road system, see Fiscal Court, p. 106. 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

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525. LITTELL, VOL. 1, 1797, P. 633.
526. LITTELL, VOL. 3, 1804, P. 203.
527. Acts, 1822-23, P. 108.
528. Acts, 1819-20, P. 886.
529. REV. STAT., VOL. 2, P. 290.
530. Acts, 1865, VOL. 1, P. 137.
531. Acts, 1891-93, PP. 1194, 1195.

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. As before, fines of $2.50 were recoverable from delinquent workers. (532) A later law gave any one subject to road duty the privilege of exemption for a year upon payment of $10. (533) These statutory provisions have remained in effect to the present time. In 1932 the fiscal court was given the option of alloting hands for road work or of employing road labor. The overseers report to the fiscal court the number of road workers and the time worked, and furnish each worker a certificate of his time, in counties where the practice of employing road workers is followed, as it is in Meade. (534)

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 if the contractor consented. (535) Although an act of 1914 dropped the provision concerning contract work (536), this latter act was reenacted in 1926, and is the present law. (537)

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 of the peace, 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. (358)

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 over-

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532. Acts: 1894, p. 78; 1914, pp. 379, 380.
533. Acts, 1928, p. 591.
534. Acts, 1932, pp. 724, 725.
535. Acts, 1891-93, p. 1199.
536. Acts, 1914, p. 465 ff.
537. Acts, 1926, p. 713; Carroll, sec. 1379-1.
538. Littell, vol. 1, 1797, p. 835.

seer, 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. (539) These provisions continue in effect (540), 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. (541)

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. (542) Since 1892 the fiscal court has had power to issue bonds and levy an ad valorum tax for county buildings, subject to the approval of the voters. (543) 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 earlier days of Meade County, school buildings were provided by joint subscription and joint labor. (544) The act of 1838, however, which created the State Board of Education, authorized district school trustees to lease or purchase sites for needed schoolhouses. (545) Later legislation gave the district school trustees additional power to condemn property for the use of schools, provided such property did not exceed 1 acre (546), and in 1888 they were authorized to issue bonds for the erection of school buildings. (547)

An act of 1908, creating the county board of education, gave the 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. (548) 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. (549) 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 also issue bonds to obtain necessary funds for acquiring or building schools, and for the purpose of qualifying for financial

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539. Acts, 1891-93, pp. 1194, 1195.
540. Acts, 1914, p. 382.
541. Acts, 1932, p. 725.
542. See Fiscal Court, p. 106.
543. Acts, 1891-93, p. 198; Carroll, sec. 1872.
544. Lewis, op. cit., pp. 30, 31.
545. Acts, 1837-38, pp. 279-282.
546. Acts, 1883-84, vol. 1, pp. 133-137.
547. Acts, 1887-88, vol. 1, pp. 194, 200.
548. Acts, 1908, pp. 138-142.
549. Acts, 1912, pp. 141-146.

assistance from the Federal Government. (550)

Reclamation

The fiscal court was given authority in 1894 to carry out drainage programs (551), and by a later act the county judge was given power to carry out drainage projects for the purpose of draining or reclaiming low, swampy, or over-flowed lands. It was stipulated, however, that this action could be taken only upon petition of 25 per cent of the landowners of the land affected, or the owners of 25 per cent of the land. (552)

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. (553)

## Records System

Maintenance of Records

For the most part, in the early history of 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, and Meade County was no exception. Today, however, 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 officials of Meade County 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.

Such regulations as exist pertaining to the keeping of records were laid down as requirements of certain offices, since the four constitutions of Kentucky made no provision for a centralized head of county government, with supervision over the manner in which records were to be maintained. Arrangement of the county's records, therefore, leaves a great deal to be desired from the standpoint of modern archival practice.

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550. Acts, 1934, pp. 266-268, 364-370.
551. Acts, 1894, p. 216 ff.
552. Acts: 1912, p. 483; 1918, p. 502 ff.
553. Acts: 1918, p. 191; 1924, p. 491.

Titles

In Meade County, as in most Kentucky counties, inaccuracies are often found in the titling of early records. Titles assigned to both file boxes and volumes do not always describe accurately the records contained therein, and such titles prove puzzling or misleading to the consultant of the records. Original records are filed at random in file boxes in the various offices, especially in the county court clerk's office.

Either through carelessness, or from a desire to economize, the officials frequently used blank pages remaining in volumes to enter records entirely different from those which are indicated by the title. Such volumes, unless properly labeled, give no evidence of the miscellaneous records they contain; and, unless carefully checked, they may conceal parts of record series, thus causing the series to appear incomplete. "Miscellaneous Bonds," entry 51, is another example of recording that is very confusing. The original documents from 1867 to the present are filed in 18 bundles and 2 volumes. The bundles were discontinued and the original bonds in late years have been recorded in volumes. In this series 40 different types of bonds were recorded. The deed books were also used to record many dissimilar records, and "Deeds," entry 58, contains 17 types of records other than deeds.

Record Content

Among the records kept by the first courts established in the county, and still maintained, are the following: Order books; records pertaining to guardianship, trusteeship, apprenticeship, and the probate of wills; civil, chancery, and actions at law, including case papers, dockets, judgments, 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 (554), has recorded deeds, wills, leases, records of personal property, liens, and mortgages, including chattel

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554. Acts, 1891-93, p. 1054.

(First entry, p. 115)

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 consuses, 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 Meade 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, 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

In addition to $150 furnished by the State, the fiscal court is authorized to appropriate funds to purchase the necessary record books and supplies which are used in the various county offices. (555)

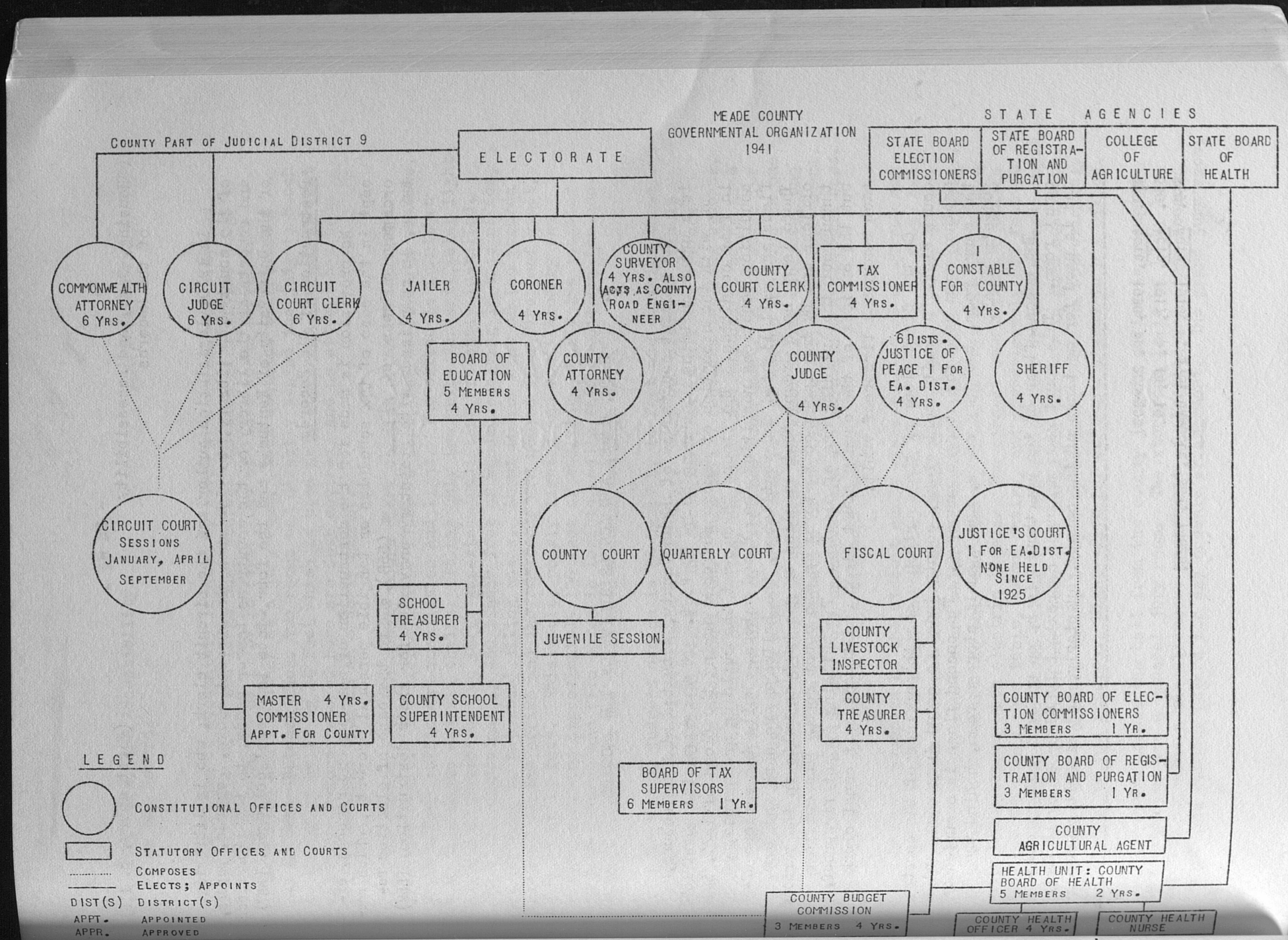
## Preservation of Records

Certain provisions have 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. They can be filed here permanently and thus be preserved for the use of historians or persons interested in the records. (556) Old marriage records for the years 1853-57, 1859-60, and 1901, 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 State Historical Society.

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555. ACTS, 1891-93, P. 268.
556. ACTS, 1926, P. 869.

STATUTORY OFFICES AND COURTS
COMPOSES
ELECTS; APPOINTS
DIST(S)
DISTRICT(S)
APPT.
APPR.
APPOINTED
APPROVED
COUNTY BUDGET COMMISSION 3 MEMBERS 4 YRS.
COUNTY HEALTH OFFICER 4 YRS.
HEALTH UNIT: COUNTY BOARD OF HEALTH 5 MEMBERS 2 YRS.
COUNTY HEALTH NURSE


MEADE COUNTY
GOVERNMENTAL ORGANIZATION
1941
COUNTY PART OF JUDICIAL DISTRICT 9
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 SURVEYOR 4 YRS. ALSO ACTS AS COUNTY ROAD ENGINEER
COUNTY COURT CLERK 4 YRS.
TAX COMMISSIONER 4 YRS.
CONSTABLE FOR COUNTY 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 JANUARY, APRIL SEPTEMBER
COUNTY COURT
QUARTERLY COURT
FISCAL COURT
JUSTICE'S COURT 1 FOR EA. DIST. NONE HELD SINCE 1925
SCHOOL TREASURER 4 YRS.
JUVENILE SESSION
COUNTY LIVESTOCK INSPECTOR
COUNTY TREASURER 4 YRS.
MASTER COMMISSIONER 4 YRS. APPT. FOR COUNTY
COUNTY SCHOOL SUPERINTENDENT 4 YRS.
COUNTY BOARD OF ELECTION COMMISSIONERS 3 MEMBERS 1 YR.
COUNTY BOARD OF REGISTRATION AND PURGATION 3 MEMBERS 1 YR.
BOARD OF TAX SUPERVISORS 6 MEMBERS 1 YR.
COUNTY AGRICULTURAL 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)
APPT. APPOINTED
APPR. APPROVED

Housing, Care, and Accessibility of the Records (First entry, p. 115)

In 1930, 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 library or the county no longer needs, to the libraries of the University of Kentucky and the four State teachers' colleges. (557)

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 records may be destroyed after 5 years (558), and in the case of election returns, in compliance with statutory provision for their destruction. (559)

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## 3. HOUSING, CARE, AND ACCESSIBILITY OF THE RECORDS

The present courthouse of Meade County, situated at Brandenburg, is a brick building measuring 50 by 80 feet. It was completed about 1873 and, with the exception of damage suffered during the flood of 1937, is in fair condition. The floors throughout the building are warped, a condition doubtless resulting from flood waters. While the various offices are well lighted and ventilated, the hallways are dark and damp. There is no heat except that supplied by gas heating units in the various offices and by two large coal stoves in the court room. The ceilings throughout the building are of plaster. The building is not fireproof, but the offices of the county court clerk and the circuit court clerk each contain a fireproof vault.

On the first floor of the courthouse are the offices of the county court clerk, circuit court clerk, county judge, a grand jury room, and another room used for storage purposes. The second floor is occupied by the court room, two jury rooms, and a small storage room, behind the judge's bench.

The second floor of the courthouse is taken up by a hallway and a court room. This court room measures approximately 56 by 47 by 18 feet, and is used for meetings of the county, quarterly, and circuit courts.

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557. Acts, 1930, pp. 200-203.
558. Acts, 1917, pp. 14, 15.
559. Acts, 1918, p. 378; Carroll, sec. 1482b.

Housing, Care, and Accessibility of the Records (First entry, p. 115)

The court room is adequately lighted by seven windows on each side and heat is furnished by two large coal stoves. On each side of the judge's bench is a room, 16 by 17 by 18 feet. One of these rooms serves as a witness room and the other as a jury room. Each contains chairs and a gas heater. Between these two rooms and directly behind the judge's bench is a room 11 by 12 by 18 feet which is used as a storeroom for non-current records. Records stored here are dust covered, and no attempt has been made to arrange them in an orderly manner.

The quarters of the county court clerk consist of an office and a fireproof vault. The office, 26 by 17 by 14 feet, has three large windows, which afford sufficient ventilation and light. The office is furnished with five desks and six chairs. It has only two bulbs for artificial lighting and is heated by two large gas-steam radiators, recently installed. There are approximately 450 linear feet of wooden shelving in this office, in addition to two steel filing cases. About 50 per cent of the records are kept in the office and the remainder are housed in a fireproof vault, 7 by 17 by 14 feet. This vault, poorly lighted and ventilated by one window, contains approximately 100 feet of shelving. While the labeling on both records and file boxes is legible and in fair condition, the non-current records in the vault have accumulated much dust.

The county judge's office is 25 by 17 by 14 feet and contains three windows, which afford good natural lighting. Only one electric bulb is available for artificial light. The floor here, as in all the offices and hallways, is in poor condition. This office contains two long benches, two tables, one desk, and four chairs, one table and two chairs being used by a representative of the Old Age Assistance Department. Ample space for the records is supplied by approximately 150 feet of wooden shelving on one side of the room. The office also contains two steel filing cabinets, one of which is used by the representative of the Old Age Assistance Department. Records in the office are well preserved and are maintained with great care. There is ample space here for additional records.

Quarters occupied by the circuit court clerk consist of an office and a fireproof vault. Although the office, which is 26 by 17 by 14 feet, has three windows, it does not seem to be as well lighted naturally as the office of the county court clerk which has the same dimensions and is similarly arranged. The vault has only one window, which affords poor lighting. It is not equipped with electric lights. The circuit court clerk's office contains two desks, one table, seven chairs, and approximately 350 feet of wooden shelving. One steel filing case containing four drawers affords ample space for records, which have been well cared for and are in good condition. The circuit court clerk's vault, 17 by 7 by 14 feet, contains approximately 15 per cent of his records. Eighty-five per cent are stored in his office.

The space across the hall from the county judge's office is occupied by a storeroom and a general jury room. The storeroom is 13 by 17 by 14 feet and contains a miscellaneous assortment of election and other records housed here without regard for any orderly arrangement. The grand jury room,

which has the same dimensions as the storeroom, is poorly lighted and ventilated. It contains chairs and a table for use of grand jurors. This room is also used for meetings of the board of tax supervisors. No records are stored here.

The commonwealth's attorney has his headquarters in his private law office situated in a frame building on the courthouse grounds. His records are cared for by the circuit court clerk.

The master commissioner has no office of his own and his records are kept in the office of the circuit court clerk.

The county attorney of Meade County has quarters in the frame building on the courthouse grounds. This office, 9 by 15 by 12 feet, is equipped with modern office furnishings and is of more recent construction than the courthouse. Two windows afford ample light and ventilation, and the office is heated by a gas heater. The county attorney keeps no records.

The justices of the peace have maintained no records in Meade County for approximately 15 years, but those of previous years are stored in the offices of the county judge and the county court clerk.

The sheriff's office adjoins the office of the county attorney and is of the same dimensions as the latter. It is ventilated and lighted by two windows and is heated by gas. This office is equipped with two tables and chairs, and has no filing facilities. The records of the sheriff are housed in the office of the county court clerk.

Since the jailer has no office in the county, he uses his residence as headquarters. The jail and the jailer's residence are in the same building, which is situated on a high hill behind the courthouse. The jailer maintains no records, except a jail register which he keeps in his home.

The coroner also has no office in the county. His records are divided between the offices of the county court clerk and the circuit court clerk.

The tax commissioner is not furnished office space by the county, but the records kept by this officer are filed in the county court clerk's office. The board of tax supervisors meets in the grand jury room, and their records are stored in the office of the county court clerk.

The treasurer of the county is the local banker. His records are filed with the county court clerk.

The county board of election commissioners does not maintain any office, and the records of this body are stored in the office of the county court clerk.

The county school superintendent occupies quarters in the Lottie Wilson Building, some distance from the courthouse. This office also serves

Housing, Care, and Accessibility of the Records

(First entry, p. 115)

as headquarters for the county board of education. The superintendent's office is approximately 12 by 14 by 14 feet. An adjoining room, used for storage of supplies, maasures about 10 by 10 by 14 feet. The superintendent's office is adequately furnished and modern in every respect. It is lighted and ventilated by two windows; a steam radiator supplies heat. This office also contains a safe and steel filing equipment for the safe preservation of records, all of which are housed here.

Meade County has a modern, well equipped, and efficient county health unit, with offices also in the Lottie Wilson Building. The quarters occupied by the health unit consists of an outer office, about 16 by 12 by 14 feet, a private office of approximately the same dimensions, and a small hallway which has been converted into a laboratory. These offices are amply lighted and ventilated, and are heated by steam radiators.

The county has no separate county welfare department; however, a certifying agent employed by the county is furnished office space in the Masonic Building.

The offices of county surveyor and county road engineer are combined in Meade County. All records pertaining to these offices are filed with the county court clerk.

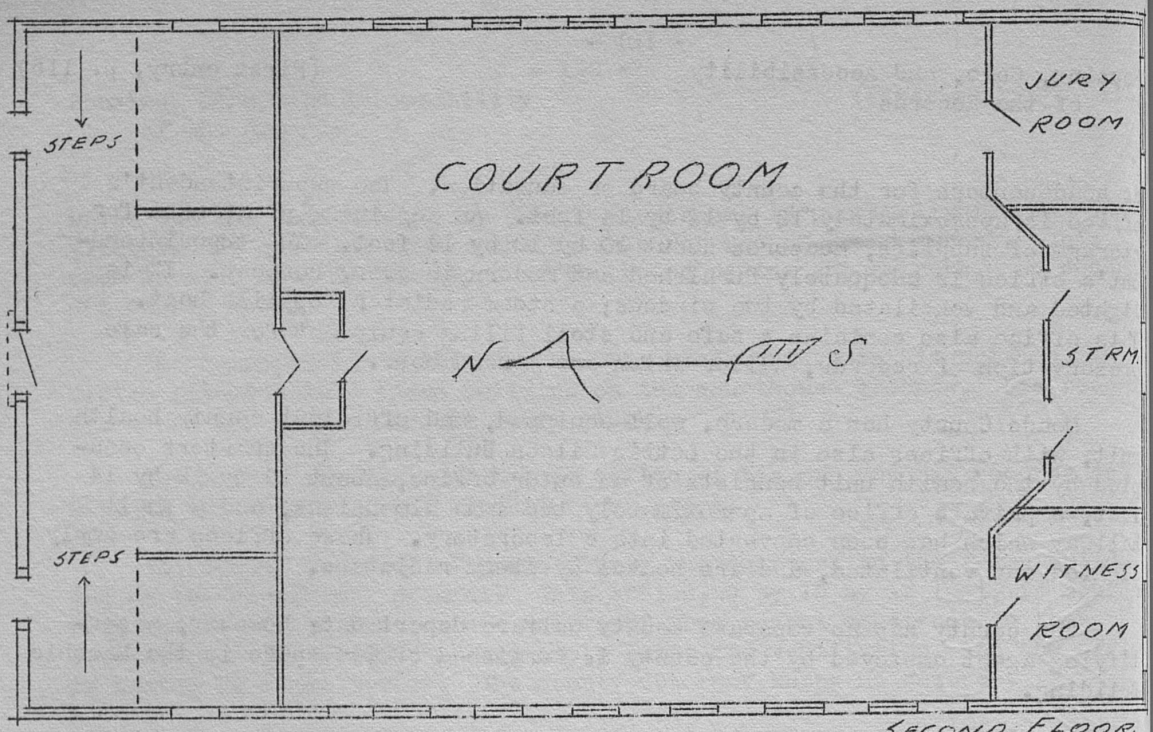
The county agricultural agent maintains three offices in the Masonic Building. The general office is about 20 by 16 by 14 feet, and the other two offices are 21 by 10 by 14 feet each. These offices are well lighted and ventilated, and are heated by a large coal stove. They are also equipped with modern office furnishings, including steel filing equipment.

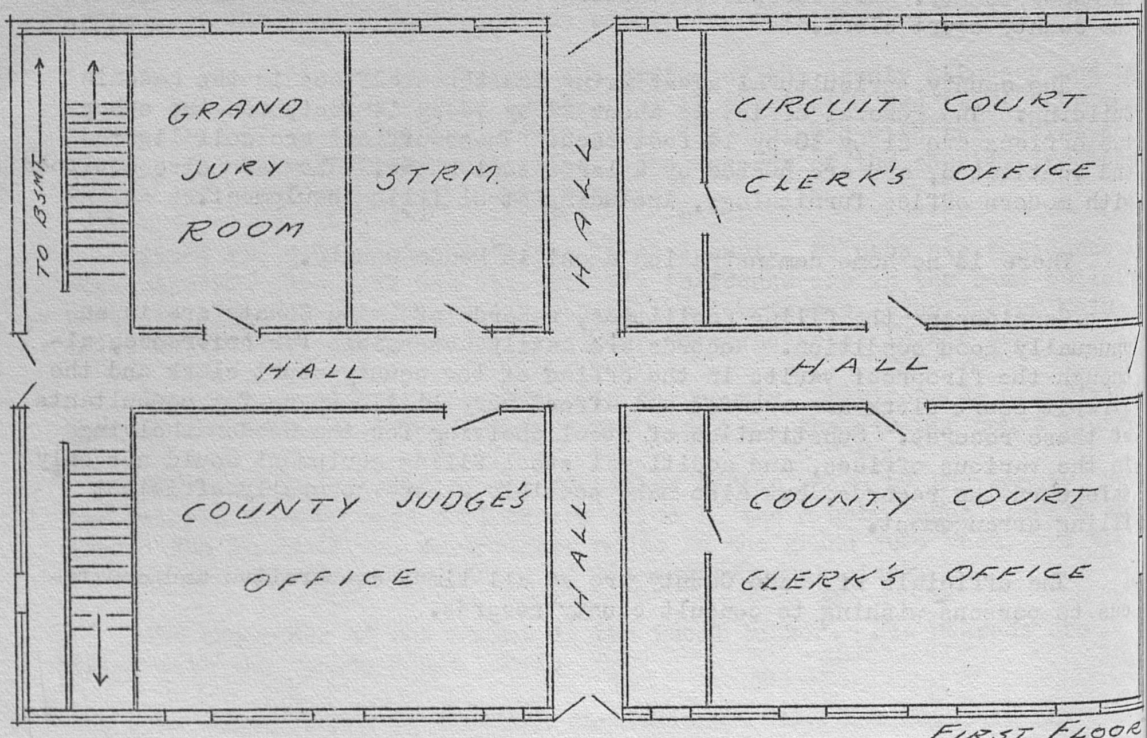
There is no home demonstration agent in Meade County.

Considering the filing facilities, records of Meade County are in an unusually good condition. Records are easily accessible for reference, although the fireproof vaults in the office of the county court clerk and the circuit court clerk are crowded and afford very little space for consultants of these records. Substitution of steel shelving for the wooden shelving in the various offices, and additional steel filing equipment would not only safeguard the records, but also make possible a more generally efficient filing arrangement.

The officials of Meade County are at all times cooperative and courteous to persons wishing to consult county records.

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SKETCH
OF
FLOOR PLANS

# MEADE COUNTY COURTHOUSE

(First entry, p. 115)

## 4. ABBREVIATIONS, SYMBOLS, AND EXPLANATORY NOTES

### Abbreviations

alph. . . . . alphabetical(ly)
arr. . . . . arrangment or arranged
art(s). . . . . article(s)
aver. . . . . average
bd. . . . . board
bdl(s). . . . . bundle(s)
ch. . . . . chapter
chron. . . . . chronological(ly)
cir. . . . . circuit
clk. . . . . clerk's
co. . . . . county
Const. . . . . Constitution of Kentucky
Crim. . . . . Criminal
ct. . . . . court
dist. . . . . district
docs. . . . . documents
ed. . . . . 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
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
loc. cit. . . . . in the place cited
p., pp. . . . . page, pages
pkgs. . . . . packages
pr. . . . . printed
Rev. Stat. . . . . Revised Statutes of Kentucky
rm. . . . . room
S.W. . . . . Southwestern Reporter
sch. . . . . school
sched. . . . . schedule
sec(s) . . . . . section(s)
sess. . . . . session

Abbreviations, Symbols, and Explanatory Notes (First entry, p. 115)

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 for certain states are occasionally used.

## Symbols

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

## 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 contain 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. Those 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

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

of their importance. Center headings are used to designate a group of similar records; subheadings at the left-hand margin indicate a group of specifically related records.

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 written in upper case and enclosed in parentheses. Titles of artificial entries are also 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 2 "Fiscal Court Order Book, Apr. 1900--. 6 vols. (1-6). Apr. 4, 1893-Mar. 1900 in Orders County Court, entry 220." Title-line cross references are arranged chronologically as in entry 90, "Chattel Mortgages, 1927--. 300 docs. in 6 f.b. 1824-73 in Recorded Deeds, entry 57; 1874-1927 in Real Estate Mortgages, entry 83." 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 25, "Also contains: Jailers Settlements, 1926--, entry 26; Treasurers Reports, 1919--, entry 28." 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.

(First entry, p. 115)

# I. FISCAL COURT

## Structure

### Creation

In 1824, when Meade County was established, the fiscal affairs of the county 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 of the fiscal functions formerly vested in the court of claims and levy. (1)

The fiscal court of Meade 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. In view of the fact that 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 first recorded meeting of the Meade County Fiscal Court was held at Brandenburg, the county seat, on April 4, 1893, approximately a year after fiscal courts were generally established. (2)

From time to time various disputes arose because of the misconception of some county judges that the powers previously vested in the county court of claims and levy were construed as belonging solely to the county court, namely, the county judge, and not to the fiscal court. 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. (3) Another 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 present constitution and possessed many judicial powers, it was not exclusively a judicial tribunal, since many non-judicial powers were also vested in the county court. (4)

### Selection and Term

The fiscal court of Meade County was, as is the case today, composed of the county judge and six justices of the peace, elected to a 4-year term of office. (5)

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1. CONST. OF 1891, SEC. 144; ACTS, 1891-93, PP. 268-274; CARROLL, SEC. 1840.
2. ORDERS COUNTY COURT, VOL. N, P. 10, SEE ENTRY 220.
3. SILBERSACK V. KRAFT ET AL., 194 KY. 587.
4. PENNINGTON V. WOOLFOLK, 79 KY. 13.
5. ACTS, 1891-93, P. 268; FOR OTHER FEATURES OF STRUCTURE OF THESE OFFICIALS' OFFICES, SEE JUSTICES' COURTS, P. 237 AND COUNTY COURT, P. 193.

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. (6) The Meade County Fiscal Court now meets on the second Tuesday in each month. (7)

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. (8)

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. (9)

## Functions

Fiscal Administration

By the act establishing fiscal courts it was provided that, "the corporate powers of the several counties of the state shall be exercised by the fiscal courts thereof respectively." (10) The fiscal courts have always been required to lay the county levy with which to pay the county's debts and obligations. (11) The sheriff or other officer who collected the taxes was required to make an annual settlement, or one more often, if necessary, with the fiscal court, showing the amount of the poll tax and also the amount of the ad valorem taxes collected, as well as an itemized statement of the 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 had to be posted at the front door of the courthouse and in at least three other public places in the county. (12)

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6. CONST. OF 1891, SEC. 144; ACTS: 1891-93, PP. 269, 270; 1932, P. 147.
7. FISCAL COURT ORDERS, VOL. 6, P. 21, SEE ENTRY 2; KENTUCKY COURT CALENDAR FOR 1938-1939, LOUISVILLE, P. 61.
8. ACTS, 1891-93, P. 268.
9. ACTS, 1891-93, PP. 266, 269; CARROLL, SEC. 126.
10. ACTS, 1891-93, P. 269.
11. ACTS, 1891-93, PP. 40, 41.
12. ACTS, 1891-93, PP. 41, 42.

Revenue

According to provisions of the Constitution of 1891, the 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. (13) 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 was not to exceed 50 cents on each $100 worth of taxable property assessed in the county, based on the supervised assessment for State taxes. (14) 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. (15)

Disbursements

Since 1892, 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, and upon approval, the court orders such settlements to be recorded by the clerk in a book specifically kept for that purpose. (16)

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 per cent per annum from that date until it was paid or called in for payment. (17) 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 place of issuing 6 per cent warrants. (18) An act of 1926 attempted to repeal section 1840-a, but was held unconstitutional on December 17, 1926. (19) In 1932 legislation repealing section 1840-a was upheld on June 9, 1933 (20), 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

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13. CONST. OF 1891, SEC. 180.
14. ACTS, 1891-93, P. 41.
15. ACTS, 1938, PP. 63, 64; CARROLL, SEC. 2554D-112.
16. ACTS, 1891-93, P. 522; CARROLL, SEC. 931; SEE COUNTY COURT CLERK, P. 127; COUNTY TREASURER, P. 287.
17. ACTS, 1912, PP. 227, 228.
18. ACTS, 1916, P. 581; CARROLL, SEC. 1840-A.
19. FELTS V. LINTON, 217 KY. 305.
20. STATE BUDGET COMMISSION V.ADAMS, 249 KY. 680.

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. (21) 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. (22)

Audit

In 1922, legislation 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. (23)

The Meade 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. (24)

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 prior to the adoption of the present constitution for railroad or other purposes, 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 per cent 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 payment. (25) This act was later amended to include all legally issued bonds, whether issued prior or subsequent to September 28, 1891. (26)

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

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21. Acts, 1934, pp. 68, 69; Carroll, sec. 1851c-7; see County Budget Commission, p. 284.
22. Acts, 1891-93, p. 226; Carroll, sec. 938h-57; see County Treasurer, p. 287.
23. Acts, 1926, p. 161.
24. Const. of 1891, sec. 157.
25. Acts, 1891-93, p. 222.
26. Acts, 1904, p. 177; Carroll, sec. 1852.

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. (27)

3. Bridge Bonds: The court was authorized in 1892 to issue bonds bearing not more than 6 per cent 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 valuation to pay interest and sinking fund requirements. (28) An act of 1914, however, attempted to repeal section 1862 (29), 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 (30), and also for other county purposes (31), if the proposition was submitted to the voters for their approval or rejection. (32) In 1893 the fiscal court was empowered to levy a special ad valorem tax not exceeding 25 cents per $100 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." (33) 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. (34) In November 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 that it was not in excess of 5 per cent of the value of taxable property, and that such additional indebtedness be 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 for the purpose of providing for interest and sinking fund requirements. (35) Bonds issued under this section had to be limited to such an amount as could be paid from this tax. This limit was not affected by the appropriation of a part of the tax of 50 cents levied for general court purposes, to pay interest and to create a sinking fund. (36)

An act of 1914 authorized the court to issue and sell 5 per cent 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. (37)

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27. Acts, 1891-93, pp. 5, 6; Carroll, sec. 1857.
28. Acts, 1891-93, pp. 203, 205; Carroll, sec. 1862, et seq.
29. Acts, 1914, p. 382; Carroll, sec. 4356s.
30. Acts, 1834-35, p. 360.
31. Acts: 1891-93, p. 445; 1926, p. 865.
32. Acts, 1891-93, pp. 203-206.
33. Acts, 1891-93, pp. 1193, 1194.
34. Acts, 1908, p. 71.
35. Const. of 1891, as amended November 1909, sec. 157a.
36. Smith v. Livingston County, 195 Ky. 382.
37. Acts, 1914, pp. 347, 348; Carroll, sec. 4307.

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. (38) 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 purpose, the court could levy a tax not exceeding 30 cents per $100 to be appropriated as follows: 1. to the payment of the interest on the bonds; 2. the balance 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 per cent of its value, at legal interest which accrued to the sinking fund. (39) This latter section, giving the court permission to levy a tax not over 30 cents, was held unconstitutional and void in so far as it purported to authorize a tax exceeding the constitutional limit, (40) of twenty cents per $100. (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 tax not exceeding 20 cents per $100, 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 per cent 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) This act is valid. (44)

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

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38. DENTON V. PULASKI COUNTY, 170 KY. 33; WHITLEY COUNTY V. LUTEN BRIDGE CO., 208 KY. 625.
39. ACTS, 1914, P. 348; CARROLL, SEC. 4308.
40. SECTION 157A.
41. MITCHELL V. KNOX COUNTY FISCAL COURT, 165 KY. 543.
42. ACTS, 1916, PP. 51, 52; CARROLL, SEC. 4307A-1.
43. ACTS, 1917, P. 23; CARROLL, SEC. 4307B-1.
44. COLLIER V. BOURBON COUNTY FISCAL COURT, 188 KY. 491.

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 to pay interest and sinking fund charges on the bonds. (45) A law of 1934 provides that the court can constru and maintain county school buildings and can issue bonds to defray the necessary expenses as a means of qualifying for Federal aid under WPA. (46)

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. (47)

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 (48), and may create a health district. (49) Meade County today has an up-to-date health organization. (50)

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 Meade County. (51) It was authorized to purchase land for use as a county poor farm (52), and later statutes authorized it to provide a poorhouse and a poor farm (53)

2. Provision for Indigent Sick, Recreation: Since 1902 the fiscal court has had authority to provide for the hospitalization of the indigent sick. (54) 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. (55) In 1924, the court was given the following 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 sanitariums. (56)

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

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45. Acts, 1891-93, pp. 198-206; Carroll, sec. 1872, et seq.
46. Acts, 1934, pp. 366-368; Carroll, secs. 4421-24, 4421-25.
47. Acts, 1932, p. 126.
48. Acts: 1891-93, pp. 824, 825; 1904, pp. 106, 107.
49. Acts, 1918, p. 294.
50. See County Health Unit, p. 327.
51. Acts, 1891-93, p. 270; Carroll, sec. 1840.
52. Acts, 1891-93, p. 187.
53. Acts: 1902, p. 215; 1906, p. 342; 1922, pp. 161, 162; Carroll, sec. 1840.
54. Ibid.
55. Acts, 1936, pp. 298, 299; see entry 37.
56. Acts, 1924, pp. 25, 30, 256, 293, 294.

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. (57) 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 (58); and in 1894, by appointing a county road supervisor with general supervision of county roads and bridges. (59) In 1914, the county road supervisor was replaced by the county road engineer, who was appointed, upon the approval of the court, by the county judge. (60)

2. Public Buildings: The fiscal court has always been authorized to finance the construction of necessary county buildings such as a courthouse and jail, and provide in the county levy for their repair. (61) 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 for the erection and equipment of a courthouse and jail. (62) Later statutes 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. (63) Meade 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 (64), but Meade 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. If the vote was in the affirmative, the county judge was required to prepare semi-annual 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, prepare county bonds to be turned over to the fiscal court, and the latter court then contracted for the work. The bonds were paid by taxation of the inhabitants of the taxing districts. (65) 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.

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57. LITTELL, VOL. I, 1797, PP. 633-636; ACTS, 1914, PP. 338-382.
58. LITTELL, VOL. I, 1792, P. 90; GEN. STAT., 1873 ED., P. 764.
59. ACTS, 1894, PP. 80, 81.
60. ACTS, 1914, P. 357.
61. ACTS, 1891-93, P. 270; CARROLL, SEC. 1840.
62. ACTS, 1910, P. 155.
63. ACTS: 1914, P. 1 FF.; 1928, PP. 156, 157.
64. ACTS, 1916, PP. 479, 480.
65. ACTS, 1894, P. 216 FF.

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. (66)

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. (67) The fiscal court of Meade County has appropriated funds for an agricultural agent, but the county has no demonstration agent. 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)

2. Weights and Measures: Prior to the creation of the fiscal court, the county court was required to furnish a standard of weights and measures. (71) 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 clerk. (72) In addition to this, the court could appoint an inspector of weights and measures for a 2-year term to test public and commercial scales. (73) This act was later repealed, however (74), 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 2 members of the county library board. (75) In 1930 the court was required to establish a county law library at Brandenburg, and provide adequate quarters for it. The circuit court clerk is librarian and the members of the fiscal court act as library trustees. (76)

4. Appointments: Since 1393 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. (77) 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.

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66. Acts, 1930, pp. 36, 37; Carroll, secs. 2413-2416.
67. Acts, 1916, p. 156.
68. Acts, 1910, pp. 196, 197.
69. Acts, 1914, p. 385.
70. Acts, 1918, pp. 375, 376.
71. Acts, 1838-39, p. 84.
72. Acts, 1910, pp. 265, 266.
73. Acts, 1910, p. 266.
74. Acts, 1914, p. 129.
75. Acts, 1920, p. 639.
76. Acts, 1930, pp. 200-203.
77. Acts, 1891-93, pp. 226,522; Carroll, sec. 928; see County Treasurer, p. 287.

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

## Proceedings

1. MINUTE BOOK FISCAL COURT, Mar. 1923--. 2 vols. Apr. 4, 1893-Feb. 1923 in Minutes County Court, entry 221.
Minutes of proceedings of each daily session of fiscal court, showing: date, term of court, names of presiding judge, members of court present, and parties concerned, summary of proceedings, action taken, and notation of adjournment. Arr. chron. by date of court term. No index. Hdw. Aver. 450 pp. 16 x 11 x 3. Co. ct. clk. vt.

2. FISCAL COURT ORDERS, Apr. 1900--. 6 vols. (1-6) Apr. 4, 1893-Mar. 1900 in Orders County Court, entry 220.
Record of administrative and road orders issued at each daily session of fiscal court terms. Administrative orders include: accepting bids and approving contracts; advertising for bids; allowing payment of claims for county and pauper expenses; appointing commissioners to settle with county officials, committees to negotiate loans, county officials, and members of bond commission; appropriating funds for payment of county's expenses; approving officials' bonds, commissions, reports, resignations, and settlements; directing the collection of delinquent taxes; establishing magisterial districts, rates of levy, salaries of county officials and employees, and voting precincts; granting franchises; issuing bonds; allowing poll tax exemptions; printing ballots for county elections; providing insurance coverage for county owned property; purchasing equipment, material, and supplies; and retiring bonds. Road Orders include: Accepting road right-of-ways; advertising for bids; approving contracts; appointing road engineers, road and bridge commissioners, road overseers, road supervisors, and road surveyors; building new roads and changing courses of old roads; issuing ad quod damnum writs; purchasing equipment, material, and supplies to be used on roads and bridges; and assigning workers to county roads. Summary of each order, showing: date, term of court, names of presiding official, members of court present, and principal involved, nature of order, and signature of presiding official. Also contains: Claim Book, Apr. 1900--, entry 19. Arr. chron. by date of order. No index. Hdw. Aver. 600 pp. 18 x 13 x 2.

## Finance

### Administration

3. BUDGET, July 1936--. 5 docs. in 1 f.d.
Financial statements of anticipated income and expenditures prepared by county budget commission and approved by State Department of Revenue before submission to fiscal court, showing: date, period for which budget is prepared, itemized estimate of receipts, source of receipts, total amount of income and expenditures of current and previous year, amount allotted to each county unit, amount of bonded and other indebtedness, approval of State Revenue Department, signatures of budget commissioners, and approval of county judge. Arr. chron. by date of record. No index. Typed. 8 x 14 x 4. Co. judge off.

4. RULINGS OF ATTORNEY GENERAL AND REPORTS OF STATE INSPECTOR (County Audit), 1935--. 4 docs. in 1 f.d.
Audit reports of officials' accounts made by agents of State Auditor's office and submitted to fiscal court and Governor of Commonwealth, showing: names of Governor and county judge, date of report, title of office examined, detailed analysis of receipts and disbursements, condition of each fund, obligations and bonded indebtedness of county, and signature of Auditor. Arr. chron. by date of report. No index. Typed. 8 x 14 x 4. Co. judge off.

Revenue

5. COUNTY LEVY, Sept. 1860-1902. 75 docs. in 2 bdls., 1 f.b.
County levy as established by court of claims and levy prior to Apr. 4, 1893 and subsequently by fiscal court to raise revenue for county's expenses, showing: date, rate of levy, amount of county's tax assessment, total anticipated revenue, amount allotted to each fund, and signature of county judge. Arr. chron. by date of record. No index. Hdw. Bdls., 3 x 8 x 4; f.b., 4½ x 4½ x 10.
For subsequent records, see entry 2.

Taxation

6. CERTIFICATION OF ASSESSMENTS, 1930--. 50 docs. in 1 f.b.
County court clerk's certified statements furnished fiscal court of tax assessments made by tax commissioner, showing: district number, name of taxpayer, description of property, tax assessment on each article, total assessment, date, sworn statement and signature of county court clerk. Arr. chron. by date of assessment. No index. Typed. 4½ x 4½ x 10.

7. FRANCHISE AND TANGIBLE ASSESSMENTS OF CORPORATIONS, July 1923--. 75 docs. in 1 f.b.
Assessment schedules furnished fiscal court by State Tax Commissioner of levies on public utilities, showing: name and address of corporation, date assessed, description of property, assessed value, amount and distribution of tax, and signature of State Tax Commissioner. Arr. chron. by date of schedule. No index. Hdw. on pr. fm. 4½ x 4½ x 10.

8. FRANCHISE ASSESSMENTS, July 27, 1904--. 2 vols. Title varies: Ledger, 1 vol., July 27, 1904-Aug. 30, 1929.
Record of assessment schedules levied on tangible property of public utilities furnished fiscal court by State Tax Commissioner, showing: name of corporation, date of assessment, description of property, assessed value, amount due county, distribution of tax, name of State Tax Commissioner, date recorded, and certification of county court clerk. Arr. chron. by date recorded. No index. Hdw. Aver. 250 pp. 15 x 13 x 1½.

9. TAX EXEMPTION NOTICES, 1907--. 275 docs. in 3 f.b.
Notices issued by fiscal court exempting named property owners from payment of county levy for certain specified reasons, showing: date of notice, name of taxpayer, description of property, assessed value, reason for exemption, and signature of county judge. No obvious arr. No index. Hdw. on pr. fm. 4½ x 4½ x 10.

10. DELINQUENT LIST, 1824-50. 75 docs. in 3 bdls.
List of delinquent taxpayers furnished county court of claims and levy by co

ty court clerk, showing: name of taxpayer, amount of land, watercourse, value of each tract of land, number of town lots, value of each lot, number of white males in family over 21 years of age, and number of slaves owned over 16 years of age, total number and value of slaves, total number and value of horses and mules, total tax due, date list filed, and signature of county court clerk. Arr. chron. by date of list. No index. Hdw. on pr. fm. 3½ x 9 x 4.

For subsequent records, see entry 11.

11. DELINQUENT TAX RECEIPTS AND TAX WARRANTS, 1902--. 750 docs. in 4 f.b. Duplicates of tax receipts given by sheriffs to payers of delinquent tax bills and tax warrants issued by fiscal court directing sheriffs to collect delinquent taxes, showing on tax receipts: number of tax bill, name of delinquent taxpayer, district number, assessed value and equalized value of property, total tax paid, date paid, and signature of sheriff; and on tax warrants, showing: name of delinquent taxpayer, amount of tax, interest, penalty, and costs due, year delinquent, and signature of county court clerk. Arr. chron. by date of instrument. No index. Hdw. on pr. fm. 4½ x 4½ x 10.

For prior records, see entry 10.

12. DELINQUENT TAX BOOK, Nov. 1, 1906--. 2 vols. Prior records destroyed. Record of tax warrants issued to sheriff for collection of delinquent taxes, showing: number of tax bill, name of delinquent taxpayer, description of property, assessed value, amount of taxes, interest, penalty, date interest begins, clerk's costs, sheriff's costs, number of warrant, date issued, county to which issued, amount of warrant, sheriff's return, amount sold for, amount paid in redemption, date of redemption, and remarks. Arr. chron. by date of warrant. No index. Hdw. on pr. fm. Aver. 250 pp. 16 x 19½ x 2. Co. ct. clk. vt.

13. SHERIFFS' REPORT OF PROPERTY SOLD FOR TAXES, 1915--. 170 docs. in 3 f.b.
Original reports made to fiscal court by sheriffs of property sold for nonpayment of taxes, showing: name of taxpayer, amount of tax, cost, and penalty, location and description of property, date and amount of sale, number of tax bill, name of purchaser, signature of sheriff, date filed, and certification of county court clerk. Arr. chron. by date filed. No index. Typed. 4½ x 4½ x 10.

14. JUDGMENTS ON OMITTED PROPERTY, 1912--. 75 docs. in 1 f.b.
Record of suits filed by fiscal court against property owners who omitted certain named property from county tax rolls, showing: name of taxpayer, location and description of property, year omitted from tax roll, appraisal value, and signatures of county attorney and county judge. No obvious arr. No index. Typed on pr. fm. 4½ x 4½ x 10. Co. judge off.

15. TAX SUITS, 1911-16. 35 docs. in 1 f.b. Record discontinued.
Notices of suits filed by fiscal court and agents of State Revenue Department against delinquent taxpayers, showing: date suit filed, name of delinquent taxpayer, years delinquent, location and description of property, assessed value, amount of tax, interest, penalty, and costs due, and signatures of county judge and agent of State Revenue Department. No obvious arr. No index. Hdw. on pr. fm. 4½ x 4½ x 10.

16. ASSESSMENT ERRORS, 1927--. 115 docs. in 1 f.b. Prior records destroyed.

Affidavits made before county judge by taxpayers claiming erroneous assessments on their property and praying for proper relief from said erroneous assessment, showing: name of taxpayer, date of affidavit, description and location of property, amount assessed, tax bill number, amount assessed in error, signature of taxpayer, and acknowledgment of county judge. No obvious arr. No index. Hdw. on pr. fm. 4½ x 4½ x 10.

Bond Issues

17. REGISTER OF BONDS, 1886--. 1 vol.

Record of bonds issued and sold by court of claims and levy prior to Apr. 4, 1893 and subsequently by fiscal court to pay county's indebtedness, showing: date of issue, maturity date, to whom sold, when and to whom transferred, number of bond, and amount. Arr. numer. by bond no. and chron. thereunder by date of issue. No index. Hdw. under pr. hds. 100 pp. 18 x 24 x 1. Co. ct. clk. vt.

Expenditures

18. CLAIMS, 1831--. 3200 docs. in 10 bdls., 54 f.b.

Original claims for services rendered or materials furnished county and claims for pauper care filed with court of claims and levy prior to Apr. 4, 1893 and subsequently with fiscal court, showing: name of claimant, date and amount of claim, nature of services rendered or material furnished, signature of claimant, date and amount allowed, fund to which charged, order book number and page reference, and certification of county court clerk. Arr. chron. by date allowed. No index. Hdw. and typed on pr. fm. Bdls., 3 x 8 x 4; f.b. 4½ x 4½ x 10.

19. CLAIM BOOK, Nov. 1832-Nov. 1890. 1 vol. Mar. 28, 1824-Oct. 1832, Dec. 1890-Mar. 1900 in Orders County Court, entry 220; Apr. 1900-- in Fiscal Court Orders, entry 2.

Record of claims allowed by court of claims and levy prior to Apr. 4, 1893 and subsequently by fiscal court for services rendered or materials furnished county, showing: date, term of court, name of claimant, date claim filed, amount, nature of services rendered or description of materials furnished, fund to which charged, and signature of county judge. Arr. chron. by date of court term. No index. Hdw. under pr. hds. 200 pp. 16 x 12 x 1.

20. (CLAIM ORDERS AND WARRANTS), Dec. 9, 1890--. 18 vols. Title varies: Orders, 1 vol., Dec. 9, 1890-Apr. 1894; Claim Orders, 1 vol., Apr. 1894-Apr. 1897; Claim Book, 1 vol., July 14, 1897-Apr. 1899; Certificates of Claims, 1 vol., Oct. 1901-Oct. 1903; County Orders, 1 vol., Mar. 26, 1901-Oct. 1909; Claims, 3 vols., Apr. 1903-Oct. 1907, Apr. 1909-Apr. 1912; County Claim Book, 3 vols., Apr. 1912-Oct. 1925; County Claims, 2 vols., Oct. 1925-Apr. 1927, Aug. 3, 1932-Apr. 12, 1934; Warrants, 3 vols., Oct. 1928-Aug. 3, 1932; Nov. 12, 1934-June 30, 1937.

Stubs of warrants and claim orders issued by court of claims and levy prior to Apr. 4, 1893 and subsequently by fiscal court in payment of approved claims against county, showing: date and number of claim, date, number, and amount of warrant, 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 1.

21. SHEEP CLAIMS, 1926--. 75 docs. in 2 f.b.
Original claims filed with fiscal court for livestock killed or injured by dogs, showing: date and amount of claim, number and kind of livestock killed or injured, appraised value, signatures of claimant, appraisers, and sheriff, date paid, and approval of county court judge. Arr. chron. by date of claim. No index. Hdw. on pr. fm. 4½ x 4½ x 10.

22. STOCK CLAIM WARRANTS, Apr. 1918--. 1 vol.
Stubs and warrants issued by county court clerk upon order of fiscal court allowing payment of claims for stock killed or injured by dogs, showing: term of court, name of claimant, nature of claim, and amount of warrant. Arr. chron. by date of warrant. No index. Hdw. on pr. fm. 300 pp. 18 x 22 x 3.

23. APPROPRIATION LEDGER, 1934--. 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

24. SHERIFFS' SETTLEMENTS, 1900--. 680 docs. in 17 f.b. (dated)
Original financial settlements made annually by sheriff with commissioners appointed by fiscal court to settle with county officials, showing: date of settlement, name of sheriff, period covered, itemized list of receipts and disbursements, supporting evidence of expenditures, totals and balance, affidavit of sheriff, date approved, signature of commissioner, attestation of county judge, fiscal court order book number and page reference to approval order, acknowledgment of county court clerk, and date recorded. Also contains: Jailers Settlements, 1919-25, entry 26; Sheriffs Reports, 1911--, entry 27. Arr. chron. by date recorded. No index. Hdw. and typed on pr. fm. 4½ x 4½ x 10.
For recording of settlements, see entry 309.

25. TREASURERS SETTLEMENT, 1914--. 420 docs. in 28 f.b.
Original financial settlements made annually with commissioners appointed by fiscal court to settle with county treasurer, showing: date of settlement, name of treasurer, period covered, itemized list of receipts and disbursements, supporting evidence of disbursements, totals and balance, sworn statement of treasurer, signature of commissioner, date settlement approved, attestation of county judge, fiscal court order book number and page reference to approval order, acknowledgment of county court clerk, and date recorded. Also contains: Jailers Settlements, 1926--, entry 26; Treasurers Reports, 1919--, entry 28. Arr. chron. by date of settlement. No index. Hdw. and typed on pr. fm. 4½ x 4½ x 10.
For recording of settlements, see entry 327.

26. JAILERS SETTLEMENTS, Mar. 1870-Dec. 1918. 75 docs. in 2 f.b.
1919-25 in Sheriffs' Settlements, entry 24; 1926-- in Treasurers Settlement, entry 25.
Original financial settlements made annually by jailers with commissioners and

receivers appointed by court of claims and levy prior to Apr. 4, 1893, and subsequently by fiscal court to settle with county officials, showing: date of settlement, name of jailer, period covered, enumerated and itemized list of prisoners committed to jail, dates committed and released, amount of board per prisoner, number of prisoners committed and released during period and total costs for keeping prisoners, itemized list of repairs to jail and cost of each, itemized list of other expenditures, total disbursements, sworn statement of jailer, signature of commissioner, date settlement approved, attestation of county judge, fiscal court order book and page reference to approval order, acknowledgment of county court clerk, and date recorded. Arr. chron. by date of settlement. No index. Hdw. and typed on pr. fm. 4½ x 4½ x 10.

27. SHERIFF'S REPORTS, 1895-1910. 180 docs. in 3 bdls., 1 f.b. 1911-- in Sheriffs' Settlements, entry 24.

Original financial reports made monthly by sheriffs to fiscal court, showing: name of sheriff, month covered by report, amount collected, itemized list of receipts, date report made, signature of sheriff, approval of county judge, fiscal order book number and page reference to approval order, and certification of county court clerk. Arr. chron. by date of report. No index. Hdw. on pr. fm. Bdls., 3 x 8 x 4; f.b., 4½ x 4½ x 10.

For recording of reports, see entry 309.

28. TREASURERS REPORTS, 1914-18. 60 docs. in 2 f.b. 1919-- in Treasurers Settlement, entry 25.

Original monthly financial reports made by treasurers to fiscal court, showing: date of report, itemized list of receipts and disbursements, signature of treasurer, date approved by fiscal court, signature of county judge, fiscal court order book number and page reference to approval order, and cancelled vouchers covering disbursements. Arr. chron. by date of report. No index. Typed. 4½ x 4½ x 10.

For recording of reports, see entry 327.

29. REPORTS OF COUNTY JUDGE, 1934--. 170 docs. in 1 desk drawer.

Original reports made by county judges to fiscal court of percentage of quarterly court fines which are credited to county's general expense fund, showing: date of report, itemized list of fines collected, style of each case, amount of fine, percentage of fine credited to general expense fund, total amount of fines collected, total credited to general expense fund, signature of county judge, and fiscal court order book and page reference to approval order. Also contains:

i. Report on liquidation of sponsors' pledges to Work Projects Administration projects, 1935--, showing: official project number, amount of sponsor's pledge, date of payment, cumulative through whom, unliquidated balance of pledge, signatures of project supervisor, district director, and county judge, and date of report.

Arr. chron. by date of report. No index. Hdw. on pr. fm. 4 x 20 x 15. Co. judge off.

30. COMMITTEE REPORTS, 1911-18. 75 docs. in 1 f.b. Record discontinued.
Reports of committees appointed by fiscal court to negotiate loans for county needs, showing: date of report, amount borrowed, terms of loan, from whom, purpose of loan, and signatures of committee members. Arr. chron. by date of report. No index. Hdw. and typed. 4½ x 4½ x 10.

31. SETTLEMENTS OF COMMON SCHOOLS, 1873-99. 140 docs. in 4 bdls. Record discontinued.
Original settlements made by common school commissioners with county court of claims and levy prior to Apr. 4, 1893 and subsequently with fiscal court, showing: date of report, name of commissioner, amount and source of receipts, amount disbursed and to whom paid, signature of commissioner, and acknowledgment of county judge. Arr. chron. by date of report. No index. Hdw. on pr. fm. 2 x 11 x 4. Co. ct. clk. vt.

32. ANNUAL SETTLEMENT OF COUNTY SUPERINTENDENT, 1912-31. 20 docs. in 1 f.b.
Original settlements made annually with fiscal court by county school superintendents, showing: amount of outstanding indebtedness at beginning of school year, total indebtedness at beginning of school year, amount paid out during year, amount received during year, period covered by settlement, signature of county school superintendent, approval of county judge, and fiscal court order book number and page reference to approval order. Arr. chron. by date of settlement. No index. Hdw. on pr. fm. 4½ x 4½ x 10.

33. ANNUAL SETTLEMENTS WITH COM. (Common) SCHOOL COM'RS. (Commissioners), June 13, 1876-Jan. 25, 1910. 1 vol.
Record of settlements made by common school commissioners with court of claims and levy prior to Apr. 4, 1893 and subsequently with fiscal court, showing: date of settlement, amount and source of receipts, amount disbursed and to whom paid, name of commissioner, attestation of county court clerk, and date recorded. Also contains:

i. County school superintendents' reports made with fiscal court, June 30, 1910-Aug. 27, 1919, showing: amount of outstanding indebtedness at beginning of school year, total indebtedness at beginning of school year, amount paid out during year, period covered by settlement, name of superintendent, attestation of county court clerk, and date recorded.

Arr. chron. by date recorded. No index. Hdw. on pr. fm. 300 pp. 16 x 12 x 2.

34. (ROAD BUILDING COMMITTEE SETTLEMENTS), 1911-18. 20 docs. in 1 f.b. Record discontinued.
Settlement reports made to fiscal court by committees of road districts engaged in building roads with partial cost charged to county, showing: name and number of district, description of work, cost charged to county, amount contributed by citizens and expended by district, date of report, signature of committee, and approval of county judge. Arr. chron. by date of report. No index. Hdw. and typed on pr. fm. 4½ x 4½ x 10.

Insurance

35. CANCELLED INSURANCE, 1930-37. 25 docs. in 1 f.b.
Original fire policy contracts providing insurance on county owned property

which have been cancelled and cancelled promisory notes of county. Summary of policies show: date, amount of premium, policy limits, property covered, expiration date, name of carrying company, and date cancelled; summary of notes show: date, amount, name of payee, due date, signature of county judge, and date paid. No obvious arr. No index. Hdw. and typed on pr. fm. 4½ x 4½ x

36. INSURANCE, 1934--. 6 docs. in 1 f.d.
Fire insurance policies issued in favor of county covering buildings and property owned by county, showing: date of issuance, name of carrying company, location and description of property, amount of policy and premium rate, date of expiration, signature of agent of carrying company, and approval of county judge. No obvious arr. No index. Typed on pr. fm. 8 x 14 x 4. Co. judge of

## Welfare
(See also entries 2, 18, 51, 52, and 53)

37. (CHILDRENS FREE HOSPITAL), 1937. 1 doc. in 1 f.d.
Letter from vice president of childrens free hospital to county judge regarding child residing in county and admitted to the childrens free hospital, showing: date, name and address of hospital, name and address of patient, amount expected from county for hospitalization of child, and signature of vice president of hospital. No obvious arr. No index. Typed. 4 x 8 x 14. Co. judge off.

38. RECEIPTS FOR ARTICLES PRODUCED, 1935--. 45 docs. in 1 f.d.
Receipts furnished county judge by county welfare department for articles produced by Work Projects Administration sewing projects to be distributed to relief clients in county, showing: date, from whom received, name of project supervisor, project and district numbers, description of articles received, grade, quantity, unit, unit price, total amount, and acknowledgment of county court judge. Arr. chron. by date of receipt. No index. Hdw. under pr. hds. 8 x 4 x 14. Co. judge off.

39. PRIVATE BURYING GROUND RECORD (Pauper Burials), Aug. 13, 1911-Feb. 19, 1931. 1 vol.
Record of paupers buried by county, showing: permit number, date of interment, name of deceased person, place of death, and name and address of undertaker. Arr. chron. by date of interment. No index. Hdw. under pr. hds. 50 pp. 7 x 9 x ½. Co. poor farm.

40. MEADE COUNTY POOR FARM RECEIPTS (Poorhouse Keepers' Settlements), Oct. 12, 1926--. 150 docs. in 1 f.b., 1 f.d.
Original financial settlements made annually by keepers of poorhouse with fiscal court, showing: date of settlement, name of keeper, amount of receipts, itemized list and total of disbursements, receipted paid bills in support of expenditures, balance, enumerated list of inmates, number of days each inmate spent on poor farm, amount expended on each inmate, total expended for inmates' upkeep, sworn statement of keeper, date settlement approved, signature of county judge, and fiscal court order book and page reference to approval order. Arr. chron. by date of settlement. No index. Hdw. F.b., 4½ x 4½ x 10; f.d., 8 x 14 x 4. Oct. 12, 1926-Oct. 5, 1928, f.b., co. ct. clk. off.; 1929--, f.d., co. judge off.

41. COUNTY FARM (Account Book) 1922-23. 1 vol.
Account book of merchandise bought by fiscal court for use of county poor farm, showing: from whom purchased, date purchased, itemized list of purchases, and price of each article. Arr. chron. by date purchased. No index. Hdw. 150 pp. 14 x 12 x 1. Co. judge off.

Public Works
(See also entries 2, 18, 51, 52, and 53)

42. ROAD ORDERS (Appointments of Overseers), 1824-1913. 800 docs. in 17 bdls.
Court of claims and levy orders prior to Apr. 4, 1893 and subsequently fiscal court orders appointing road overseers and allotting workers, showing: date of order, name of appointee, name and extent of road supervised, district number, boundary lines within which workers are subject to call. Arr. chron. by date of order. No index. Hdw. on pr. fm. 3 x 8 x 4. Co. ct. clk. vt.

43. ROAD ORDERS (Appointment of Overseers), June 7, 1876--. 5 vols.
Record of court of claims and levy orders prior to Apr. 4, 1893 and subsequently fiscal court orders appointing road overseers, showing: date of appointment, name of appointee, nature of work, road on which work is to be performed, and signature of presiding judge. Arr. chron. by date of appointment. Alph. index, direct by first letter of surname of appointee, showing p. no. where recorded. Aver. 375 pp. 14 x 12 x 2½. June 7, 1876-Jan. 1883, March 1902-Jan. 1905, 2 vols., co. ct. clk. off.; Jan. 1933--, 3 vols., co. ct. clk. vt.

44. ROAD BOOK (Surveyors Record), Jan. 28, 1825-Dec. 1877. 2 vols.
Title varies: Surveyors Bounds, 1 vol., Jan. 28, 1825-Jan. 5, 1863.
List of surveyors of public roads together with date of appointment and boundary as fixed by county court of claims and levy prior to Apr. 4, 1893 and subsequently by fiscal court, showing: name of appointee, date of appointment, and boundary of road to be surveyed. Arr. chron. by date recorded. No index. Hdw. Aver. 200 pp. 10 x 8 x 1.

45. RURAL HIGHWAY CONTRACTS, 1936--. 20 docs. in 1 f.d.
Original contracts between fiscal court and State Highway Department for construction of new and improvement of old rural highways, showing: date, location and description of road, specifications of work to be done and type of materials to be used, terms of contract, consideration, and signatures of county judge and State Highway Commissioner. Arr. chron. by date of contract. No index. Typed. 8 x 14 x 4. Co. judge off.

46. ROAD CONTRACTS AND REPORTS (Overseers Reports), 1930-36. 50 docs. in 2 f.b.
Original reports made to fiscal court by road overseers, showing: date of report, magisterial district number, balance on hand from last settlement, amount of appropriations, number and description of tools in overseer's possession, number of hired hands and free hands working road, number of hired teams and free teams, amount paid for each, total of all hired work, and signature of overseer. Arr. chron. by date of report. No index. Hdw. on pr. fm. 4½ x 4½ x 10.

## Officials of County

### Commissions

47. JUSTICE COMMISSIONS, 1824-1904. 115 docs. in 3 f.b.
Commissions issued by Governor of Commonwealth to justices appointed or elected to office, showing: date issued, name of official, conditions of commission, state seal, and signatures of Governor and Secretary of State. Arr. chron. by date issued. No index. Hdw. on pr. fm. 4½ x 4½ x 10.

### Surety Bonds

48. SHERIFF'S BONDS, Jan. 3, 1853--. 3 vols. Title varies: Sheriff, Jailer, Coroner, Surveyor Bond, 1 vol., Jan. 3, 1853-Oct. 11, 1871; Sheriff's Bond Book, 1 vol., June 12, 1872-June 1, 1936. 1867-- also in Miscellaneous Bonds, entry 51.
Original surety bonds executed by sheriffs to Commonwealth securing faithful performance of duties, showing: date and amount of bond, name of sheriff, affidavit of surety, signatures of principal and surety, and attestation of county court clerk. Also contains: (Jailers' Bonds), Sept. 4, 1854-Sept. 1, 1890, entry 51a; (Coroners' Bonds), Sept. 4, 1854-Sept. 1, 1890, entry 51b. 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. 13 x 9 x 2.

49. JUSTICE OF THE PEACE BONDS, June 3, 1867--. 2 vols. Sept. 2, 1890-Jan. 4, 1930 also in Miscellaneous Bonds, entry 51.
Original surety bonds executed by justices covenanting with Commonwealth for faithful performance of duties, showing: date and amount of bond, names and signatures of justice and surety, and certification 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. 450 pp. 13 x 8½ x 2.

50. CONSTABLES BOND, 1860--. 1 vol., 40 docs. in 1 bdl. Sept. 2, 1890-Feb. 12, 1934 also in Miscellaneous Bonds, entry 51.
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 delivered, and of all notices and orders of justice 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 claims 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 the 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. Vol., 119 pp. 14 x 9½ x 1½; bdl., 1½ x 8 x 3½.

51. MISCELLANEOUS BONDS, 1867--. 2 vols., 13 bdls.
Miscellaneous bonds executed to Commonwealth by county officials and others

guaranteeing faithful performance of duties and securing public funds entrusted to their care. Bonds executed include: Assessors' bonds, Sept. 2, 1890-July 1, 1930; Circuit court clerks' bonds, Nov. 15, 1915--; Colored graded common school district treasurers' bonds, Feb. 6, 1909--; Committees' bonds, Apr. 24, 1900--; County attorneys' bonds, Jan. 2, 1920--; County board of education treasurers' bonds, July 9, 1924-July 11, 1928; County board of registration and purgation members' bonds, Apr. 11, 1938--; County farm bureau treasurer's bond, Jan. 31, 1923; County court clerks' bonds, 1867--; County judges' bonds, 1867--; County road engineers' bonds, Nov. 9, 1912-Sept. 27, 1915; County school superintendents' bonds, Sept. 2, 1890-July 1, 1930; County tax commissioners' bonds, May 27, 1918--; Curator's bond, June 3, 1936; Druggists bonds, 1878-99; Fruit distillers' bonds, 1878-99; Game warden's bond, Aug. 9, 1909; Gasoline tax collectors' bonds, June 28, 1920-Sept. 9, 1922; Magistrates' bonds, Dec. 30, 1937; Oil inspectors' bonds, Mar. 2, 1894, Jan. 4, 1907-Aug. 25, 1919; Poor farm keepers' bonds, Jan. 9, 1909; Poorhouse commissioner's bond, Feb. 1, 1902; Prison Guards' bonds, Sept. 13, 1926-June 25, 1934; Road committees' bonds, Apr. 10, 1907-Apr. 19, 1909; Road supervisors' bonds, Sept. 2, 1890-July 1, 1930; Special commissioner's bond, Jan. 20, 1932; Town marshals' bonds, Aug. 8, 1936--; Treasurers' bonds, Mar. 15, 1909--; Trustees' bonds, Dec. 2, 1907-May 9, 1931; Weight and measures inspectors' bonds, Apr. 24, 1911-Apr. 26, 1915. Summary of each bond record shows: date and amount of bond, names of principal and surety, affidavit of surety, signatures of surety and principal, and attestation of county court clerk. Also contains: Sheriff's Bonds, entry 48; Justice of the Peace Bonds, Sept. 2, 1890-Jan. 4, 1930, entry 49; Constables Bonds, Sept. 2, 1890-Feb. 12, 1934, entry 50; (Jailers' Bonds), Sept. 2, 1890--, entry 51a; (Coroners' Bonds), 1824--, entry 51b; Administrators' Bonds, 1824-60, entry 232; Guardian Bonds, 1824-60, entry 240; Notary Public Bond, Sept. 2, 1890-July 1, 1930, entry 265; Ministers Bonds, 1824-99, entry 266; Liquor Dealers Bonds, 1867-98, entry 267; Tavern Keepers Bond Book, 1824-60, entry 269. Arr. chron. by date of bond. No index. Hdw. on pr. fm. Vols., aver. 250 pp. 15 x 10 x 2½; bdls., 3 x 8 x 5.

51a. (JAILERS' BONDS), Sept. 4, 1854--. Sept. 4, 1854-Sept. 1, 1890 in Sheriff's Bonds, entry 48; Sept. 2, 1890-- in Miscellaneous Bonds, entry 51.

Original surety bonds furnished Commonwealth by jailers securing faithful execution of duties, showing: date, names of principal and surety, amount of bond, signatures of principal and surety, and attestation of county court clerk.

51b. (CORONERS' BONDS), 1824--. In Miscellaneous Bonds, entry 51; Sept. 4, 1854-Sept. 1, 1890 also in Sheriff's Bonds, entry 48.
Original surety bonds furnished Commonwealth by jailers securing faithful execution of duties, showing: date, names of principal and surety, amount of bond, signatures of principal and surety, and attestation of county court cler

## Miscellaneous

52. LETTERS, 1934--. 250 docs. in 1 f.d.
Letters to county judge and copies of letters written by county judge concerning business affairs of county, showing: date, to whom written, nature of contents, and signature of sender. Also contains:

i. Contracts made between commissioner of county poor farm and keeper of poor farm, 1935, showing: date, name of commissioner and keeper, terms of contract, and signatures of commissioner and keeper.

Arr. by subject matter and chron. thereunder by date of instrument. No index. Hdw. and typed. 10 x 20 x 20. Co. judge off.

53. MISCELLANEOUS LETTERS, 1927--. 1500 docs. in 2 f.d.
Miscellaneous correspondence of county judge pertaining to fiscal affairs of county, containing:

i. Copies of notices to contractors to begin work on county roads, 1927-32, showing: date of notice, name of contractor, date to begin work, improvements to be made, date work to be completed, and name of chairman of State Highway Commission;
ii. Letters from State Highway Commission to county judge, 1929--, showing: date, name of county judge, nature of contents, and signature of chairman of State Highway Commission;
iii. Copies of contracts made between State Highway Commission and individuals to work on State highways running through county, 1932, showing: date, name of contractor, location of road, nature of work, amount of contract, date work to be completed, type of material to be used, terms of contract, and signatures of contracting parties;
iv. Bills of lading covering shipments consigned to county, 1934--, showing: date of bill, shop number, description of material, name of shipper, and signature of shipping clerk;
v. Letters from Work Projects Administration project supervisors to county judge concerning material to be used on projects in county, 1936--, showing: date, number and name of project, description of material, quantity, unit price, and signatures of project supervisors;
vi. Receipts for items transferred by emergency relief division to fiscal court, 1935--, showing: kind of material, quantity, unit price, signature of county judge, date distributed to relief clients, and signature of relief client;
vii. Letters from State Tax Commission, 1935--, showing: names of the different classes of property and total assessment for each class, date of assessment, and signature of chairman of State Tax Commission;
viii. List of unemployables chronically ill in county, 1936--, showing: name of person, age, case number, address, infirmity, and names of members of family;
ix. Receipts for articles produced by Work Projects Administration pro-

jects in county, 1936--, showing: description of articles, grade, quantity, unit price, amount, total amount, and signature of county judge;

x. Requests by United States Postal Service for repairs to roads on rural delivery service, 1936, showing: date, name and location of road, nature of repairs, signature of postmaster, post office, and route number;

xi. Record of free clothing distributed to relief clients, 1936--, showing: name and address of client, kind of clothing, number of articles, and signature of client;

xii. Certifications of sponsors' contributions to Work Projects Administration projects, 1936--, showing: name of sponsor, State, county, district number, project number, description of contribution, unit, quantity, unit price, total, and signature of project supervisor.

Arr. by subject matter and chron. thereunder by date of document. No index. Hdw. and typed on plain sheets and pr. fm. 10 x 20 x 20. Co. judge off.

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## II. COUNTY COURT CLERK

### Structure

Creation: Selection and Term

When Meade County was established in 1824, each county court appointed its own clerk who served during good behavior. (1) At the first meeting of the county court held in March 1824, William Fairleigh was appointed county court clerk pro tempore and a month later his appointment was made permanent. (2)

This method of appointment continued until 1850, when the office of county court clerk was made elective for a 4-year term. Later legislation reaffirmed this term and remains in effect at present. (3)

Residence

The clerk was required to have been a resident of the county for 1 year prior to his appointment, but, since Meade was a new county, the first clerk must have lived for that length of time in one of the counties from which

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1. CONST. OF 1799, ART. 4, SEC. 10; ACTS, 1823-24, P. 336.
2. ORDERS COUNTY COURT, VOL. A, PP. 3, 8, SEE ENTRY 220.
3. CONST. OF 1850, ART. 6, SEC. 1; CONST. OF 1891, SEC. 99.

Meade was taken. (4) Later this provision changed, and he was required to have lived in the State 2 years and in the county 1 year preceding his election. (5)

Age

Until 1850, no specific age qualification was discovered 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. (6)

Qualifications

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. (7)

Oath

The county court clerk was required to take an oath to support the constitution and to perform the duties of his office faithfully. (8) In 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. (9)

Bond

By acts passed prior to 1824, the clerk was required to give bond and security approved by the county court. (10) 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. (11) 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. (12) An act of March 21, 1928, added the provision that in counties having the same population category as Meade, the clerk's bond shall not be less than $5,000. (13)

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4. CONST. OF 1799, ART. 3, SEC. 9.
5. CONST. OF 1850, ART. 6, SEC. 2; CONST. OF 1891, SEC. 100.
6. CONST. OF 1850, ART. 6, SEC. 2; CONST. OF 1891, SEC. 100.
7. CONST. OF 1799, ART. 4, SEC. 10; CONST. OF 1850, ART. 4, SEC. 39; CONST. OF 1891, SEC. 10
8. CONST. OF 1799, ART. 6, SEC. 1.
9. CONST. OF 1850, ART. 8, SEC. 1; CONST. OF 1891, SEC. 228.
10. LITTELL, VOL. 4, 1810, P. 123.
11. CONST. OF 1850, ART. 6, SEC. 9; CONST. OF 1891, SEC. 103.
12. ACTS, 1891-93, P. 535.
13. ACTS, 1928, P. 408; CARROLL, SEC. 373.

(Next entry 54, p. 135)

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. (14)

Vacancy

From 1824 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. (15) Since 1850 a vacancy has been filled temporarily by the county court until a successor has been elected and has qualified. (16)

Compensation

From the beginning of his office, the clerk has been paid on a fee basis regulated by statute. (17)

In 1939, the county court clerk received the sum of $350, in addition to the fees allowed by law. (18)

Deputies

Statutory provision in 1798 authorized the county court clerk to appoint deputies to assist him when it was deemed necessary. (19)

Requirements of Office

Until 1852, the county clerk was required to live at the seat of justice. (20) 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. (21)

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. (22)

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14. CONST. OF 1799, ART. 4, SEC. 10; CONST. OF 1850, ART. 6, SEC. 2; CONST. OF 1891, SEC. 124.
15. CONST. OF 1799, ART. 4, SEC. 10.
16. GEN. STAT., 1873 ED., P. 386; ACTS, 1891-93, P. 146; CARROLL, SEC. 1526.
17. LITTELL, VOL. 1, 1792, P. 62; CONST. OF 1891, SEC. 106; ACTS: 1891-93, PP. 1131-1137; 1904, P. 289 FF.; 1928, P. 392 FF.; CARROLL, SEC. 1720.
18. REPORT OF NAT. B. SEWELL, DIRECTOR OF POST AUDITS, TO GOVERNOR KEEN JOHNSON AND JUDGE W. E. BROWN, DECEMBER 26, 1939.
19. LITTELL, VOL. 2, 1798, P. 83.
20. LITTELL, VOL. 2, 1799, P. 300.
21. ACTS: 1851-52, P. 62; 1891-93, P. 536; CARROLL, SEC. 380.
22. GEN. STAT., 1873 ED., P. 861; ACTS, 1891-93, P. 271.

## Functions

### Relative to Other Agencies

The county court clerk has always been a ministerial officer of the county court in its judicial capacity. (23) 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. (24) His duties in connection with the supervision of tax assessments were part of his ministerial functions as a county court officer until 1852. (25) Since 1852, however, they have been a part of his duties as clerk of the board of tax supervisors. (26) In 1906, he became clerk of the "juvenile session" of the county court (27); in 1934 he was made clerk of the county budget commission (28); 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.(29) He serves as a member of the county building commission (30) when the county sets up that body but at present Meade has no building commission.

### 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 instance, 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 to him by statute 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 1824 when Meade was established, to record all deeds.

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23. For such duties see County Court, p. 193.
24. See Fiscal Court, p. 106.
25. See County Court, p. 193.
26. See Board of Tax Supervisors, p. 281.
27. See County Court, p. 193.
28. See County Budget Commission, p. 284.
29. See County Board of Election Commissioners, p. 291.
30. Acts, 1914, p. 1.

(31) In 1839 he not only recorded deeds and mortgages, but also indexed them in the proper deed books; he was also required to advertise annually a list of unrecorded deeds, giving the reasons why they had not been recorded. (32) He was required 2 years later 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.(33) Early legislation required the clerk to record and certify all mortgages, pledges, or liens on personal property. (34) 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. (35)

In 1839 the clerk began to keep a list of persons who held life estate in slaves (36), 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. (37) The clerk, since 1938, has been required to keep in a special lien book, furnished by the State Department of Public Welfare a record of liens against recipients of old age assistance. (38) This is done for the Division of Public Assistance created in the Department of Welfare in 1936. (39)

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. (40) 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 safekeeping 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

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31. LITTELL, VOL. 3, 1806, P. 358; ACTS: 1891-93, P. 830; 1910, P. 249; CARROLL, SECS. 501, 502.
32. ACTS: 1838-39, P. 96; 1841-42, P. 20; 1891-93, P. 835; CARROLL, SEC. 512.
33. ACTS: 1841-42, P. 20; 1891-93, P. 835; 1918, P. 597; 1920, P. 270; CARROLL, SEC. 513.
34. GEN. STAT. 1873 ED., P. 259.
35. ACTS, 1928, P. 468; CARROLL, SEC. 523A-2.
36. ACTS, 1838-39, P. 135.
37. ACTS, 1896, P. 14; CARROLL, SEC. 2358A-3.
38. ACTS, 1938, P. 392; BALDWIN'S SUPP., SEC. 883i-1 FF.
39. ACTS, 1936, PP. 303-309.
40. ACTS, 1891-93, P. 829; CARROLL, SEC. 511.

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. (41)

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 Meade 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. The remaining copy he kept for his own use. (42) 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. (43) He continues to copy the tax books, sending a copy to the State Auditor (44), and in addition he prepares annually a book of tax bills and stubs in triplicate for the use of the sheriff. (45)

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 (46); 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. (47)

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. (48) 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,

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41. LITTELL, VOL. 2, 1798, P. 255; Acts, 1891-93, PP. 535, 536; CARROLL, SECS. 374, 377.
42. LITTELL, VOL. 1, 1797, P. 678; VOL. 2, 1799, P. 319.
43. LITTELL, VOL. 4, 1809, P. 162; Acts, 1831-32, P. 173.
44. Acts, 1891-93, P. 534; CARROLL, SEC. 384.
45. Acts, 1912, P. 474; CARROLL, SEC. 4239A; SEE ALSO BOARD OF TAX SUPERVISORS, P. 281; SHERIFF, P. 244.
46. Acts, 1906, P. 217.
47. Acts, 1906, PP. 97, 98; CARROLL, SEC. 4051A.
48. Acts, 1917, PP. 13, 14; CARROLL, SEC. 4114i--14.

to be filed and preserved for a period of 5 years. (49)

4. License Duties: The county court clerk was always required to issue and record marriage licenses (50); 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, the clerk is required to refuse the license. (51) He issued and recorded licenses to "tavern keepers, peddlers of clocks, and owners and keepers of covering horses and jacks." (52) 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. (53) Since 1873, statutory provision has required him to issue licenses to pawnbrokers. (54) Enactments passed 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. (55) The clerk, as an agent for the State, was required to issue all licenses for businesses intended to be conducted within his county, except those as were otherwise provided for by law (56); and he continues to issue and to account for automobile licenses to the State Tax Commission. (57) The licensing and supervision of loan companies continues today under special legislation. (58) By an act of March 12, 1938, however, various license taxes were repealed, including those of peddlers, transient merchants, auctioneers, and fortune tellers. (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 make his report to the State Auditor instead of the circuit court, reporting on the last day of each month and paying into the State treasury all the funds on hand. (62)

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49. Acts, 1917, pp. 14, 15; Carroll, sec. 4114-15.
50. Littell, vol. 2, 1799, p. 275; Acts: 1891-93, p. 927; 1934, p. 524.
51. Acts, 1938, p. 625.
52. Acts, 1831-32, pp. 132, 135.
53. Gen. Stat., 1873 ed., pp. 688, 711-715, 727.
54. Acts: 1877-78, p. 28; 1885-86, vol. 1, p. 76; 1906, p. 102; 1938, p. 398.
55. Acts: 1904, p. 104; 1906, pp. 190, 191; 1916, p. 654; 1933, pp. 14-16.
56. Acts, 1906, p. 183.
57. Acts: 1920, p. 415; 1934, p. 498.
58. Acts, 1922, p. 286.
59. Acts, 1938, p. 398 ff.
60. Gen. Stat., 1873 ed., pp. 729, 805.
61. Acts, 1906, pp. 224, 225.
62. Acts, 1914, p. 47; Carroll, sec. 4608-5.

Since 1912 the clerk has issued hunting licenses, keeping a record of all licenses issued 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) Since 1928 he has issued fishing licenses, accounting to the commission in the same manner as for hunting licenses. (65)

In 1918 he was required to issue dog and kennel licenses and permits, and to keep a record of same; but in 1930, this duty was given the sheriff. (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 per cent 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 election seals, sealing wax, linen envelopes, black ink stencils, sample ballots, and cards of instructions to voters. (68)

6. Agent of the State: When Meade 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 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 1838 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 moneys 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

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63. Acts, 1912, p. 165; Carroll, sec. 1954c-26.
64. Acts: 1912, p. 166; 1916, pp. 343-346; Carroll, sec. 1954c-30.
65. Acts, 1928, p. 228; Carroll, secs. 1893c-1, 1893c-7.
66. Acts: 1918, pp. 484, 488; 1930, p. 3; Carroll, secs. 68B-4, 68B-11, 68B-14.
67. See County Board of Election Commissioners, p. 291.
68. Acts: 1891-93, pp. 111, 113, 118; 1900, pp. 32, 35, 37; 1918, pp. 111-113; Carroll, sec. 1465.
69. Littell, vol. 2, 1798, p. 85.
70. Acts, 1906, p. 219.
71. Acts, 1938-39, p. 239.
72. Acts: 1891-93, p. 921 ff.; 1906, pp. 219, 220.

July 1, 1934, the date when the act became effective, the county court clerk has paid into the county treasury all moneys which were 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; and on request from the commission, furnishes such other information as may be of record concerning any such estate. (74)

7. Miscellaneous Duties: 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. (75)

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. (76)

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

## Instruments of Conveyance

Land Titles (See also entries 137 and 138)

54. LAND WARRANTS, Mar. 3, 1846-Jan. 1, 1852. 1 vol.
Record of land warrants issued by treasurer conveying title to vacant lands, showing: date of warrant, name of grantee, location and description of property, number of acres, and price per acre. Arr. chron. by date of warrant. No index. Hdw. 250 pp. 14 x 12 x 1½.

55. UNRECORDED DEEDS, 1811-82. 200 docs. in 4 f.b. (dated)
Original deeds of conveyance filed with county court clerk, unrecorded because recording fee was not paid, transferring title to property from one person to another, showing: date of instrument, names of grantor and grantee, amount of consideration, location and description of property, notarized signature of grantor, date filed, and acknowledgment of county court clerk. Arr. chron. by date of deed. For index, see entry 56. Hdw. on pr. fm. and plain sheets. 4½ x 4½ x 10.

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73. ACTS, 1934, PP. 541, 542; CARROLL, SEC. 2290-1.
74. ACTS, 1924, P. 340; CARROLL, SEC. 4281A-34.
75. GEN. STAT., 1873 ED., P. 612; ACTS, 1891-93, P. 597; CARROLL, SEC. 2429.
76. LITTELL, VOL. 2, 1800, P. 370; ACTS, 1891-93, P. 534; CARROLL, SEC. 380.

56. INDEX TO UNRECORDED DEEDS, 1811-82. 1 vol.
Index to Unrecorded Deeds, entry 55, alphabetically direct by first letter of surname of grantor, showing: name of grantee, date of instrument, and file box where filed; and indirect by first letter of surname of grantee, showing: name of grantor, date of instrument, and file box where filed. Arr. alph. by first letter of surnames of grantor and grantee and chron. thereunder by date filed. Hdw. under pr. hds. 500 pp. 18 x 14 x 3½.

57. RECORDED DEEDS, 1824--. 3750 docs. in 41 bdls., 5 f.b.
Original deeds of conveyance filed with county court clerk for recording transferring title to property from one person to another, showing: date and type of instrument, names of grantor and grantee, location and description of property, consideration, attested signature of grantor, dates filed and recorded, deed book letter or number and page where recorded, and certification of county court clerk. Also contains: Real Estate Mortgages, 1824-73, entry 83; Chattel Mortgages, 1824-1927, entry 90. Arr. chron. by date filed. No index, 1824-1930, hdw. on pr. fm.; 1931--, typed. Bdls., 3 x 8 x 5; f.b., 4½ x 4½ x 10.

58. DEEDS, Apr. 24, 1824--. 67 vols. (A-Z, 27-54, 56, 58-69).
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, easement, emancipation, executors, exchange, gift, merger, patent right, quit claim, release, relinquishment, right-of-way, road, sheriff, slave, trust, and warranty; affidavits; bills of sale; cancellation and transfer of contracts and agreements; charters; donations; land grants; notices of trade marks; plats; receipts for notes and transfer of notes; revocation of power of attorney grants; title bonds; and transfers of land; 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, and date recorded. Also contains: (Deeds of Assignment), entry 61; Comm'rs (Commissioners) Deeds, 1824-Mar. 1877, entry 63; Partition of Deed Book, 1824-Oct. 1892, entry 65; (Leases), entry 68; (Real Estate Options), entry 69; (Agreements), entry 70; (Contracts), entry 71; (Marriage Contracts), June 15, 1932, entry 72; Articles of Incorporation, 1924-72, entry 75; (Certificates of Partnership), 1910--, entry 76; (Power of Attorney), entry 78; Life Estates (Affidavits of Slave Ownership), 1824-49, entry 79; (Promissory Notes), entry 80; Mortgages, 1824-Oct. 1874, entry 84; (Chattel Mortgages), 1824-Oct. 1874, entry 91; (Allotment of Dower), 1824-32, entry 225; Indenture of Apprenticeship, 1896--, entry 249. Arr. chron. by date recorded. Alph. index: direct by first letter of surname of grantor, showing type of document, 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. 1824-1911, hdw.; 1912--, typed. Aver. 600 pp. 19 x 13 x 3. Co. ct. clk. vt.

59. MEMORIAL OF DEEDS, 1824-69. 3 vols. 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 or number and page where recorded. Arr. chron. by date recorded. No index. Hdw. under pr. hds. Aver. 200 pp. 12 x 10 x 1½.

60. BONDS ON WHICH DEEDS HAVE NOT BEEN MADE, 1829-32. 10 docs. in 1 bdl. Original bonds executed before county court clerk as a covenant that grantors will execute deeds transferring title of property to grantees, showing: date of bond, names of grantor, surety, and grantee, amount of bond, date deed to be produced, location and description of property, signatures of grantor and surety, and attestation of county court clerk. Arr. chron. by date of bond. No index. Hdw. on pr. fm. 1 x 8 x 3. Co. ct. clk. vt.

61. (DEEDS OF ASSIGNMENT), 1824--. In Deeds, entry 58; 1874-- also in Mortgages, entry 84; July 2, 1885 also in Miscellaneous Records, entry 128.
Record of deeds executed by debtors assigning described property to named creditors in lieu of specified debts recorded by county court clerk, showing: date of indenture, names of assignor and assignee, amount of debt, location and description of property, terms of indenture, certification of county court clerk, date recorded, and date certificate delivered.

62. UNRECORDED DEEDS OF COMMISSIONERS, 1861-1903. 70 docs. in 2 f.b. Original unrecorded deeds of conveyance executed by master commissioners transferring title of property sold upon orders of circuit court filed with county court clerk and unrecorded as recording fees were not paid by grantee, showing: number and style of case, date of instrument, names of plaintiff and defendant, location and description of property, date and amount of sale, date confirmed by court, name of purchaser, signature of master commissioner, attestation of circuit court clerk, date filed with county court clerk, and acknowledgment of county court clerk. Arr. chron. by date of deed. No index. Hdw. on pr. fm. 4½ x 4½ x 10.

63. COM'RS (Commissioners) DEEDS, Mar. 19, 1877--. 3 vols. (1-3). 1824-Mar. 1877 in Deeds, entry 58.
Record of deeds of conveyance executed by master commissioners transferring title to property sold upon orders of circuit court and recorded by county court clerk, showing: number and style of case, date of instrument, names of plaintiff and defendant, location and description of property, date and amount of sale, date confirmed by court, name of purchaser, copy of commissioner's signature, attestation of county court clerk, and date recorded. Also contains: Partition Deed Book, Apr. 1925--, entry 65. Arr. chron. by date recorded. Alph. index, direct by first letter of surname of grantor, showing name of grantee and p. no. where recorded. Hdw. on pr. fm. Aver. 650 pp. 18 x 13 x 2½. Co. ct. clk. vt.

64. UNRECORDED DEEDS OF PARTITION, Mar. 25, 1876-Jan. 5, 1903. 65 docs. in 1 f.b.
Deeds of partition executed by master commissioners upon orders of circuit court in settlements of deceased persons' estates filed with county court clerk by grantees and unrecorded as grantee failed to pay recording fees, showing: names of commissioner, estate, and heirs, location and description of property, manner of distribution, amount willed to each heir, date settlement approved by circuit court, date deed executed, name of grantee, signature of commissioner, acknowledgment of county court clerk, and date filed. Arr. chron. by date of deed. No index. Hdw. on pr. fm. 4½ x 4½ x 10.

65. PARTITION DEED BOOK, Oct. 12, 1892-Mar. 30, 1925. 1 vol. 1824-Oct. 1892 in Deeds, entry 58; Apr. 1925-- in Comm'rs (Commissioners) Deeds, entry 63.
Record of deeds of partition executed by master commissioner upon orders of circuit court in settlements of deceased persons' estates and recorded by county court clerk, showing: names of commissioner, estate, and heirs, location and description of property, manner of distribution, amount willed to each heir, date settlement approved by circuit court, date deed executed, deed book number and page where recorded, name of grantee, copy of commissioner's signature, date recorded, and attestation of county court clerk. Arr. chron. by date recorded. Alph. index, direct by first letter of surname of testator, showing p. no. where recorded. Oct. 12, 1892-Mar. 31, 1910, hdw.; Apr. 1, 1910-Mar. 30, 1925, typed. 320 pp. 18 x 12 x 3. Co. ct. clk. vt.

Leases and Contracts

66. OIL AND GAS LEASES, 1886--. 520 docs. in 8 bdls., 2 f.b. Title varies: Gas Leases, 2 bdls., 1889.
Original leases granting possession of described land for specified period of time and stated mineral rights filed with the county court clerk for recording, showing: date, names of lessor and lessee, description of property and purpose of lease, terms, signatures of lessor, lessee, and witnesses, dates filed and recorded, oil and gas lease volume number and page where recorded, and certification of county court clerk. Arr. chron. by date of lease. No index. Hdw. on pr. fm. 4½ x 8 x 3.

67. OIL & GAS LEASES, Aug. 11, 1919--. 6 vols. (55, 57, 59, 5-7). Title varies: Lease Book, vols. 55, 57, Aug. 11, 1919-Mar. 20, 1926; Oil Lease Book, vol. 59, Aug. 1, 1921-Aug. 8, 1921.
Record of leases granting possession of described land for specified period of time and stated mineral rights recorded by county court clerk, showing: date of lease, description and location of property, names of lessor and lessee, terms of lease, names of witnesses, and attestation of county court clerk. Arr. chron. by date recorded. Alph. index, direct by first letter of surname of lessor, showing p. no. where recorded. Hdw. and typed on pr. fm. Aver. 505 pp. 20 x 14 x 3½. Co. ct. clk. vt.

68. (LEASES), 1824--. In Deeds, entry 58; 1874-- also in Mortgages, entry 84; Apr. 14, 1885-Aug. 8, 1937 also in Miscellaneous Records, entry 128.
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, copy of notarized signatures of lessor, lessee, and witnesses, certification of county court clerk, date recorded, and date original lease delivered to grantee.

69. (REAL ESTATE OPTIONS), 1824--. In Deeds, entry 58; 1874-- also in Mortgages, entry 84; Oct. 22, 1930 also in Miscellaneous Records, entry 128.
Record of land options given on described property for stated purposes and specified terms recorded by county court clerk, showing: date, names and addresses of parties at interest, amount of consideration, terms of agreement, location and description of property, certification of county court clerk, date recorded, and date certificate delivered to grantee.

70. (AGREEMENTS), 1824--. In Deeds, entry 58; Mar. 30, 1936 also in Miscellaneous Records, entry 128.
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 agreement, certification of county court clerk, date recorded, and date certificate delivered to grantee.

71. (CONTRACTS), 1824--. In Deeds, entry 58; 1874-- also in Mortgages, entry 84.
Record of contracts made between named parties for specified purposes and stipulated terms recorded by county court clerk, showing: date of instrument, names of parties at interest, consideration and terms of contract, under what considerations contract is to hold, certification of county court clerk, date recorded, and date certificate delivered.

72. (MARRIAGE CONTRACTS), Oct. 9, 1930, June 15, 1932. Oct. 9, 1930 in Miscellaneous Records, entry 128; June 15, 1932 in Deeds, entry 58.
Record of contracts entered into by persons contemplating marriage agreeing to stated purposes and conditions of indenture recorded by county court clerk, showing: date of indenture, names of parties at interest and witnesses, consideration and terms of contract, certification of county court clerk, date recorded, and date certificate delivered.

Personal Property

73. BILL OF SALES OF MOTOR VEHICLES, 1920-23, 1928--. 10,000 docs. in 3 f.b., 4 f.d. Title varies: Auto Bills of Sales, 1 f.b., 1922-23. Prior records destroyed.
Original bills of sale covering transfer of motor vehicle ownership filed with county court clerk, showing: date of sale, names of vendor and purchaser, amount of sale, make, model, year, weight, horsepower, motor and registration numbers of vehicle, date filed, signature of vendor, and certification of county court clerk. Arr. chron. by date filed. No index. Hdw. on pr. fm. F.b., $4\frac{1}{2}$ x $4\frac{1}{2}$ x 10; f.d., 11 x 15 x 30.

74. ARTICLES OF INCORPORATION, 1884--. 150 docs. in 1 bdl., 2 f.b.
Original incorporation papers of firms authorized to transact specified business in county filed with county court clerk for recording, showing: date of instrument, names of corporation and incorporators, principal office, address and nature of proposed business, amount of capital stock, number shares subscribed by each stockholder, par value, articles of incorporation, attested signatures of incorporators, date recorded, volume and page where recorded, and certification of county court clerk. Arr. chron. by date recorded. No index. Hdw. and typed. $3\frac{1}{2}$ x 8 x 4.

75. ARTICLES OF INCORPORATION, Jan. 2, 1873--. 1 vol. 1824-72 in Deeds, entry 58; Sept. 24, 1884 also in Miscellaneous Records, entry 128.
Record of incorporation papers filed by firms incorporated in county and recorded by county court clerk, showing: names of corporation and incorporators, location of principal office and place of business, nature of business, amount, denomination, and class of capital stock, amount subscribed by each incorporator, addresses and copies of signatures of incorporators, certification by county court clerk, and date recorded. Arr. chron. by date recorded. No index.

Hdw. and typed. 500 pp. 14 x 12 x 3¼.

76. (CERTIFICATES OF PARTNERSHIP), 1910--. In Deeds, entry 58; Apr. 8, 1938, also in Miscellaneous Records, entry 128.
Record of certificates issued by county court clerk authorizing named individuals to transact specified business matters under partnership or assumed names, showing: names of owners and firm, nature of business, date certificate delivered, attestation of county court clerk, and date recorded.

77. POWER OF ATTORNEY, 1890--. 300 docs. in 4 bdls., 3 f.b.
Original power of attorney grants giving one person authority to legally transact specified business matters for another filed with county court clerk for recording, showing: names and addresses of grantor and attorney in fact, date of grant, signature of grantor, attestation of notary public, date filed, certification of county court clerk, and date recorded. Arr. chron. by date of grant. No index. Hdw. and typed. Bdls., 3 x 8 x 4; f.b., 4½ x 4½ x 10.

78. (POWER OF ATTORNEY), 1824--. In Deeds, entry 58; July 1, 1884-- also in Miscellaneous Records, entry 128.
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 grant, copy of grantor's notarized signature, by whom notarized, attestation of county court clerk, and date recorded.

79. LIFE ESTATES (Affidavits of Slave Ownership), Mar. 2, 1850-Aug. 10, 1865. 1 vol. 1824-49 in Deeds, entry 58.
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 affiant, date of affidavit, number of slaves, copy of owner's sworn statement, certification of county court clerk, and date recorded. Arr. chron. by date recorded. No index. Hdw. 200 pp. 13 x 8½ x 1.

80. (PROMISSORY NOTES), 1824--. In Deeds, entry 58; 1874-- also in Mortgages, entry 34.
Record of written promises given by one person agreeing to pay to another on demand stipulated sums of money recorded by county court clerk, showing: date of note, names of payer and payee, amount and terms of indenture, names of witnesses, attestation of county court clerk, and date recorded.

81. LISTED NOTES AND ETC. (List of Deed and Mortgage Notes), Mar. 28, 1881-Apr. 3, 1934. 3 vols. Record discontinued.
List of deed and mortgage notes furnished State Tax Commission by county court clerk, showing: names of grantor and grantee, description of property, whether deed or mortgage note, date of instrument, date of recording of instrument, consideration, amount of consideration paid, name and address of holder of note, description and maturity date of note, and remarks. Arr. chron. by date of record. Alph. index, direct by first letter of surname of grantor, showing p. no. where recorded. Hdw. under pr. hds. Aver. 150 pp. 19 x 12 x 1.

82. PROTESTS, Nov. 28, 1837-Mar. 9, 1891. 1 vol.
Protests filed with county court clerk against drawers, indorsers, and all others concerned, for exchange or re-exchange; and costs, charges, damages,

and interest suffered and sustained by reason of non-payment of notes, showing: number, date, names of parties concerned, date notices mailed to indorsers, signature of person filing protest, and attestation of county court clerk. Arr. chron. by date of notice. Alph. index, direct by first letter of surname of maker, showing p. no. where recorded. Hdw. on pr. fm. 200 pp. 14 x 8½ x 1.

## Encumbrances

### Real Estate Liens

83. REAL ESTATE MORTGAGES, 1874--. 1600 docs. in 11 bdls., 15 f.b. 1824-73 in Recorded Deeds, entry 57.
Original mortgages filed with county court clerk for recording pledging real property as security for payment of indebtedness, showing: names of mortgagor and mortgagee, date mortgage made and date due, rate of interest, amount secured, location and description of property pledged, mortgagor's notarized signature, certification of county court clerk, dates filed and recorded, mortgage volume number and page where recorded, and date certificate delivered to mortgagee. Also contains: Chattel Mortgages, 1874-1927, entry 90. Arr. chron. by date recorded. No index. Hdw. and typed. Bdls., 3 x 8 x 4; f.b., 4½ x 4½ x 10.

84. MORTGAGES, Oct. 19, 1874--. 25 vols. (1-25). 1824-Oct. 1874 in Deeds, entry 58.
Record of mortgages executed pledging real estate as security for payment of debts recorded by county court clerk, showing: date, names of mortgagor and mortgagee, location and description of property pledged, amount of mortgage and date due, date released, copy of attested signature of mortgagor, date recorded, and certification of county court clerk. Also contains: (Deeds of Assignment), entry 61; (Leases), entry 68; (Real Estate Options), entry 69; (Contracts), entry 71; (Promissory Notes), entry 80; Chattel Mortgages, Oct. 1874-1927, entry 91. 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. Vols. 1-7, 9, 11, hdw.; vols. 8, 19, hdw. on pr. fm.; vols. 10, 20, hdw. and typed on pr. fm.; vols. 12, 21-23, typed on pr. fm.; vols. 13, 14, 16-18, hdw. and typed; vols. 15, 24, 25, typed. Aver. 480 pp. 18 x 12 x 3.

85. LIS PENDENS NOTICES, 1930--. 12 docs. in 1 f.b.
Original notices of actions filed with county court clerk affecting title to property, showing: date filed, type and nature of lien, amount, name of defendant, location and description of property, date recorded, encumbrance volume number and page where recorded, signature of plaintiff, and attestation of county court clerk. Arr. chron. by date filed. No index. Hdw. and typed. 4½ x 4½ x 10.

86. RECORD OF ENCUMBRANCES UPON REAL ESTATE, Nov. 22, 1900--. 2 vols.
Record of notices of liens filed on property to secure payment of indebtedness and court judgments, and sheriff's certificates issued in transfer of property for payment of taxes recorded by county court clerk: summary of notices showing, date lien filed, names of plaintiff and defendant, amount, nature,

and purpose of lien, location and description of property, and attestation of county court clerk; summary of sheriffs' certificates showing, name of delinquent, amount of taxes, cost, and penalties, years due, date of sale, name and address of purchaser, date redeemed, signature of sheriff, and certification of county court clerk. Arr. chron. by date recorded. Alph. index, direct by first letter of surname of property owner, showing p. no. where recorded. Hdw. Aver. 500 pp. 18 x 12 x 3½. Co. ct. clk. vt.

87. MECHANICS AND MATERIALMENS LIENS, 1875--. 70 docs. in 1 bdl., 1 f.b. Title varies: Mechanics Lien, 1 bdl., 1875-1912.
Original liens upon property filed with county court clerk by claimants for recording, securing payment of debts for labor or material furnished, showing: names of claimant and property owner, description and location of property, amount of claim, date filed, nature of labor performed or description of material furnished, affidavit of claimant, date recorded, volume and page number where recorded, and attestation of county court clerk. Arr. chron. by date filed. No index. Hdw. and typed on pr. fm. Bdls., 2½ x 8 x 4.; f.b., 4½ x 4½ x 10.

88. MECHANICS' LIEN BOOK, July 27, 1874--. 1 vol.
Record of liens upon property securing payment of debts for labor or material furnished recorded by county court clerk, showing: date filed, names of property owner and person seeking to enforce lien, description of property, nature, terms, and amount of lien, and date recorded. Arr. chron. by date filed. No index. Hdw. and typed. 600 pp. 16 x 12 x 3.

89. (OLD AGE PENSION LIENS), 1936--. 1 vol.
Minute record of liens upon real estate owned by recipients of old age pension grants filed with county court clerk by 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. 16 x 4 x 2. Co. ct. clk. vt.

Chattel Liens

90. CHATTEL MORTGAGES, 1927--. 300 docs. in 6 f.b. 1824-73 in Recorded Deeds, entry 57; 1874-1927 in Real Estate Mortgages, entry 83.
Original mortgages filed with county court clerk for recording pledging personal property as security for payment of indebtedness, showing: names of mortgagor and mortgagee, date mortgage made and date due, number of document, amount secured, description of property pledged, notarized signature of mortgagor, acknowledgment of county court clerk, date recorded, and mortgage volume number and page where recorded. Arr. numer. by mortgage no. No index. Hdw. and typed on pr. fm. Bdls., 3 x 8 x 4; f.b., 4½ x 4½ x 10.

91. (CHATTEL MORTGAGES), 1824-1927. 1824-Oct. 1874 in Deeds, entry 58; Oct. 1874-1927 in Mortgages, entry 84. Method of recording discontinued.
Record of mortgages pledging personal property as security for payment of indebtedness recorded by county court clerk, showing: names of mortgagor and mortgagee, date mortgage made and date due, number of document, amount secured, description of property pledged, copy of notarized signature of mortgagor, attestation of county court clerk, and date recorded.

For subsequent records, see entry 92.

92. MINUTES CHATTEL MORTGAGES, 1928--. 2 vols.
Record of mortgages executed pledging personal property as security for payment of indebtedness recorded by county court clerk, showing: names of mortgagor and mortgagee, date filed, identification number, date of instrument, amount secured, date due, and description of property pledged. 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. 1928-Mar. 13, 1937, hdw. on pr. fm.; Apr. 14, 1937--, typed on pr. fm. Aver. 375 pp. 14 x 12 x 2½. Co. ct. clk. vt.
For prior records, see entry 91.

## Vital Statistics

### Marriage Records

93. MARRIAGE LICENSES, 1824--. 6000 docs. in 62 bdls., 20 f.b.
Original marriage licenses issued by county court clerk to applicants, certificates of marriages filled in by person performing ceremony, and consents of parents directing county court clerk to issue marriage licenses to named minors. Marriage licenses are returned to county court clerk within ninety days by person performing ceremony as per State laws, 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, and signature of county court clerk; certificates of marriage show: date of marriage, names of groom and bride, place of marriage, title of person performing ceremony, signatures of person performing ceremony and witnesses, and date of return; marriage consents show: date of consent, name, age, and sex of minor, statement of consent, name of person whom minor wishes to marry, and signature of parent or guardian. Arr. numer. by license no. No index. Hdw. on pr. fm. Bdls., 4 x 10 x 3½; f.b., 4½ x 4½ x 10.

94. MARRIAGE REGISTER (Marriage Bonds), Mar. 22, 1855--. 31 vols.
Title varies: Marriage Bonds, 14 vols., Mar. 22, 1855-Mar. 4, 1872, Oct. 21, 1874-May 4, 1885, Dec. 21, 1891-Dec. 17, 1910, Sept. 25, 1916-Jan. 31, 1917; Marriage Bond Book, 1 vol., Nov. 27, 1871-Oct. 14, 1874; Marriage Bonds White, 4 vols., May 14, 1885-Dec. 7, 1891, Dec. 23, 1910-Sept. 5, 1916; Marriage License and Bonds, 10 vols., Feb. 2, 1917-Sept. 25, 1925, Feb. 6, 1928-July 2, 1933; Marriage Bond & License Book, 1 vol., Oct. 6, 1925-Feb. 3, 1928.
Original marriage bonds and record of marriage certificates of time and place of marriage. Marriage bonds are furnished as a covenant between husband and Commonwealth that license will not be transferred and shows: 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; record of marriage certificates of time and place of marriage, recorded by county court clerk from information on marriage licenses and certificates returned by person performing ceremony, shows: date of marriage, names of groom and bride, place of marriage, names of witnesses, name and title of person performing ceremony, date recorded, and attestation of county court clerk. Arr. chron.

by date of bond. Alph. index, direct by first letter of surname of groom, showing: name of bride, and p. no. where recorded. Hdw. on pr. fm. Aver. 600 pp. 14 x 10 x 3.

For additional records, see entry 98.

95. MARRIAGE REGISTER, Apr. 27, 1824--. 6 vols.
Register prepared by county court clerk of marriage ceremonies performed when licenses are returned, showing: date of license, names of contracting parties, date and place of marriage, names of witnesses, name and title of person performing ceremony. Arr. chron. by date recorded. Alph. index, direct by first letter of surname of husband, showing p. no. where recorded. Hdw. under pr. hds. Aver. 450 pp. 12 x 10 x 2.

For additional records, see entry 100.

96. MARRIAGE REGISTER, 1914--. 2 vols. Title varies: Marriage Ceremonies, 1 vol., 1914-21.
Record of marriage ceremonies performed by county judges, showing: date of marriage, parties' names, place of marriage, names of witnesses, and amount of judge's fees. Arr. chron. by date of marriage. No index. Hdw. under pr. hds. Aver. 272 pp. 12 x 10 x ½. 1914-21, 1 vol., cir. ct. clk. off.; 1922--, 1 vol., co. judge off.

97. MEADE COUNTY MARRIAGES, 1853-57, 1859-60, 1901. 10 vols. 1862, 1894, 1906-7 in Meade County Births, entry 103.
Old marriage records deposited with Kentucky Historical Society, showing: name of husband and maiden name of wife, places of birth, addresses, ages 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.

98. FREEDMENS MARRIAGE BONDS, June 1, 1866-June 28, 1889. 1 vol.
Original marriage bonds furnished Commonwealth by Negroes as a covenant that 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. Arr. chron. by date of bond. No index. Hdw. on pr. fm. 240 pp. 18 x 12 x 2.

For subsequent records, see entry 94.

99. FREEDMENS DECLARATIONS OF MARRIAGE, June 30, 1866-Aug. 6, 1875. 1 vol. Record discontinued.
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: date, names of husband and wife, number of years lived together, statement of declaration, and signature of county court clerk. Arr. chron. by date of declaration. No index. Hdw. under pr. hds. 400 pp. 14 x 9 x 2.

100. FREEDMENS MARRIAGE REGISTER, June 1, 1866-Mar. 17, 1921. 1 vol.
Register of marriage licenses returned by person performing ceremonies between Negroes, showing: date of license, parties' names, authority and return of person performing ceremony, date and place of marriage, and names of witnesses

present. Arr. chron. by date registered. No index. Hdw. under pr. hds. 300 pp. 16 x 12 x 1½.
For subsequent records, see entry 95.

Births and Deaths

101. ASSESSORS RETURNS OF BIRTHS, 1852-1904. 225 docs. in 9 bdls.
Assessors' returns made to county court clerk of births, deaths, and marriages in county, showing on births: names of child and parents, race, sex, whether born dead or alive, and place of birth; returns on deaths show: name of deceased person, color, age, sex, occupation, date and cause of death, place of birth, residence, place of death, and names and birthplaces of parents; marriage returns show: names of bride and groom, residence and age of each, occupation of groom, and names of parents. Arr. chron. by date of return. No index. Hdw. 3 x 12 x 4. Co. ct. clk. vt.

102. DOCTORS RETURNS OF BIRTHS (Births and Deaths), 1852-1904. 60 docs. in 2 bdls.
Certificates of births and deaths filed with county court clerk by attending physicians and midwives, showing on birth certificates: date and place of birth, name, sex, and race of child, names of parents (or owner prior to 1865), maiden name of mother, and signature of physician or midwife; and on death certificates; name of deceased, date of birth, date, place, and cause of death, names of parents (or owner prior to 1865), address, sex, age, and race of deceased, and signature of physician. Arr. alph. by first letter of surname of parents. No index. Hdw. on pr. fm. 4 x 5 x 12. Co. ct. clk. vt.

103. MEADE COUNTY BIRTHS, 1853, 1855-57, 1859-60, 1862, 1894, 1901, 1904, 1906-7. 11 vols.
Record of births, showing: names of child, father, and mother (or owner prior to 1865), date of birth, and place of birth. Also contains: Meade County Marriages, 1862, 1894, 1906-7, entry 97; Meade County Deaths, 1862, 1894, 1906-7, entry 104. 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.

104. MEADE COUNTY DEATHS, 1853-57, 1859-60, 1901, 1903-4, 11 vols. 1862, 1894, 1906-7 in Meade County Births, entry 103.
Record of deaths, showing: name of deceased, date of birth, date and cause of death, names of parents (or owner prior to 1865), address, sex, and age of deceased, and places of birth and death. Arr. chron. by date of death. 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.

Revenue

Taxation

105. MONTHLY REPORTS OF RETAIL GASOLINE DEALERS, June 22, 1920-July 20, 1924. 135 docs. in 1 f.b.
Original reports made monthly to county court clerk by registered retail gasoline dealers, wholesalers, and refiners of gasoline sold to consumers, showing:

date, name of dealer, wholesaler or refiner, number of gallons sold, tax due, and signature of dealer. Also contains:

i. Copies of clerks notices to known dealers and refiners requesting registration with his office immediately as retail gasoline dealers, showing: date of notice, name of dealer or refiner, and signature of clerk.

Arr. chron. by date of report. No index. Typed. 4½ x 4½ x 10.

Licenses

106. AUTO APPLICATIONS, 1922-23. 300 docs. in 1 f.b. Record discontinued.
Applications for motor vehicle registration filed with county court clerk, showing: date of application, type of vehicle, make, model, year, horsepower, weight, load capacity, if truck, body style, motor and chassis numbers of car; name, age, address, description, and signature of applicant. Arr. chron. by date of application. No index. Hdw. on pr. fm. 4½ x 4½ x 10. Co. ct. clk. vt.

107. DEALERS CERTIFICATES OF REGISTRATION, 1923--. 18 booklets.
Duplicate copies of certificates of registration issued to motor vehicle dealers by county court clerk, showing: date issued, name and address of dealer, registration number, amount paid, and signature of county court clerk. Arr. chron. by date of registration. No index. Hdw. on pr. fm. Aver. 50 pp. 9½ x 4½ x ⅛. 1923-39, 17 booklets, strm.; 1940, 1 booklet, co. ct. clk. off.

108. PASSENGER CARS (Certificates of Registration), 1923--. 550 booklets.
Duplicate copies of certificates of registration issued to passenger car owners by county court clerk, showing: date of registration, registration number, kind of car, name and address of owner, amount of fee, clerk's fee, total amount paid, make of car, year made, model, horsepower, weight, body style, motive power, chassis and motor numbers, year last registered by present owner and registration number, date and from whom procured, if second hand and purchased in another state, date brought into Kentucky, and signature of county court clerk. Arr. chron. by date of certificate. No index. Hdw. on pr. fm. Aver. 50 pp. 9½ x 4½ x ⅛. 1923-39, 540 booklets, strm.; 1940--, 10 booklets, co. ct. clk. off.

109. TRUCKS (Certificates of Registration), 1923--. 51 booklets.
Duplicate copies of certificates of registration issued to truck owners by county court clerk, showing: date issued, name and address of owner, registration number, make of truck, load capacity, chassis and motor numbers, and signature of county court clerk. Arr. chron. by date of registration. No index. Hdw. on pr. fm. Aver. 50 pp. 9½ x 4½ x ⅛. 1923-39, strm.; 1940--, co. ct. clk. off.

110. FARMERS TRUCKS (Certificates of Registration), 1923--. 70 booklets.
Duplicate copies of certificates of registration issued to owners of farm trucks by county court clerk, showing: date issued, name and address of registrant, registration number, make of truck, load capacity, chassis and motor numbers, and signature of county court clerk. Arr. chron. by date registered. No index. Hdw. on pr. fm. Aver. 50 pp. 9½ x 4½ x ⅛. 1923-39, 67 booklets,

strm.; 1940--, 3 booklets, co. ct. clk. off.

111. MOTORCYCLE (Certificates of Registration), 1923--. 18 booklets. Duplicate copies of certificates of registration issued to motorcycle owners by county court clerk, showing: date of registration, name and address of owner, registration number, amount of fee, clerk's fee, total amount paid, make of motorcycle, serial number, year last registered by present owner and registration number, date and from whom procured, and signature of county court clerk. Arr. chron. by date of certificate. No index. Hdw. on pr. fm. Aver. 50 pp. 9⅓ x 4½ x ½. 1923-39, 17 booklets, strm.; 1940--, 1 booklet, co. ct. clk. off.

112. TRANSFER CERTIFICATE, 1923--. 3 booklets.
Duplicate copies of automobile transfer certificates and registration receipts issued by county court clerk, showing: date of transfer, names of former and present owner, serial, registration, and motor numbers, make, model, year, and horsepower of car, style of body, and signature of county court clerk. Arr. chron. by date of transfer. No index. Hdw. on pr. fm. Aver. 50 pp. 9⅓ x 4½ x ½. 1923-29, 1940--, 2 booklets, co. ct. clk. off.; 1930-39, 1 booklet, strm.

113. MOTOR VEHICLES REGISTER, Dec. 2, 1925--. 3 vols.
Roster of motor vehicle registrations recorded by county court clerk, showing: name and address of owner, type of vehicle, make, model, year, horsepower, and registration number, load capacity if for truck, body style, chassis, serial, and motor numbers. Arr. numer. by registration number. Alph. index, direct by first letter of surname owner, showing registration no. and p. where recorded. Hdw. under pr. hds. 16 x 12 x 2.

114. HUNTING LICENSE RECORD BOOK, July 19, 1912--. 5 vols. Title varies: License Record Game and Fish Commission, 1 vol., July 19, 1912-Oct. 25, 1915.
Duplicates of hunting and fishing licenses issued daily by county court clerk and reported monthly to State Game and Fish Commission, showing: date issued, name of licensee, residence, description of licensee, period covered by license, date of expiration, license number, amount of fee paid, signature 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. 100 pp. 14 x 12 x 1. July 19, 1912-Oct. 25, 1915, 1 vol., co. ct. clk. vt.; Nov. 1, 1915--, 4 vols., co. ct. clk. off.

115. GAME AND FISH PROTECTION FUND, 1912--. 7 vols.
Copies of county court clerk's monthly reports to State Game and Fish Commission of licenses sold, showing: number of resident and non-resident hunting licenses, fishing licenses, hoop net licenses, and seine licenses and extra tags sold, total amount due treasurer, and signature of county court clerk. Arr. chron. by date of report. No index. Hdw. on pr. fm. Aver. 50 pp. 9 x 8 x ½. 1812-39, 6 vols., strm.; 1940, 1 vol. co. ct. clk. off.

116. APPLICATIONS FOR PERMITS, June 7, 1936--. 15 docs. in 1 f.b.
Applications to county court clerk for permits to dispense liquor, showing: date of application, place of business, address of applicant, nature of permit, and signature of applicant. Arr. chron. by date of application. No index. Hdw. and typed on pr. fm. 4½ x 4½ x 10.

117. (PERMITS), June 24, 1936--. 1 vol. Last entry May 26, 1937.
Record of permits issued by county court clerk to various persons and authorizing them to conduct their specified business, showing: date, name of person receiving permit, type of business authorized to operate, date of expiration, order book number and page where recorded, and signature of county court clerk. Arr. chron. by date of permit. No index. Hdw. 200 pp. 10 x 8 x 1.

118. LICENSE REGISTER, Jan. 4, 1841--. 11 vols.
Stubs of licenses issued by county court authorizing named persons to transact stated business. Contains:

i. Tavern Licenses, Jan. 4, 1841-Aug. 2, 1915;
ii. Animal Licenses, Mar. 1, 1841--;
iii. Peddlers' Licenses, Mar. 25, 1841--;
iv. Lawyers' Licenses, Mar. 4, 1841;
v. Occupational Licenses, June 15, 1848--;
vi. Liquor Dealers' Licenses, Jan. 22, 1850-Aug. 2, 1915;
vii. Coffee House Keepers' Licenses, Mar. 4, 1850-Oct. 2, 1899;
viii. Merchants' Licenses, Oct. 8, 1851--;
ix. Druggists' Licenses, Dec. 11, 1879--;
x. Distillery Licenses, Dec. 28, 1892-Oct. 2, 1916.

each summary shows: date issued, name and address of licensee, purpose of license, amount of license fee paid, period covered by license, and number of license. Arr. numer. by license no. and chron. thereunder by date of license. No index. Hdw. on pr. fm. Aver. 200 pp. 13 x 8½ x 1½.

Registrations

119. MEDICAL REGISTER, Feb. 6, 1889--. 1 vol.
Register of medical practitioners, including:

i. Register of physicians, Feb. 6, 1889--;
ii. Register of dentists, July 1, 1896--;
iii. Register of embalmers, June 27, 1910--;
iv. Register of undertakers, May 6, 1914--;
v. Register of veterinarians, Oct. 6, 1916--;
vi. Register of optometrists, Aug. 2, 1920--;

showing for each: date registered, name, age, address, and nativity of practitioner, name of school or hospital granting diploma, date granted, type of degree, and certification of county court clerk. Arr. chron. by date recorded. Alph. index, direct by first letter of surname of registrant. Hdw. on pr. fm. 300 pp. 16 x 11 x 1½.

Accounts

120. COUNTY CLERK'S CASH, Jan. 1902--. 2 vols. Title varies: Fee Book, 1 vol., Jan. 1902-May 1929.
Record of county court clerks' daily cash collections reported monthly to State Auditor of Public Accounts, showing: date collected, from whom, and services rendered; recapitulation shows: number of deeds and mortgages recorded, marriage licenses issued, and tax on seals; summary shows: amount collected for each service, total collected less clerk's commission, and total reported. Arr. chron. by date collected. No index. Hdw. under pr. hds. Aver. 475 pp. 16 x 22 x 2.

121. RECEIPTS FROM STATE AUDITOR, Dec. 8, 1926--. 25 docs. in 1 f.b. Original receipts received from State Auditor of Public Accounts for taxes and fees reported by county court clerk, showing: name of clerk, amount and nature of funds covered by receipt, date, and signature of State Auditor. Arr. chron. by date of receipt. No index. Hdw. on pr. fm. 4⅓ x 4½ x 10.

Miscellaneous

122. MEADE COUNTY IN WORLD WAR, 1917-1919. 2 vols.
History of participation of Meade County in world war prepared by county historian under supervision of State Historian, showing: names of men from county serving during war, individual service record of each soldier, names of men who were wounded or killed during war, War Savings Campaign, Food and Fuel Administration, Red Cross, and Liberty Loan activities. Arr. by subject matter. No index. Hdw., typed, and printed. Aver. 300 pp. 12 x 8 x 1½.

123. MILITIA ROLL, 1861-1874. 1 vol.
List of names of persons in county liable under military law to be enrolled in the militia of the State of Kentucky, showing: name and number of enrollee. Arr. alph. by first letter of surname of enrollee. No index. Hdw. under pr. hds. 250 pp. 15 x 8 x 2.

124. RECORD OF SOLDIERS DISCHARGES, Dec. 14, 1918--. 1 vol.
Record of honorable discharge papers from military service in United States Army and Navy, showing: name of soldier or sailor, date and place of birth, names of parents, age, occupation, description, date enlisted and discharged, reason for discharge, and service record. Arr. chron. by date recorded. Alph. index, direct by first letter of surname of soldier, showing p. no. where recorded. Hdw. on pr. fm. 640 pp. 18 x 12 x 3. Co. ct. clk. vt.

125. (CLERKS' RECORD BOOK), 1862-1900. 1 vol.
Clerks' records of each day's activities and nome of duties to be performed, showing: date, description of daily activities, nature of duties to be performed, and remarks. Arr. chron. by date recorded. No index. Hdw. 200 pp. 10 x 8 x 1.

126. LICENSED AGENTS OF FOREIGN INSURANCE COMPANIES, Oct. 1, 1884-Feb. 10, 1892. 200 docs. in 1 f.b.
Notices of licensed agents in county of foreign insurance companies issued by insurance companies and filed with county court clerk, showing: name of insurance company, where located, name and address of local authorized agent, date of authorization, and signature of auditor of insurance company. Arr. chron. by date of list. No index. Hdw. on pr. fm. 4½ x 4⅓ x 10.

127. LETTERS (County Court Clerk's Correspondence), 1932--. 740 docs. in 1 f.d.
County court clerk's correspondence pertaining to county's affairs, showing: date of letter, to whom addressed, nature of contents, and signature of sender. Arr. by subject matter and chron. thereunder by date of letter. No index. Hdw. and typed. 18 x 12 x 24.

Circuit Court (Next entry 129, p. 178)

128. MISCELLANEOUS RECORDS, July, 1884--. 1 vol. Last entry Apr. 8, 1938.
Record of miscellaneous documents recorded by county court clerk. Contains: (Deeds of Assignment), July 2, 1885, entry 61; (Leases), Apr. 14, 1885-Aug. 8, 1937, entry 68; (Real Estate Options), Oct. 22, 1930, entry 69; (Agreements), Mar. 30, 1936, entry 70; (Marriage Contracts), Oct. 9, 1930, entry 72; Articles of Incorporation, Sept. 24, 1884, entry 75; (Certificates of Partnership), Apr. 8, 1938, entry 76; (Power of Attorney), entry 78. Arr. chron. by date recorded. Alph. index, direct by first letter of surname of principal, showing p. no. where recorded. Hdw. 320 pp. 16 x 11 x 2.

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## III. CIRCUIT COURT

### Structure

#### Creation

When Meade County was created by an act approved December 17, 1823, provision was made for the organization of a circuit court. This same act also provided for the circuit court of Hardin and Breckinridge Counties to have jurisdiction over all matters prior to the actual establishment of the new county's government. (1)

From 1824 to the present, a single judge has presided over the circuit court. (2)

The court has always had the power to order grand and petit jurors to attend the court, with the sheriff acting as summoning officer (3), as 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 of Meade County was held on Monday,

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1. ACTS, 1823-24, P. 336.
2. ACTS, 1823-24, P. 336; CONST. OF 1850, ART. 4, SEC. 23; CONST. OF 1891, SEC. 129.
3. LITTELL, VOL. 3, 1802, PP. 41-44; REV. STAT., VOL. 1, P. 321; ACTS: 1926, P. 136; 1932, P. 346.
4. CONST. OF 1799, ART. 10, SEC. 6; CONST. OF 1850, ART. 13, SEC. 8; CONST. OF 1891, BILL OF RIGHTS, SEC. 7.

July 26, 1824 (5), with John P. Oldham presiding as the first circuit judge. (6)

Terms

The circuit court held three terms a year, on the third Monday in May, and the fourth Monday in the months of July and September, consisting of 6 judicial days each. (7) In 1825, the time for holding court sessions was changed to the first Monday in May, the second Monday in July, and the third Monday in September. (8) Constitutional provision in 1891 continued the requirement that the circuit court meet three times each year (9), and the present circuit court holds its sessions at Brandenburg, the county seat, on the fourth Monday in January, April, and September. Each term is 12 judicial days, and the circuit judge is empowered to call a special term whenever he deems it necessary. (10)

Districts

In 1824, at the time of its establishment, Meade County was a part of the fifth district. (11) On June 19, 1851, it was included in the third judicial district, that district being composed of Daviess, Hancock, Ohio, Grayson, Hardin, Muhlenberg, Larue, Breckinridge, and Meade Counties. (12) In 1880 Meade County was placed in the ninth district. (13) Today Grayson, Breckinridge, Hardin, and Meade Counties compose this district. (14)

Selection and Term

When the circuit court was established in Meade County, the circuit judge was appointed and commissioned by the Governor, and served during good behavior. (15) In 1850, however, the office of circuit judge was made elective. The first election took place in May 1851; the second election was held on the first Monday in August 1856, and at the same time every sixth year thereafter. (16) 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. From 1897 to the present time the judge has held office for a 6-year period, from the first Monday in January succeeding his election. (17)

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5. CIVIL ORDERS, VOL. A, P. 1, SEE ENTRY 149.
6. CIVIL ORDERS, VOL. A, P. 1, SEE ENTRY 149.
7. Acts, 1823-24, p. 336.
8. Acts, 1824-25, p. 193.
9. Const. of 1891, sec. 131.
10. Acts: 1891-93, pp. 1035, 1038; 1918, p. 684; 1926, pp. 134-137; 1932, pp. 345-347; CARROLL, SECS. 964, 965.
11. Acts, 1823-24, p. 336.
12. Acts, 1850-51, VOL. 1, P. 23; CIVIL ORDERS, VOL. 1, P. 141, SEE ENTRY 149.
13. CIVIL ORDERS, VOL. X, P. 225, SEE ENTRY 149.
14. Acts, 1891-93, pp. 174, 1033.
15. LITTELL, VOL. 3, 1802, pp. 40, 41.
16. Const. of 1850, art. 4, sec. 20.
17. Const. of 1891, sec. 129.

Residence

From 1824 to 1850 the judge was required to have been a resident of the district only. (18) The third constitution required him to have lived 2 years in his district prior to his election. (19) 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. (20)

Age and Experience

No qualifications regarding age and experience were 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. (21) He is now required to be at least 35 years old when elected, and must have practiced law for 8 years. (22)

Oath

Judges of the circuit court have always been required to take the oath to perform their duties faithfully and to "do equal right to the poor and rich." (23)

Removal

Judges of the court have always been subject to impeachment by the House of Representatives for misdemeanor. Upon impeachment, a judge is tried by the Senate, and conviction, which must be by two-thirds vote of the Senators present, results in removal from office. (24) 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 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 give a detailed statement of the reason. (25) Since 1850, a judge's residence outside his district has been automatic cause for his removal from office. (26)

Vacancy

A vacancy in the office has always been filled by the Governor, with the

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18. LITTELL, VOL. 3, 1807, PP. 504-507.
19. CONST. OF 1850, ART. 4, SEC. 22.
20. CONST. OF 1891, SEC. 130.
21. CONST. OF 1850, ART. 4, SEC. 22.
22. CONST. OF 1891, SEC. 130.
23. LITTELL, VOL. 3, 1802, P. 41; ACTS, 1891-93, P. 1048; CARROLL, SEC. 972.
24. CONST. OF 1799, ART. 5, SECS.1-3; CONST. OF 1850, ART.5,SECS.1-3; CONST. OF 1891, SECS. 66-68.
25. CONST. OF 1799, ART. 4,SEC.3; CONST. OF 1850,ART.4,SECS.3,23; CONST. OF 1891,SEC. 112.
26. CONST. OF 1850, ART. 4,SEC.23; CONST. OF 1891, SEC. 129.

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advice and consent of the Senate. (27) An act of 1851 added the stipulation that the Governor fill a vacancy within 6 weeks of receiving notice of such vacancy. (28)

Compensation

In 1824, the circuit judge received $1,200 a year (29); an act of 1852 raised his salary to $1,400. (30) Later the compensation he received was increased to $3,000. (31), and he receives this amount today. (32)

## Jurisdiction of the Court

The circuit court has always been a court of record. (33)

Original Jurisdiction

By acts passed prior to 1824, the court was given jurisdiction over "all causes, matters, and things" at common law and chancery involving 5 pounds or more in money, or 1,000 pounds or more of tobacco (34), and jurisdiction in cases of public debtors. (35) Specific additions to its original jurisdiction have been authorized by the legislature throughout the existence of the court and 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 those matters is not exclusively delegated to some other tribunal" (36); in 1879, jurisdiction of claims upon the State treasury (37); and in 1893, jurisdiction concurrent with justices' and quarterly courts of penal actions where the fine upon conviction exceeds $20. (38) 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." (39) This provision was reaffirmed by an act of 1924. (40) An act of 1928 was passed giving to 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

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27. CONST. OF 1799, ART. 3,SEC.9; CONST. OF 1850, ART. 3,SEC.9; CONST. OF 1891, SEC.152.
28. ACTS, 1850-51, VOL. 1, P. 90.
29. LITTELL, VOL. 5, 1816, P. 347.
30. ACTS, 1851-52, P. 170.
31. GEN. STAT., 1873 ED., P. 773.
32. ACTS, 1887-88, VOL. 1, P. 143; CARROLL, SEC. 4357-5.
33. LITTELL, VOL. 3, 1802, P. 40; ACTS: 1851-52, P. 91; 1891-93, P. 1033.
34. LITTELL, VOL. 3, 1802, P. 40.
35. LITTELL, VOL. 4, 1809, P. 70.
36. ACTS, 1851-52, P. 90.
37. ACTS, 1879, VOL. 1, P. 106.
38. ACTS, 1891-93, P. 1058.
39. ACTS, 1906, P. 383.
40. ACTS, 1924, P. 66.

6 months, or both. In 1934 the punishment was increased to 12 months. (41)

The circuit court was also given jurisdiction concurrent with the justices' and quarterly courts of the offense of vagrancy (42); by an act of 1924 the court's jurisdiction included petit larceny and the first offense of carrying concealed and deadly weapons. (43)

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, is over $50 and not more than $200. (44)

Still another act of 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 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. (45)

In 1920, the circuit court was given jurisdiction of violations of the common carrier laws (46); in 1922, jurisdiction in criminal actions against juvenile offenders, with authority to commit convicted minors to the house of reform (47); and, in 1936, power to postpone judgments and to place on probation persons charged with crime. (48)

Jurisdiction in Land Cases

The court has always had original and exclusive jurisdiction of cases involving land title. A law in effect 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. (49)

The court's original and exclusive jurisdiction in land cases is interestingly demonstrated by two other statutes passed in 1893. One act gave the circuit court the power to sell, upon petition in equity by parties in interest, lands formerly belonging to charitable and religious societies other than Shakers. Such lands, when the societies were dissolved, 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. Sale of such lands could be made only for the purpose of reinvesting in similar property in the same

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41. ACTS: 1928, P. 155; 1934, P. 422; CRIM. CODE, SEC.13-5; CARROLL, SEC. 1093.
42. ACTS, 1904, P. 134.
43. ACTS, 1924, P. 66; CARROLL, SEC. 4758-3.
44. ACTS, 1891-93, P. 1049; CARROLL, SEC. 1051.
45. ACTS, 1891-93, P. 1056 FF.; CARROLL, SECS. 1076,1077.
46. ACTS, 1920, PP. 257,258.
47. ACTS, 1922, P. 158.
48. ACTS, 1936, P. 74.
49. LITTELL, VOL. 3, 1802, P. 40; ACTS, 1891-93, P. 1033; CARROLL, SEC. 966.

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county. (50) 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 to make an order transferring the case to the circuit court, on motion of either party to the action, 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; but if the quarterly court rendered judgment, the title to any real estate involved was not affected thereby. (51)

Jurisdiction of Persons of Unsound Mind

In 1824 the circuit court had charge of matters relating to persons of unsound mind (52), still pursuant to the law of 1793 which placed supervision of such matters in the jurisdiction of "any court of chancery in the Commonwealth." (53) The law stipulated merely that the court "inquire into the facts." In 1831 the legislature declared that this mode of proceeding had resulted in many persons who were not idiots, being found such and supported out of the public treasury; the legislature therefore tightened 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; however, the court was hereafter directed not to be content with "inquiry into the facts," but to summon a jury of 12 housekeepers to sit upon insanity inquisitions. The circuit court had exclusive jurisdiction over the care and custody of such persons and the appointment and control of their committees. (54) This jurisdiction was continued by acts passed in 1840 and 1841. (55)

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 necessary orders were issued. (56) 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 there was no meeting of the circuit court. The county judge was also given 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. (57)

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50. Acts, 1891-93, pp. 910,911; Carroll, secs, 323,324.
51. Acts, 1891-93, p. 1050; Carroll, sec. 1052; see Quarterly Court, p. 223.
52. Littell, vol. 3, 1802, p. 40.
53. Littell, vol. 1, 1793, p. 191.
54. Acts, 1831-32, pp. 109-111.
55. Preston S. Loughborough, A Digest of the Statute Laws of Kentucky, Frankfort, 1842, pp. 268-270; hereinafter cited as Lough.
56. Rev. Stat., vol. 2, pp. 33,35,37; Gen. Stat., 1873 ed., pp. 534, 536.
57. Acts, 1891-93, pp. 483-485.

Later acts made several changes in the general procedure (58), but the above-mentioned jurisdiction remained unchanged and continues at present under an act of 1928. This act, however, added the provision that in no case shall an inquest upon an idiot or convict be held except in circuit court, and an inquest upon a convict must be held at a regular term of court. (59) 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 of unsound 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. (60)

Other Jurisdictions

An act passed prior to 1824, 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 to return the fugitive to the state where he was wanted, upon the order of the Governor of Kentucky. (61)

The court has always had the power to issue injunctions and writs of certiorari, ne exeat, and habeas corpus (62), these powers being continued today under the chancery jurisdiction of the court, as provided by the Code of Practice. (63)

Appellate Jurisdiction

In 1824, persons aggrieved by the action of the county court in establishing a ferry could appeal to the circuit court (64) and this act remains in force today. (65)

By an act of 1829 the Court of Appeals could try matters of law and fact concerning road cases appealed from the county court, but an act approved January 29, 1830, repealed such procedure and provided that the appeal be made to the circuit court, as was true in cases concerning the probating of wills. (66)

In 1852 the circuit court was given jurisdiction over cases appealed from the county court concerning passways, mills, waterworks, and dams; appellate jurisdiction of quarterly and justices' courts in cases where the amount

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58. Acts: 1918, p. 156 ff.; 1924, p. 27.
59. Acts, 1928, pp. 110,123; Carroll, secs. 216aa-68, 2149.
60. Acts: 1891-93, pp. 483-489; 1928, p. 123.
61. Littell, vol. 5, 1814, pp. 185,186; Acts, 1891-93, p. 195.
62. Littell, vol. 3, 1802, pp. 37,38.
63. Acts, 1932, p. 334.
64. Acts, 1819-21, p. 952.
65. Gen. Stat., 1873 ed., pp. 479,480; Carroll, sec. 1801.
66. Acts, 1829-30, p. 217.

of the suit was more than $16; and appellate jurisdiction of trespass actions in justices' courts. (67)

Prior to 1894, a taxpayer 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. (68) An act of 1906, reaffirmed in 1924, substituted the quarterly court for the county court in this line of appeals. (69)

An act of 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 cases of bastardy, 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. (70) 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 (71), and in judgments of justices' courts in forcible entry and detainer proceedings. (72)

An act of 1938, which authorized a county board of registration and purgation to purge election lists, provided that a voter, aggrieved by the action of the board or its purgation officers, could take an appeal to the county judge or the circuit judge 5 days prior to an election. (73)

## 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." (74) This category includes the circuit court (75), and a search of the records of Meade County has revealed petitions for naturalization.

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67. Acts, 1851-52, p. 90.
68. Acts, 1894, p. 185.
69. Acts: 1906, p. 152; 1924, p. 417.
70. Acts, 1891-93, pp. 1048,1049; Carroll, sec. 978.
71. Crim. Code, sec. 362.
72. Crim. Code, sec. 463.
73. Acts, 1938, pp. 595,596.
74. U. S. Code of Law 1934 ed., Title 8, sec. 357; Morgan v. Dudley, 18 B.M. 693.
75. U. S. Department of Labor, Directory of Courts Having Jurisdiction in Naturalization Proceedings (Fifth ed.) Washington, 1932, pp. 37-39.

## Common Pleas Court

An act of February 5, 1867, created a common pleas court in Meade County, which served as an overflow court for the circuit court of the county. The judge of the common pleas court possessed the same qualifications as the circuit judge; the court had original jurisdiction of all civil business which the circuit court had, but no criminal or penal jurisdiction; and it had appellate jurisdiction, just as the circuit court had, in civil actions and writs of forcible detainers. Procedure in the court was the same as in the circuit court, and the latter court's ministerial officers - the circuit court clerk, the commonwealth's attorney, and the master commissioner - were required to perform the same functions in both courts. The court held two terms a year on the fourth Monday in March and September. Sessions lasted for 6 judicial days. (76) This court functioned only 1 year, and was abolished by an act approved February 13, 1868. (77)

## Non-Judicial Functions

### Appointments

By an act in force in 1824, the circuit court was given power to appoint one or more commissioners to convey title to lands by deed, agreeable to the court's decree, in certain chancery cases. (78) In 1839 the court was empowered to appoint a standing master commissioner to carry out the court's orders in the administration and settlement of estates. (79)

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. (80) 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. (81) 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 is authorized to make the following appointments: Guards for prisoners (82); an elisor to act in place of the sheriff (83); an attorney pro tempore to act for the commonwealth's attorney during his absence from any

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76. ACTS, 1867, VOL. 1, PP. 18-21.
77. ACTS, 1867-68, VOL. 1, PP. 12,13.
78. LITTELL, VOL. 3, 1807, P. 460.
79. ACTS, 1838-39, P. 295.
80. ACTS, 1837-38, P. 239.
81. ACTS, 1934, PP. 540,541.
82. ACTS, 1891-93, P. 191.
83. ACTS, 1891-93, P. 228.

term of court (84); persons to occupy the vacated positions of commonwealth's attorney and circuit court clerk, pending an election for these offices (85); a court reporter for the judicial district (86); a receiver in cases where the master commissioner cannot act as a receiver (87); guardians ad litem for persons under disability (88); two physicians to examine persons declared to be of unsound mind (89); three persons to serve as jury commissioners (90); and two or more examiners in each county of his district to take depositions. (91) 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. (92)

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. (93)

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. (94)

Indexing

From 1874 to the present, the court has had authority to order its clerks 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. (95)

## Commonwealth's Attorney - Structure

Creation

The office of commonwealth's attorney was created in 1813, when the

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84. Acts, 1891-93, p. 264.
85. Acts, 1891-93, p. 146; see Commonwealth's Attorney, p. 159, and Circuit Court Clerk, p. 164
86. Acts, 1891-93, p. 1523.
87. Acts, 1891-93, p. 1402.
88. Civil Code, sec. 38.
89. Acts, 1928, pp. 112, 113.
90. Acts, 1936, p. 69.
91. Civil Code, sec. 559.
92. Acts, 1938, pp. 59-61.
93. Acts: 1835-36, p. 264; 1891-93, p. 426; Carroll, secs. 13 to 14a-4.
94. Acts, 1928, pp. 145-148; Carroll, secs. 1126a-1 to 1126a-7.
95. Acts: 1873-74, p. 10; 1891-93, p. 538.

Governor, with the advice and consent of the Senate, appointed a commonwealth's attorney in each judicial district for a term of 2 years. (96) On August 23, 1824, by authority of the act of 1813, the Governor appointed Joseph Allen, as commonwealth's attorney, for the judicial district of which Meade County was a part. (97)

Selection and Term

The commonwealth's attorney 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 the same as that of the circuit judge. (98) The present constitution 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. (99) He has always been commissioned by the Governor. (100)

Residence

By an act already in effect in 1824, the commonwealth's attorney must have resided in the district for which he was appointed. (101) From 1850 up to the present, however, he must have resided in the State 2 years, and in the county and district 1 year preceding his election. (102)

Age

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. (103)

Experience

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. (104) Since 1891, he must have had 4 years experience as a licensed, practicing attorney preceding his election, in order to qualify for office. (105)

Oath

The commonwealth's attorney has always been required to take the oath of office before assuming his duties. (106)

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96. LITTELL, VOL. 5, 1813, PP. 19,20.
97. ORDERS COUNTY COURT, VOL. A, P. 31, SEE ENTRY 220.
98. CONST. OF 1850; ART. 4, SEC. 20; ART. 6, SEC. 1.
99. CONST. OF 1891, SEC. 97.
100. LITTELL, VOL. 5, 1813, P. 19; ACTS: 1891-93, P. 916; 1930, P. 390.
101. LITTELL, VOL. 5, 1813, P. 19.
102. CONST. OF 1850, ART. 6, SEC. 2; CONST. OF 1891, SEC. 100.
103. CONST. OF 1850, ART. 6, SEC. 2; CONST. OF 1891, SEC. 100.
104. CONST. OF 1850, ART. 6, SEC. 2.
105. CONST. OF 1891, SEC. 100.
106. CONST. OF 1799, ART. 6, SEC. 1; CONST. OF 1850, ART. 8, SEC. 1; CONST. OF 1891, SEC.228.

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. (107)

Vacancy

From the beginning of the office in Meade 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. (108) After 1850, a vacancy in this office was filled by the incumbent circuit court judge, pending the election and the qualifying of a successor. (109) In 1894, however, legislation authorized the Governor to fill a vacancy. (110) This provision was reaffirmed by an act of 1930 and is in force today. (111)

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. (112) In 1851 he received $300 per year, plus a percentage of certain fees. (113) Later provision specified that the commonwealth's attorney be paid $500 a year, plus 30 per cent of all judgments which were rendered in favor of the Commonwealth, with certain exceptions, in the circuit court of his district. (114) An act of 1892 directed that his annual salary be $500, plus 50 per cent 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. (115) 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 that amount was to be made up in the succeeding year. (116)

From the beginning of the office, 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, payment for such services being deducted from the salary of the commonwealth's attorney. (117)

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107. CONST. OF 1799, ART.5,SEC.1-3; CONST. OF 1850, ART.5,SECS.1-3; CONST. OF 1891,SECS.66-68.
108. LITTELL, VOL.5,1813,P.19.
109. ACTS, 1850-51,VOL.1,P.90; REV. STAT.,VOL.1,P.441; GEN. STAT.,1873 ED., P.386; ACTS, 1891-93,P.146.
110. ACTS, 1894, P. 11.
111. ACTS, 1930,PP.390,391; CARROLL,SEC.3758.
112. LITTELL, VOL.5, 1813, PP. 19,20.
113. ACTS, 1851-52,P.170; REV. STAT.,VOL.1,P.188.
114. GEN. STAT., 1873 ED.,P.152.
115. ACTS, 1891-93,PP. 264-267.
116. ACTS: 1928,P.161;1932,P.35; CARROLL,SEC.125.
117. LITTELL, VOL.5, 1813, P.20.

This provision was reaffirmed in 1893, with the exception that the pro tempore attorney was to receive not more than $7 a day to be paid out of the public treasury, and one half the per centum allowed the commonwealth's attorney. (118)

Restrictions

The commonwealth's attorney was not permitted to accept anything from defendants in criminal cases, as consideration for failure to prosecute. (119) He was also forbidden to defend any criminal in the State except in cases in which he was employed before his election, or to which he is a party; and his law partner could not defend any person whom it is the duty of the commonwealth's attorney to prosecute. (120)

Commonwealth's Attorney - Functions

The chief duty of the commonwealth's attorney, as it was the duty of his predecessors, the attorney general and the attorney for the Commonwealth, has 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. (121)

From the creation of his office, the commonwealth's attorney has 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, and performed such duties as were prescribed by law. (122) 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. (123)

He was also required to oppose improper applications for divorce (124), but this duty was later given to the county attorney. (125)

Early statutory duties of this officer were: To prosecute persons against whom indictments had been returned charging violations of the election laws (126); to take depositions in the Commonwealth's interest (127); and to obtain

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118. Acts, 1891-93, p.264.
119. Acts, 1891-93, p.809.
120. Acts, 1891-93, pp.261,264.
121. Littell, vol.4, 1809, p.68.
122. Littell, vol.5, 1813, p.19.
123. Acts, 1891-93, p.263.
124. Littell, vol.4, 1809, p.20.
125. Gen. Stat., 1873 ed., p.524.
126. Acts, 1827-28, p.198.
127. Littell, vol.3, 1804, p.189.

a rule against persons delinquent in paying fines and forfeitures. (128) All of those duties are in effect at the present time. (129)

By provision made in 1829, the commonwealth's attorney was authorized to prosecute attorneys who failed to pay to clients money they had collected, or who were otherwise delinquent. (130) He is also required to represent the Commonwealth in road cases appealed to the circuit court from the county court. In such cases the county attorney was required to attend and assist him in prosecuting such cases. (131) Until the keepers of billiard tables were legally licensed, it was the duty of the commonwealth's attorney to prosecute such persons. (132)

The commonwealth's attorney has always had the duty of applying to the court for appointment of committees for persons of unsound mind (133); 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. (134) This act was later amended to provide for the keeping of such persons in designated asylums (135), and the same act 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 sound mind when, in his opinion, he was of unsound mind. (136)

From 1833 until slavery was abolished, the commonwealth's attorney took a special oath to prosecute persons importing slaves into the State. Conviction for such offenses carried a fine of $600, of which the commonwealth's attorney was allowed 20 per cent, the remainder being set apart as a fund for colonizing free Negroes on the coast of Africa, which colony later became the Republic of Liberia. (137)

Other early statutes required the commonwealth's attorney to prosecute persons violating the currency laws (138) and to apply to the court for injunctions against such violators. (139) Today, enforcement of the currency laws is a duty of the United States Treasury Department. (140)

By an act of 1840 the commonwealth's attorney was required to see that the trustee of the jury fund faithfully carried out his duty of paying jurors

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128. Acts, 1819-20, p.181.
129. Acts, 1891-93, p.263.
130. Acts: 1828-29, p.129; 1891-93, p.264.
131. Acts: 1855-56, vol.1, p. 76; 1891-93, p.266.
132. Acts, 1830-31, p.127; Gen. Stat., 1873 ed., p. 746.
133. Littell, vol.1, 1793, p.191.
134. Acts, 1839-40, p.170.
135. Acts, 1928, p.116.
136. Acts, 1928, p.111.
137. Acts, 1832-33, p.259.
138. Acts, 1837-38, p.249.
139. Acts, 1838-39, p.119; Rev. Stat., pp. 277,278; Gen. Stat., 1873 ed., p.368; Carroll, sec. 1388.
140. U. S. Code, 1934 ed., Title 18, sec.262, p.264.

and of making proper settlement to the circuit court at the end of each court term. (141) 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. (142) When the office of trustee of the jury fund was abolished in 1934, its functions were given to the circuit court clerk, to be carried on under the supervision of the Auditor of Public Accounts. (143)

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 1873 and was reaffirmed in 1892. (144)

More recent statutory provisions required the commonwealth's attorney to advise the collector of public funds in regard to motions against collecting 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 (145); to prosecute suits brought by the State Auditor for the collection of taxes due the State (146); to prosecute violations of the game and fish laws (147); to prosecute violators of the sanitation laws, representing the State Board of Health in such cases (148); and to assist the Forestry Department in enforcing its regulations. (149)

Legislation in 1922 prohibited the manufacture, sale, transportation, possession, or other disposition of spirituous or intoxicating liquors, and made it the 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. (150)

The commonwealth's attorney keeps no records.

## Circuit Court Clerk - Structure

### Selection and Term

At the first meeting of the circuit court of Meade County in July 1824, William Fairleigh was appointed circuit court clerk, to hold office during

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141. Acts, 1839-40, p.134.
142. Gen. Stat., 1873 ed., pp.152,580.
143. Acts, 1934, pp.540-542.
144. Gen. Stat., 1873 ed., p.153; Acts, 1891-93, p.265.
145. Acts: 1891-93, pp.264,266; 1926, p.101.
146. Acts, 1906, p.172.
147. Acts, 1912, p.162.
148. Acts: 1916, p.424; 1918, p.291.
149. Acts, 1930, p.291.
150. Acts, 1922, pp.129,139.

good behavior. (151) Constitutional provision in 1850 made this office elective for a term of 6 years. (152)

Residence

In 1824, 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)

Age

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)

Qualifications

When the circuit court clerk was appointed, 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 an oath 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 in July 1824. (157) Legislation in 1850 further stipulated that he must not have participated in any manner in duels. (158)

Bond

By an act passed prior to 1824, the circuit court clerk was required to give bond in the amount of $10,000, which was to be renewed every fifth year. (159)

From 1850 to the present, the clerk has had to give surety bond in such amount, and as often, as required by law. (160)

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151. ACTS, 1823-24, P. 336; CIVIL ORDERS, VOL. A, P.1, SEE ENTRY 149.
152. CONST. OF 1850, ART.6,SECS. 1,3; CONST. OF 1891, SEC.97.
153. CONST. OF 1799, ART.3,SEC.9.
154. CONST. OF 1850, ART.6,SEC.2; CONST. OF 1891, SEC.100.
155. CONST. OF 1850, ART.6,SEC.2; CONST. OF 1891, SEC.100.
156. CONST. OF 1799, ART.4,SEC.10; CONST. OF 1850,ART.6,SEC.2; CONST. OF 1891, SEC.100.
157. CONST. OF 1799, ART.6,SEC.1.
158. CONST. OF 1850, ART.8,SEC.1; CONST. OF 1891, SEC.228.
159. LITTELL, VOL.4, 1810, P.123; ACTS, 1821-22, PP. 48,49.
160. CONST. OF 1850, ART.6,SEC.9; CONST. OF 1891, SEC.103; ACTS: 1891-93, P.534; 1928, P.407; 1934, PP. 60-62.

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)

Office Requirements

The circuit court clerk was at first 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

Upon the establishment of his office, the circuit court clerk 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), and to make 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

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161. CONST. OF 1799, ART. 4, SEC. 10; CONST. OF 1850, ART. 4, SEC. 39; CONST. OF 1891, SEC. 124.
162. CONST. OF 1799, ART. 4, SEC. 10.
163. GEN. STAT., 1873 ED., P. 386; ACTS, 1891-93, P. 146.
164. LITTELL, VOL.3, 1802, P.83; ACTS, 1851-52, PP.303,304; GEN. STAT., 1873 ED., PP.456-465; ACTS, 1928, PP. 392-398; CARROLL, SEC. 1720.
165. LITTELL, VOL. 3, 1802, P. 88; ACTS, 1891-93, P. 536.
166. LITTELL, VOL. 3, 1802, PP. 37,38.
167. REV. STAT., VOL. 1, P. 249; GEN. STAT., 1873 ED., P.200.
168. LITTELL, VOL. 4, 1810, P.192.
169. ACTS, 1838-39, P.138.
170. ACTS, 1891-93, P.536.

(171), and, each November, make a full report to the State Auditor of Public Accounts regarding cases filed in court the preceding year. (172)

An act in effect in 1824, reaffirmed later, 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 also was given the 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)

In 1824, the circuit court clerk was required to make out the docket for the succeeding term of court. (175) He now is also required 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) He is further required to keep equity and common law dockets. (177)

An act of 1811, in force in 1824, 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

By earlier acts, the circuit court clerk was authorized 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 process 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,

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171. Acts, 1891-93, p. 536.
172. Acts, 1891-93, pp. 537,538.
173. Littell, vol. 5, 1815, p.209; Acts, 1891-93. pp. 590, 1060.
174. Acts, 1891-93, p. 1060.
175. Littell, vol. 4, 1810, p.177.
176. Acts, 1891-93, p.420.
177. Gen. Stat., 1873 ed., p.200; Acts, 1891-93, p.420.
178. Littell, vol. 4, 1811, p. 278.
179. Gen. Stat., 1873 ed., p. 728.
180. Acts, 1891-93, p. 535.
181. Littell, vol. 1, 1792, p. 88.
182. Littell: vol. 1, 1796, p. 588; vol. 4, 1808, p. 485.
183. Littell, vol. 2, 1798, p. 261.
184. Littell, vol. 2, 1799, p. 329.
185. Gen. Stat., 1873 ed., p. 728.

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 operator's licenses. (188)

The circuit court clerk was required, by various acts, to tax both the cost on papers filed before execution (189) and the costs of each party on papers filed with the case at the termination of the action (190); and to give to the State Auditor of Public Accounts an accounting of all tax money received by him. (191) On the second day of the term of court, it was his duty to give the State Auditor an account in writing, verified by oath, of all money on hand. (192) 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 (193); 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. (194) An act of July 1, 1934, abolished the jury fund and the trustee, and gave the duties of the trustee to the circuit court clerk, who now is required to attend to the collection of fines and forfeitures, and keep a record of the funds paid to jurors. (195)

County Librarian

By an act of 1825, the circuit court clerk was made responsible for the law books in his charge and was directed 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. (196) He is now required to keep in his office for public use, all books entrusted to him (197) 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. (198) 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. (199) By a statute enacted in 1934, he was authorized to give, at his discretion, non-current documents, reports, and other library materials that are not needed by the county, to the libraries

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186. Acts, 1906, pp. 219,220.
187. Acts, 1906, p. 224.
188. Acts, 1934, Special Session, p. 139.
189. Acts, 1817-18, p. 548.
190. Gen. Stat., 1873 ed., p. 202; Acts, 1891-93, p. 537.
191. Acts, 1831-32, p. 113.
192. Gen. Stat., 1873 ed., p. 579.
193. Gen. Stat., 1873 ed., p. 386.
194. Acts, 1839-40, pp. 132-134.
195. Acts, 1934, p. 541.
196. Acts, 1825-26, p. 110.
197. Acts, 1891-93, p. 596.
198. Acts, 1891-93, pp. 596,597.
199. Acts, 1930, pp. 200-203.

of the University of Kentucky and the four State teachers' colleges. (200)

Miscellaneous Functions

Duties given the circuit court clerk by early statutes were: To certify to the State Auditor the number of slaves condemned and executed (201), 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 (202); to give a certificate of the number of terms the judge attended (203); and to transmit to the keeper of the penitentiary a statement of the expense of convicting prisoners. (204)

The circuit court clerk was also required to administer oaths of pleas of non est factum (205); to procure a seal of office (206); and to administer oaths out of office and take recognizance for the peace in certain cases. (207) 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. (208) He now certifies soldiers' claims without charge. (209)

## Circuit Court Clerk - Recordation

At the present time the circuit court clerk has certain duties in regard to the maintenance of an adequate record system. In 1824, he furnished his own books for keeping records, his own presses, and stationery, chargeable to the public treasury. (210) Upon order of the circuit court, the clerk now procures the record books for this office, which are paid for by the State. (211) In 1831, he was required to make a list of idiots and lunatics and their committees in a docket book. (212) At present, he 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. (213)

In addition to the recording duties previously mentioned, the circuit court clerk keeps the following records: A registry of suits to settle

200. Acts, 1934, p. 427.
201. Littell, vol. 2, 1798, p. 118.
202. Littell, vol. 2, 1799, p. 356.
203. Littell, vol. 2, 1800, p. 416.
204. Littell, vol. 3, 1802, p. 71.
205. Littell, vol. 2, 1801, p. 440.
206. Littell, vol. 3, 1804, p. 234.
207. Acts: 1827-28, p. 31; 1891-93, p. 536.
208. Acts, 1832-33, p. 149.
209. Acts, 1891-93, p. 537.
210. Littell, vol. 4, 1810, p. 189.
211. Acts, 1891-93, p. 534; Carroll, sec. 388.
212. Acts, 1830-31, p. 111.
213. Acts, 1928, p. 108.

insolvent estates (214); a book of witnesses' attendance (215); 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 (216); and a judgment book, with an alphabetically-arranged index in which all civil and criminal judgments are entered. (217)

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 persons as the county may appoint. He must not remove records from the county, except in great emergencies or by court order. (218)

## Master Commissioner - Structure

### Creation

The office of master commissioner, as it is now constituted, had not been organized at the time Meade County was created in 1824. Provision had been made, however, for commissioners to convey land. (219) Acts in effect in 1824 provided for one or more commissioners to convey title to lands by deed, satisfactory to the decree of the court, in certain chancery cases. (220) Such commissioners were the forerunners of the present master commissioner.

On May 5, 1829, William Fairleigh was appointed master commissioner for Meade County. (221) 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. (222) 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. (223)

### Selection and Term

In 1824, legislation already in effect provided that commissioners be appointed by the circuit court for settling accounts and partitioning of land or personal estates, this officer to serve as long as necessary. (224) By an act of 1852, the master commissioner was appointed by the circuit court for a term of 4 years. (225) Later, it was provided that the master commissioner

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214. GEN. STAT., 1873 ED., P. 555.
215. GEN. STAT., 1873 ED., P. 201.
216. GEN. STAT., 1873 ED., P. 203; ACTS, 1891-93, P. 538.
217. ACTS, 1926, P. 160.
218. LITTELL, VOL. 3, 1804, P.184; GEN. STAT., 1873 ED., P.199; ACTS, 1891-93, PP.535,536.
219. LITTELL, VOL. 1, 1796, P.400.
220. LITTELL: VOL. 3, 1807, P.460; VOL. 4, 1811, P.238.
221. CIVIL ORDERS, VOL. 3, P.99, SEE ENTRY 149.
222. ACTS, 1838-39, P.298.
223. ACTS, 1851-52, P.293; REV. STAT., VOL. 2, P.140.
224. LITTELL: VOL. 3, 1807, P.460; VOL. 4, 1811, P. 238; ACTS, 1850-51, VOL. I, PP.172-177.
225. ACTS, 1851-52, P.293; REV. STAT., VOL. 2, P.140.

could not continue in office for more than 4 years, without reappointment, and this provision is in effect today. (226)

Residence and Age

There is no age requirement for either the early commissioners or the present master commissioner, but the incumbent, by provision made in 1799, must have been a citizen of the United States and a resident of his county for 1 year prior to his appointment. (227) Today the master commissioner must reside within his county to qualify for office. (228)

Oath and Bond

Acts passed in 1852 provided that the master commissioner take oath and furnish bond with good security. (229) 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. (230) He was also required to execute a new or special bond whenever it was considered necessary. (231)

Removal

The master commissioner has always been subject to removal for adequate cause, by the circuit court. (232)

Vacancy

Statutes provide that when the office is made vacant by death, resignation, removal for cause, or removal from the county, the circuit judge appoint a suitable person to fill the vacancy at the next term of court. (233)

Compensation

In 1852, the master commissioner received not more than $3 a day for each day engaged in his duties, except by consent of parties in the suit to a larger amount; and was allowed $1.50 for each deed executed under the decrees of the court, unless the parties concerned consented to more. (234) In 1893, he received not more than $3 a day when the amount was not agreed upon by parties concerned and in addition he was paid on a fee or percentage basis, according

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226. GEN. STAT., 1873 ED., P.656; ACTS, 1891-93, P.48; CARROLL, SEC. 392.
227. CONST. OF 1799, ART. 3, SEC. 9.
228. CONST. OF 1891, SEC. 234.
229. ACTS, 1851-52, PP. 293,294; REV. STAT., VOL.2, P.140; GEN. STAT., 1873 ED., P. 656.
230. ACTS, 1891-93, P. 48; CARROLL, SEC. 393.
231. GEN. STAT., 1873 ED., P. 657; ACTS, 1891-93, P. 48.
232. ACTS, 1851-52, P. 293; REV. STAT., VOL.2,P.140; GEN. STAT., 1873 ED., P.656; ACTS,1891-93, P.48; CARROLL, SEC. 392.
233. ACTS, 1851-52, P.293; REV. STAT.,VOL.2,P.140; GEN. STAT.,1873 ED.,P.656; ACTS, 1891-93, P. 49; CARROLL, SECS. 397,398.
234. ACTS, 1851-52, P.294; GEN. STAT.,1873 ED., P.657.

to the amount involved, for his various duties in connection with dividing and selling property, settling accounts, and allotting dowries. (235) Since 1852, all his fees have been taxed as a part of the costs, and this tax was collected in the same manner as the fees of the circuit court clerk. (236) No allowance was made him, however, until his fees were ascertained by oath and evidence. (237) He was required to file a statement in court under oath, before he could collect any allowance. This is the present procedure. (238)

Deputies

The master commissioner could 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. (239)

Special Commissioners

A special commissioner may be appointed by the circuit court, upon request of litigants, to handle the case when the master commissioner is personally involved in such action. This commissioner is required to take oath and give bond in the same manner as the master commissioner. (240) Their fees are fixed by the circuit court and added as a part of the costs of the case. (241)

Master Commissioner - Functions

Duties performed by the early commissioners, and still exercised by the master commissioner are as follows: 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. (242) It was also his duty to settle the accounts of insolvent estates pending in the circuit court. (243) In 1852, he executed deeds under decree of the court. (244)

Unless otherwise specified by the court, it was 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. (245) Now he makes only one deed in

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235. Acts, 1891-93, p.1146; Carroll, sec. 1740.
236. Acts, 1851-52, p.294; Rev. Stat., vol.2, p.140; Acts, 1891-93, p. 494.
237. Acts, 1851-52, p.294.
238. Acts, 1891-93, p. 49; Carroll, sec. 396.
239. Acts, 1891-93, p. 493.
240. Gen. Stat., 1873 ed., p. 658; Acts, 1891-93, pp. 49,50.
241. Gen. Stat., 1873 ed., p. 658; Acts, 1891-93, p. 50.
242. Acts, 1838-39, p. 295.
243. Acts, 1851-52, p. 293; Rev. Stat., vol.2, p.140; Acts, 1891-93, p. 48.
244. Acts, 1851-52, p. 294; Rev. Stat., vol.2, p.140; Acts, 1891-93, p.494; Carroll, sec.406.
245. Acts, 1891-93, p. 494.

case of partition of land, unless he is otherwise ordered by the court. (246) The master commissioner was required to administer oaths and grant certificates thereof. (247) By statutes in effect in 1873, he could compel the attendance of witnesses by subpoena and attachment. (248) He now summons witnesses; and when persons duly subpoenaed refuse to testify, asks the circuit court to issue citations against them, to show cause why they should not be punished for contempt of court. (249) It is his duty not only to summon, but also to swear witnesses, and take their proof in writing. (250) He also executed judicial sales. (251)

In 1852, he acted as receiver and collector of money at the discretion of the court. (252) He keeps all money paid him under written order of the court, which must be attested by the circuit court clerk. (253) He also reports the amount of money on hand the first day of the circuit court, showing the style of each case in which it had been collected. (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, names of plaintiff and defendant, and the date of reference in each case; 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 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 office of the circuit court clerk.

## Civil Actions at Law

### Case Papers

129. ORDINARY CASE PAPERS, Oct. 1824--. 9120 cases in 222 bdls., 12 f.b. Original case papers and documents filed in civil suits tried before circuit court from institution to final disposition, including petitions, citations, answers, motions, bills, notes, and other documentary evidence, summonses and subpoenas, judgments, and exceptions, showing: number and style of case, date

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246. ACTS, 1891-93, P. 494; CARROLL, SEC. 406.
247. GEN. STAT., 1873 ED., P. 657; ACTS, 1891-93, P. 48.
248. GEN. STAT., 1873 ED., P. 657.
249. ACTS, 1891-93, P. 48.
250. GEN. STAT., 1873 ED., P. 657; ACTS, 1891-93, P. 48.
251. GEN. STAT., 1873 ED., P. 657; ACTS, 1891-93, P. 48.
252. ACTS, 1851-52, P. 294; REV. STAT., VOL. 2, P. 140; ACTS, 1891-93, P. 1402; CARROLL, SEC. 412.
253. ACTS, 1891-93, PP. 1402, 1403; CARROLL, SEC. 412.
254. ACTS, 1891-93, P. 50; CARROLL, SEC. 402.
255. ACTS, 1891-93, P. 493; CARROLL, SEC. 404.

filed, names of attorneys, date of trial, nature of judgment and how satisfied. Also contains: Commonwealth Causes, 1824-41, entry 157. Arr. chron. by date filed. For index, see entry 130. Hdw. and typed on plain sheets and pr. fm. F.b., 4½ x 4½ x 10; bdls., 5 x 8 x 3.

130. GENERAL INDEX TO SUITS, 1824--. 3 vols.
General index to Ordinary Case Papers, entry 129, and Equity Case Papers, entry 177, alphabetically direct by first letter of surname of plaintiff, showing case number, name of defendant, and bundle or file where filed; and indirect by first letter of surname of defendant, showing: case number, name of plaintiff, and bundle or file where filed. Also contains: General Index (Commonwealth Suits), May 1824-Aug. 1867, Oct. 1919--, entry 158. Arr. alph. by first letter of surnames of plaintiff and defendant and chron. thereunder by date of judgment. Hdw. under pr. hds. Aver. 600 pp. 18 x 13 x 3. Cir. ct. clk. vt.

131. ATTORNEYS RECEIPTS, 1910--. 42 docs. in 1 f.b. 1912-14 also in Miscellaneous Papers, entry 219.
Receipts given to circuit court clerk by lawyers borrowing papers in circuit court actions, showing: case number, names of plaintiff and defendant, date paper received, and signature of attorney. Arr. chron. by date received. No index. Hdw. on pr. fm. 4½ x 4½ x 10.

132. COURT OF COMMON PLEAS SUITS, 1867-68. 210 docs. in 7 bdls. Court discontinued.
Original case papers and documents filed in civil suits tried before court of common pleas from institution to final disposition, including petitions of plaintiffs, 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 case, date filed, names of parties'attorneys, various clauses indicating form of document, and signature of circuit court clerk. Arr. numer. by case no. For index, see entry 158. Hdw. on pr. fm. 3 x 8 x 5.

Surety Bonds

133. REPLEVIN BONDS, 1827--. 1 vol., 450 docs. in 15 bdls. Apr. 1938 also in Miscellaneous Bonds (Trustee Bonds), entry 197.
Original surety bonds furnished Commonwealth by defendant securing satisfaction of judgments rendered by circuit court, within three months, showing: date, number, and amount of bond, judgment of court, amount of court costs, date judgment rendered, signatures of defendant and surety, affidavit of surety, and attestation of circuit court clerk. Arr. chron. by date of bond. No index. Hdw. on pr. fm. Bdls., 2 x 8 x 4; vol., 240 pp. 14 x 12 x 2.

134. ATTACHMENT BONDS, Sept. 20, 1933--. 1 vol. Feb. 1865-Feb. 1878 in Bonds in Equity (Injunction Bonds), entry 179.
Original surety bonds executed before circuit court by plaintiffs as a covenant with Commonwealth securing defendants against damages that may accrue should final judgment fail to sustain petition of plaintiff, showing: date, number, and amount of bond, number of case, names of plaintiff, defendant, and surety, signatures of plaintiff and surety, affidavit of surety, and attestation of circuit court clerk. Arr. chron. by date of bond. No index. Hdw. on pr. fm. 475 pp. 14 x 10 x 2. Cir. ct. clk. vt.

135. BONDS FOR COST, 1881--. 1 vol. 1915-18 also in Appeal and Supersedeas Bonds, entry 136.
Original surety bonds executed before circuit court as a covenant with Commonwealth assuring payment of court costs, showing: date, number, and amount of bond, style of case, affidavit of surety, signatures of principal and surety, and attestation of circuit court clerk. Arr. chron. by date of bond. Alph. cross index: direct by first letter of surname of plaintiff, showing case no., name of defendant, and p. no. where recorded; and indirect by first letter of surname of defendant, showing case no., name of plaintiff, and p. no. where recorded. Hdw. on pr. fm. 480 pp. 14 x 9 x 3.

136. APPEAL AND SUPERSEDEAS BONDS, Aug. 1881--. 2 vols. Title varies: Supersedeas and Bonds for Cost, 1 vol., Aug. 1881-Dec. 1932.
Original appeal bonds executed before circuit court by appellants as a covenant with Commonwealth securing defendant against damages which he may sustain in action, payment of court costs, and response to judgments rendered; and supersedeas bonds executed before circuit court by appellants staying judgments pending decision of court upon 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 circuit court clerk. Also contains: Bonds for Cost, 1915-18, entry 135. Arr. chron. by date of bond. No index. Hdw. on pr. fm. Aver. 160 pp. 12 x 8 x 1½.

Miscellaneous

137. SUBPOENAS, 1824--. 1400 docs. in 14 bdls., 4 f.b., 1 desk drawer. 1921-- also in Warrants of Arrest, entry 168; 1923-31 also in Miscellaneous Papers, entry 219.
Original subpoenas issued by circuit court clerk for service on witnesses in cases tried before circuit court and returned by executing officer, showing: name of officer addressed, name of witness, term of court, date of appearance, purpose of subpoena, signature of circuit court clerk, officer's return, and date of return. Arr. chron. by date issued. No index. Hdw. on pr. fm. Bdls., 3 x 8 x 5; f.b., 4½ x 4½ x 10; desk drawer, 5 x 12 x 20.

138. SUMMONSES, 1824--. 1800 docs. in 17 bdls., 6 f.b. 1921-- also in Warrants of Arrest, entry 168; 1923-31 also in Miscellaneous Papers, entry 219.
Summonses issued for appearance in cases tried before circuit court, showing: names of plaintiff and defendant, cause of summons, date issued, to whom, date of appearance, signature of circuit court clerk, sheriff's return, return date, and signature of sheriff. Arr. chron. by date of return. No index. Hdw. on pr. fm. Bdls., 3 x 8 x 5; f.b., 4½ x 4½ x 10. Cir. ct. clk. vt.

139. ATTACHMENT ORDERS, 1830--. 350 docs. in 6 bdls., 2 f.b. 1835-52 also in Miscellaneous Papers, entry 219.
Original orders of attachment issued by circuit court directing sheriff to seize and hold in custody property of defendant sufficient to plaintiff's claim, showing: date, names of plaintiff, defendant, and attorneys, amount of claim, interest and costs, description of property, signature of circuit judge, sheriff's return, and date returned. Arr. chron. by date returned. No index. Hdw. on pr. fm. Bdls., 3 x 8 x 5; f.b., 4½ x 4½ x 10. Cir. ct. clk. vt.

140. TRANSCRIPT OF EVIDENCE, 1922--. 75 docs. in 2 bdls., 1 f.b. 1890-1921 in Miscellaneous Papers, entry 219.
Transcripts of depositions obtained on behalf of plaintiffs and used as evidence in cases pending before circuit court, showing: date, term of court, number, style, and type of case, name of witness, date of deposition, copy of signature of witness, and copy of signature of examiner or notary public. Arr. chron. by date of trial. No index. Hdw. and typed. Bdls., 3 x 8 x 5; f.b., 4½ x 4½ x 10.

141. DEPOSITIONS, 1844--. 93 docs. in 2 bdls., 1 f.b. 1895-1905 also in Miscellaneous Papers, entry 219.
Notices to take depositions of witnesses issued by circuit court judge and depositions of witnesses taken by public officials as evidence in circuit court cases, showing under notices to take depositions: name of witness to be summoned, date and place deposition to be taken, style of suit in which to be read, and signature of circuit court judge; depositions show: name of deponent, date and place where deposition taken, names of plaintiff and defendant, for whom testifying, signature of deponent, and signature of attesting officer. Arr. chron. by date of record. No index. Hdw. and typed. Bdls., 3 x 8 x 5; f.b., 4½ x 4½ x 10.

142. (MERCHANTS' LEDGERS), 1832--. 79 vols.
Original ledgers, journals, cash books, day books, bills of lading, inventories, and account books filed with circuit court by creditors as evidence in suits filed for recovery of rights or claims, showing: name of debtor, date and amount of debits and credits, and balance unpaid. No obvious arr. No index. Hdw. Aver. 100 pp. 14 x 12 x 1. Cir. ct. clk. vt.

Dockets

143. COMMON LAW AND EQUITY DOCKET, July 1824--. 14 vols. Title varies: Common Law and Chancery Docket, 1 vol., July 1824-Apr. 1830; Docket, 2 vols., July 1830-Nov. 1834, May 1838-Nov. 1839; Common Law Docket, 2 vols., May 1835-Nov. 1837, May 1840-Aug. 1841; Docket Com. (Common) Law and Chy. (Chancery), 3 vols., Nov. 1841-Oct. 1852; Common Docket, 2 vols., Oct. 1852-June 1860, May 1869-Mar. 1883; No title, 1 vol., Oct. 1860-Nov. 1868; Clerk's Common Law Docket, 1 vol., Mar. 1883-Sept. 1907; Civil Docket, 1 vol., Sept. 1907-Nov. 1917.
Docket of civil cases set for trial before circuit court and prepared by clerk for use as reference to each step taken in equity and common law actions at each term of court, showing: docket 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, by whom, and final disposition of case. Also contains: Commonwealth Docket, July 1824-Mar. 1876, entry 171; Com'th (Commonwealth) Judgments, 1824-1915, Oct. 1922--, entry 174; Clerk's Equity Docket, July 1824-Aug. 1844, Sept. 1886--, entry 182. Arr. chron. by date of court term. No index. Hdw. on pr. fm. Aver. 480 pp. 14 x 12 x 2.

144. JUDGE'S CIVIL DOCKET, May 1829--. 14 vols. Title varies: Docket, 3 vols., May 1829-May 1863, Mar. 1880-Sept. 1883; Judges Docket, 9 vols., Apr. 1864-Apr. 1907.

Record of cases set for trial before the circuit court and prepared for use of judge during court term, showing: date, term of court, names of plaintiff, defendant, their attorneys and witnesses, style of case, date filed, steps taken at each term of court, type of summons, date issued, to whom issued, date executed, by whom, and final disposition of case. Arr. chron. by date of court term. No index. Hdw. on pr. fm. Aver. 480 pp. 18 x 12 x 2½.

145. ORDINARY DOCKET (Court of Common Pleas), Oct. 1867-Mar. 1868. 1 vol. Court discontinued.

Docket of civil cases set for trial before the court of common pleas and prepared for use of judge during court term, showing: date, court term, case number, last order in case, plaintiff's attorney, parties to action, defendant's attorney, action, return on process, steps in action, judgment rendered, and remarks. Arr. numer. by docket no. No index. Hdw. under pr. hds. 600 pp. 18 x 13 x 3.

Minutes and Proceedings

146. MINUTE BOOK, May 17, 1824--. 20 vols. Title varies: Ledger, 1 vol., May 1824-Sept. 1828; Circuit Court Minute Book, 3 vols., May 1829-May 1844; Minutes, 4 vols., Oct. 1902-Apr. 1915, Mar. 1922-Sept. 1933.

Record of full proceedings in civil, criminal, and equity cases at each daily session of circuit court, showing on each days minutes: date, term of court, name of presiding judge, summary of proceedings, and notation of adjournment. Details are given as to the empaneling and discharge of petit juries, roll call of jurors, bills of information filed by district attorney, true bills of indictment returned by grand jury, and their recommendations. In equity and civil proceedings, motions by counsel, bills of exception, cases taken under advisement, and rules, orders, and judgments are among the items recorded. Each summary shows docket number, style of case, names of attorneys, and description of property involved. Criminal court proceedings include orders for filing information, pleas of defendants, fixing and discharging of bonds, and continuances; each summary shows: docket number, title of case, offense, jury's verdict, and sentence imposed by court. Arr. chron. by term of court. No index. Hdw. Aver. 250 pp. 14 x 12 x 2. Cir. ct. clk. vt.

147. MEMORANDUM BOOK, May 1824--. 8 vols. (1 vol. not labeled, A, 4-9). Title varies: Record of Processions, vol. A, July 1838-Dec. 1840.

Attorney's memorandum to circuit court clerk to file petitions or exhibits and issue process on cases to be tried before circuit court, showing: date entered, term of court, style of case, nature of memorandum, and signature of attorney. Arr. chron. by date recorded. No index. Hdw. Aver. 480 pp. 16 x 11 x 2. 1824-31, 1840--, 7 vols., cir. ct. clk. off.; 1832-39, 1 vol., storeroom second floor.

148. MEMORANDUM BOOK (Minute Book, Court of Common Pleas), Sept. 30, 1867-Apr. 1880. 1 vol. Court discontinued.

Recorded minutes of proceedings in criminal cases tried before the court of common pleas, showing: date, term of court, empaneling of petit jurors, summonses of witnesses, roll call of jurors, bills of information filed by

district attorney, true bills of indictment returned by grand jury and their recommendations, name of presiding judge, fixing of bonds, and notation of adjournment. Arr. chron. by date of court session. No index. Hdw. 300 pp. 14 x 12 x 2.

Orders and Judgments

149. CIVIL ORDERS, 1824--. 33 vols. (A-Z, 1-7). Title varies: Circuit Court Order Book, vols. A-C, 1824-36; Order Book, vols. D-Q, V, Y, 1836-76, 1892-96, 1905-9; Orders, R-U, 1877-91; Order Book Civil, vols. W-X, 1897-1905.
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, each summary showing: docket number, style of case, amount of judgment rendered, action taken, and steps at present term. Administrative orders include appointment of officials, acceptance of resignations, calls of special court terms, and approval of reports, each summary shows: date, term of court, name of principal, and nature of order. Also contains: Judgment by Default, 1824-62, 1880--, entry 151; Com'th (Commonwealth) Orders, 1824-Sept. 7, 1834, entry 173; Orders Idiota Inquirendo (Idiots' Inquests), July 1824-Sept. 1914, Sept. 1915--, entry 192; Cash Expenditure, 1824-Dec. 1914, July 1932--, entry 202; Claims Allowed, 1824-May 1877, entry 203. Arr. chron. by date of order. Alph. index, direct by first letter of surname of principal, showing nature of order and p. no. where recorded. 1824-Apr. 26, 1933, hdw.; Apr. 27, 1933--, typed. Aver. 600 pp. 18 x 12 x 2½.

150. ORDER BOOK (Court of Common Pleas), 1867. 1 vol. Court discontinued.
Record of orders issued in civil cases tried before court of common pleas, showing: date, nature, and number of order, style and number of case, names of plaintiff and defendant, and certification of circuit court clerk. Arr. chron. by date recorded. Alph. index, direct by first letter of surname of plaintiff, showing p. no. where recorded. Hdw. 560 pp. 18 x 12 x 2½. Cir. ct. clk. vt.

151. JUDGMENT BY DEFAULT, May 1, 1863-Sept. 10, 1879. 1 vol. 1824-62, 1880-- in Civil Orders, entry 149.
Record of circuit court judgments awarded plaintiffs upon defendant's failure to answer petition, showing: number and style of case, date and amount of judgment, date execution order issued, to whom delivered, officer's return. Arr. chron. by date of judgment. Alph. index, direct by first letter of surname of plaintiff, showing p. no. where recorded. Hdw. under pr. hds. 375 pp. 18 x 15 x 3.

152. JUDGMENTS FROM INFERIOR COURTS, Mar. 28, 1857-April 4, 1928. 1 vol.
Record of judgments rendered in lower courts from which appeals have been filed, showing: number and style of case, judgment and date rendered, date appeal filed, and date docketed for trial. Arr. chron. by date filed. No index. Hdw. 417 pp. 18 x 12 x 1 3/4.

Executions

153. EXECUTIONS, 1824--. 6300 docs. in 136 bdls., 14 f.b. 1843-64 also in Miscellaneous Papers, entry 219.

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 credit, date judgment rendered, signature of executing officer, to whom delivered, return, and return date. Arr. chron. by date returned. Hdw. on pr. fm. Bdls., 3 x 8 x 4; f.b., 4½ x 4½ x 10.

154. EXECUTIONS, Aug. 7, 1824--. 11 vols. (A, 1 vol. not labeled, C-I, A, J). Title varies: Circuit Court Execution Book, vol. A, Aug. 7, 1824-Oct. 1, 1833; Execution Book, 1 vol., not labeled, Dec. 2, 1833-Mar. 4, 1839, vols. E-I, Nov. 25, 1845-Apr. 9, 1885, vol. A, Jan. 2, 1877-Aug. 6, 1880; Execution Docket, vols. C-D, Mar. 18, 1839-Nov. 25, 1845.

Record of executions on judgments rendered in circuit court, showing: number and style of case, names of plaintiff, defendant, and attorneys, date judgment rendered, amount of debt, interest, cost, and credits, date and number of execution, to whom delivered, return date, officer's return, and date return made. Arr. chron. by date recorded. No index. Hdw. under pr. hds. Cond. fair. Aver. 600 pp. 17½ x 12 x 2½.

155. TRANSCRIPT OF EXECUTIONS, Mar. 23, 1875-Aug. 12, 1879. 1 vol. (Including orders 1205-1656) Record discontinued.

Record of execution orders on judgments in civil cases tried im circuit court, showing: date and number of order, date of judgment, description of order, date recorded, sheriff's return, and certification of circuit court clerk. Arr. numer. by order no. No index. Hdw. 350 pp. 14 x 10 x 2.

156. EXECUTION BOOK (Court of Common Pleas), Oct. 16, 1867-May 11, 1868. 1 vol. Court discontinued.

Record of executions issued on judgments rendered in cases tried before the court of common pleas, 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. Alph. index, direct by first letter of surname of defendant, showing name of plaintiff and p. no. where recorded. Hdw. on pr. fm. 600 pp. 18 x 12 x 2.

Criminal Actions

(See also entries 131, 137, 138, 141, 146, and 147)

Case Papers

157. COMMONWEALTH CAUSES, 1842--. 700 cases in 122 bdls., 21 f.b. 1824-41 in Ordinary Case Papers, entry 129.

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, depositions, warrants, capias, and pardons, showing:

docket number, style of suit, date filed, offense, date of trial, action taken, and signature of presiding judge. Arr. chron. by date filed. For index, see entry 158. Hdw. and typed on plain sheets and pr. fm. F.b., 4½ x 4½ x 10; bdls., 5 x 8 x 3.

158. GENERAL INDEX (Commonwealth Suits), Sept. 1867-Sept. 1919. 1 vol, May 1824-Aug. 1867, Oct. 1919-- in General Index to Suits, entry 130.

General index to Commonwealth Causes, entry 157, alphabetically direct by first letter of surname of defendant, showing: case number, date of judgment, order book number and page where recorded, and number of bundle where filed. Also contains:

i. General Index Court of Common Pleas Suits, 1867-68, entry 132, alphabetically direct by first letter of surname of plaintiff, showing: case number, name of defendant, date of judgment, and number of bundle where filed; and indirect by first letter of surname of defendant, showing: case number, name of defendant, date of judgment, and number of bundle where filed.

Arr. alph. by first letter of surname of defendant and chron. thereunder by date of judgment. Hdw. under pr. hds. 600 pp. 18 x 13½ x 3. Cir. ct. clk. vt.

159. MISDEMEANOR CASES, 1835--. 750 docs. in 9 bdls., 1 f.b.

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, orders fixing amount of bond, returns on process, and notices, showing: style and number of case, name of defendant, date of indictment, offense, date and place committed, signature of commonwealth's attorney, amount of bail bond, if any, arraignment, date of trial, names and verdict of jury, signature of jury foreman, judgment and date rendered, and when and how satisfied. Arr. numer. by case no. No index. Hdw. and typed on pr. fm. Bdls., 3 x 8 x 5; f.b., 4½ x 4½ x 10.

Surety Bonds

160. BAIL BONDS, Feb. 23, 1891--. 2 vols.

Original surety bonds furnished Commonwealth by accused persons securing their release 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. No index. Hdw. on pr. fm. Aver. 275 pp. 12 x 10 x 2.

161. COM'TH (Commonwealth) REPLEVIN BONDS, Apr. 22, 1918--. 2 vols.

Original surety bonds furnished Commonwealth by defendants securing satisfaction of circuit court judgments within three months, showing: date, number, and amount of bond, judgment of court, court costs, date of judgment, signatures of defendant and surety, affidavit of surety, and attestation of circuit court clerk. Arr. chron. by date of bond. No index. Hdw. on pr. fm. 14 x 10 x 2. Cir. ct. clk. vt.

162. CRIM'L (Criminal) APPEAL & SUPERSEDEAS BONDS, Oct. 9, 1922--. 1 vol. Last entry Mar. 10, 1932.
Original appeal bonds executed before circuit court by appellants as a covenant with Commonwealth securing payment of court costs and response to judgments rendered; and supersedeas bonds executed before circuit court by appellants staying judgments pending decision of court upon appeal, showing on each summary: names of surety, appellant, and appellee, date and amount of bond, judgment of court, signature of appellant and surety, affidavit of surety, and attestation of circuit court clerk. Arr. chron. by date of bond. No index. Hdw. on pr. fm. 479 pp. 14 x 12 x 2. Cir. ct. clk. vt.

163. PEACE BONDS, 1890--. 220 docs. in 3 bdls., 1 f.b. 1824-39 in Warrants of Arrest, entry 168; 1859-71 also in Miscellaneous Papers, entry 219.
Bonds executed by defendants as a covenant with Commonwealth for peaceful behavior over a period of one year, showing: date and amount of bond, names of principal and surety, provision of bond, signatures of principal and surety, and attestation of circuit court clerk. Arr. chron. by date of bond. No index. Hdw. on pr. fm. Bdls., 3 x 8 x 5; f.b., 4½ x 4½ x 10. Cir. ct. clk. vt.

164. BONDS IN LIQUOR CASES, Apr. 25, 1923-Feb. 26, 1932. 1 vol.
Original surety bonds furnished Commonwealth by persons convicted in circuit court of violation of State liquor laws guaranteeing good behavior and observance of law for one year, showing: names of principal and surety, date, number, amount, and terms of bond, affidavit of surety, signatures of principal and surety, and attestation of circuit court clerk. Arr. chron. by date of bond. No index. Hdw. on pr. fm. 430 pp. 14 x 10 x 2. Cir. ct. clk. vt.

Miscellaneous Papers

165. CORONER'S RECORDS (Inquests), 1916--. 120 docs. in 2 f.d. 1936-37 also in Miscellaneous Papers, entry 219.
Reports made to circuit court by coroners of inquests held upon bodies of persons who have died under questionable circumstances, showing: name, age, address, sex, and color of deceased, date and cause of death, testimony of witnesses, and signature of coroner. Arr. chron. by date of report. No index. Hdw. on pr. fm. 4 x 20 x 18. 1916-27, 1 f.d., strm.; 1928--, 1 f.b., cir. ct. clk. off.

166. INDICTMENTS, 1838--. 1400 docs. in 22 bdls., 7 f.b.
Criminal indictments returned by the grand jury to circuit court, showing: name of accused, offense, date and place committed, affidavit of plaintiff, signatures of commonwealth's attorney and jury foreman, date and number of indictment, date of trial, and certification of circuit court clerk. Arr. chron. by date of session. No index. Hdw. on pr. fm. Bdls., 3 x 8 x 5; f.b., 4½ x 4½ x 10.

167. DOG CASES, 1924--. 75 docs. in 2 bdls., 1 f.b. 1922 in Miscellaneous Papers, entry 219.
Indictments for harboring unlicensed dogs returned by grand jury and presented to circuit court for trial, showing: date, name of defendant, description of dog for which owner did not secure dog license, names of members of grand jury,

signatures of jury foreman and commonwealth's attorney, and date presented to circuit court. Arr. chron. by date returned. No index. Hdw. on pr. fm. Bdls., 3 x 8 x 4; f.b., 4½ x 4½ x 10.

168. WARRANTS OF ARREST, 1824--. 1600 docs. in 23 bdls., 5 f.b. 1378. 77 also in Miscellaneous Papers, entry 219.

Affidavits filed for warrants of arrest and warrants of arrest issued by circuit judge for service by sheriff upon persons accused of law violations, showing on affidavits: date, name of accused, offense, date and place committed, names of witnesses, and signatures of commonwealth's and county attorneys; warrants for arrest show: number and style of case, name of defendant, offense, date issued, signature of county judge, date and nature of sheriff's return, and signature of sheriff. Also contains: Subpoenas, 1921--, entry 137; Summonses, 1921--, entry 138; Peace Bonds, 1824-89, entry 163. Arr. chron. by date of return. No index. Hdw. on pr. fm. Bdls., 3 x 8 x 5; f.b., 4½ x 4½ x 10.

169. CLERK'S RECEIPTS FOR CAPIAS PRO FINES AND COMMONWEALTH EXECUTIONS, Jan. 1867-Apr. 1898. 2 vols. Title varies: Clerks Settlements, 1 vol., Jan. 1867-Sept. 1894. May 1898-- in Executions Commonwealth, entry 175.

Record of clerks' receipts for capias pro fines and Commonwealth executions, showing on executions: execution number, style of case, and date of return; and on capias pro fines: name of defendant, offense, and term of court. Arr. chron. by date of execution. No index. Hdw. under pr. hds. Aver. 300 pp. 15 x 12 x 2½.

170. PARDONS, 1910--. 23 docs. in 1 f.b.

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 said pardons. Orders for pardon, show: name of Governor, date of trial, name of offender, offence, 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 to offender, and signatures of Governor, Secretary of State, and Assistant Secretary. Arr. chron. by date of pardon. No index. Hdw. on pr. fm. 4½ x 4½ x 10.

Dockets

171. COMMONWEALTH DOCKET, Mar. 7, 1876--. 6 vols. Title varies: Law Docket, 1 vol., Mar. 7, 1876-Sept. 1876; Criminal Docket, 1 vol., Dec. 1876-Mar. 1881. July 1824-Mar. 1876 in Common Law and Equity Docket, entry 143.

Docket of criminal cases set for trial at each term of circuit court prepared by circuit court clerk for reference to each step taken in criminal actions, showing: date, term of court, name of defendant, offense, name of defendant's attorneys, 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. 500 pp. 18 x 12 x 2½.

172. JUDGES DOCKET (Commonwealth, Court of Common Pleas), Sept. 1867. 1 vol. Court discontinued.
Docket of criminal cases set for trial before court of common pleas prepared for use of judge during court term, showing: date, term of court, number and style of case, name of defendant, offense, action taken, date of trial, judgment rendered, and how satisfied. Arr. numer. by docket no. No index. Hdw. on pr. fm. 600 pp. 18 x 12 x 3.

Orders and Judgments

173. COM'TH (Commonwealth) ORDERS, Sept. 8, 1884--. 8 vols. (A-H). Title varies: Orders Com'wealths (Commonwealth) Causes, vol. A, Sept. 8, 1884-Feb. 23, 1892; Orders Commonwealth Causes, vol. B, Aug. 15, 1892-Jan. 27, 1900. 1824-Sept. 7, 1884 in Civil Orders, entry 149.
Record of orders issued in commonwealth cases tried before the circuit court, showing: date, number and style of suit, name of defendant, nature and disposition of order. 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. under pr. hds. Aver. 650 pp. 18 x 13 x 3½.

174. COM'TH (Commonwealth) JUDGMENTS, Jan. 24, 1916-Sept. 18, 1922. 1 vol. 1824-1915, Oct. 1922-- in Common Law and Equity Docket, entry 143.
Record of criminal judgments rendered in circuit court, showing: term of court, name of presiding judge, name of defendant, offense, trial date, number of judgment and date rendered, how satisfied, and attestation of circuit court clerk. Arr. chron. by date of judgment. No index. Hdw. and typed. 480 pp. 14 x 12 x 2. Cir. ct. clk. vt.

Executions

175. EXECUTIONS COMMONWEALTH, Feb. 1885--. 1 vol.
Record of executions on judgments in criminal cases tried in 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 return of sheriff. Also contains: Clerk's Receipts for Capias Pro Fines and Commonwealth Executions, May 1898--, entry 169; Record of Fines and Forfeitures, Aug. 1898--, entry 176. Arr. numer. by execution no. Alph. index, direct by first letter of surname of defendant, showing p. no. where recorded. Hdw. under pr. hds. 450 pp. 18 x 12 x 2. Cir. ct. clk. vt.

176. RECORD OF FINES AND FORFEITURES, Mar. 1824-July 20, 1898. 3 vols. Title varies: Fines, Forfeitures, and Jury Fees Collected by Clerk, 1 vol., Mar. 1824-May 1848; Fines and Forfeitures, 1 vol., Nov. 1836-Apr. 1893. Aug. 1898-- in Executions Commonwealth, entry 175.
Record of commonwealth execution orders on judgments rendered in circuit court, showing: execution number, style of case, amount of judgment and cost, term at which rendered, date of execution, return date, to whom delivered, officer's return, and date reissued and returned. Arr. chron. by date of execution. No index. Hdw. under pr. hds. Aver. 200 pp. 17 x 14 x 2.

## Chancery Actions
(See also entries 131, 141, 146, 147, and 149)

### Case Papers

177. EQUITY CASE PAPERS, Sept. 21, 1824---. 7500 docs. in 375 bdls., 11 f.b. (bdls., 1-375; f.b., numer. by case no.)
Case papers in equity suits tried before circuit court, including petitions, answers, summonses, orders, judgments, and executions, showing: number and style of suit, date filed, date of trial, judgment and date rendered, and final disposition. Also contains: Reports of Master Commissioner Sales, 1851--, entry 184. Arr. numer. by suit no. For index, see entry 130. Hdw. and typed on blank sheets and pr. fm. 3 x 8 x 5.

178. LAND CONDEMNATION SUITS, 1922---. 170 docs. in 4 f.b. Title varies: Road Cases, 1 f.b., 1921.
Original case papers in suits filed in circuit court petitioning land condemnation for public use, including citations, motions, exceptions, answers, evidence, summonses and subpoenas, and final judgment, showing: docket number, style of suit, date filed, location and description of property, and date of disposition. Arr. numer. by case no. No index. Hdw. and typed on plain paper and pr. fm. 4½ x 4½ x 10.

### Surety Bonds (See also entries 133, 134, 135, and 136)

179. BONDS IN EQUITY (Injunction Bonds), Feb. 1865--. 2 vols. Title varies: Bonds in Equitable Actions, 1 vol., Feb. 1865-Feb. 1878.
Original surety bonds executed before circuit court by plaintiffs as a covenant with Commonwealth securing defendants against damages should final judgment of court state that injunctions were wrongfully obtained, showing: date, number, and amount of bond, number of case, names of plaintiff, defendant and surety, signature of plaintiff and surety, and attestation of circuit court clerk. Also contains: Attachment Bonds, Feb. 1865-Feb. 1878, entry 134; Sale Bonds, 1866--, entry 180; Commissioners Reports of Sales, June 1865-May 1876, entry 185; (Guardian Bonds), Aug. 1865-Feb. 1878, entry 196. Arr. chron. by date of bond. No index. Hdw. on pr. fm. Aver. 500 pp. 17 x 13 x 2½.

180. SALE BONDS, 1840-65. 53 docs. in 1 bdl. 1866-- in Bonds in Equity (Injunction Bonds), entry 179.
Original surety bonds executed by purchasers securing payment of unpaid balances on property sold by master commissioner, showing: date of bond, amount secured, affidavit of surety, signatures of principal and surety, and attestation of county court clerk. Arr. chron. by date of bond. No index. Hdw. on pr. fm. 3 x 8 x 5. Cir. ct. clk. vt.

### Miscellaneous

181. SUMMONSES IN EQUITY, 1924--. 275 docs. in f.b. 1914-17 in Miscellaneous Papers, entry 219.
Summonses issued by circuit court clerk for service by sheriff upon named parties for appearance as witnesses in equity cases tried before circuit court, showing: date issued, number and style of case, name of witness, date of appearance, for whom appearing, sheriff's return, and signature of sheriff.

Arr. chron. by date of return. No index. Hdw. on pr. fm. 4½ x 4½ x 10.

Dockets

182. CLERK'S EQUITY DOCKET, Aug. 1844-Sept. 1886. 8 vols. Title varies: (No Title), 1 vol., Aug. 1844-May 1848; Docket Chancery Law Causes, 1 vol., Aug. 1848-Nov. 1850; Docket to Chancery Cases, 1 vol., May 1851-Oct. 1852; Equity Docket, 4 vols., Oct. 1852-Mar. 1882. July 1824-Aug. 1844, Sept. 1886-- in Common Law and Equity Docket, entry 143.

Docket of equity cases set for trial before the circuit court, prepared by the circuit court clerk for reference to each step taken in equity actions, showing: docket number and date, term of court, cause of action, names of parties, names of plaintiff's and defendant's attorneys and witnesses, proceedings, steps in case, date of each action, fees, remarks, and date taken off docket. Arr. chron. by date of court term. Alph. index, direct by first letter of surname of plaintiff, showing name of defendant and p. no. where recorded. Hdw. under pr. hds. Aver. 250 pp. 16 x 14 x 2½.

Commissioners' Records

183. JURY BOOK (Memo of Commissioners Deeds), Aug. 14, 1899-Sept. 1920. 1 vol.

Memo record of commissioner's deeds executed, showing: date executed, by whom made, to whom granted, and to whom delivered. Arr. chron. by date executed. No index. Hdw. under prepared hds. 100 pp. 10 x 6 x 1.

184. REPORTS OF MASTER COMMISSIONER SALES, 1872--. 820 docs. in 12 bdls., 6 f.b. 1851-- also in Equity Case Papers, entry 177.

Master commissioners' 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, signature of master commissioner, dates filed and recorded, volume and page number where recorded, and attestation of circuit court clerk. Arr. chron. by date of report. No index. Hdw. on pr. fm. Bdls., 3 x 8 x 5; f.b., 4½ x 4½ x 10.

185. COMMISSIONERS REPORTS OF SALES, Nov. 13, 1865--. 4 vols. Title varies: Sales Real Estate by Commissioners, 1 vol., Nov. 13, 1865-Apr. 12, 1881; Record of Commissioners Reports, 1 vol., Sept. 1884-Mar. 1886. June 1865-May 1876 also in Bonds In Equity (Injunction Bonds), entry 179.

Record of master commissioners' 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, signature of master commissioner, dates filed and recorded, and attestation of circuit court clerk. Arr. chron. by date recorded. No index. Hdw. on plain sheets and pr. fm. Aver. 400 pp. 17 x 13 x 2.

186. COM'RS (Commissioners) RECEIPTS, Sept. 1882-Mar. 1884, Dec. 1893--. 4 vols. Title varies: Commissioner's Record, 1 vol., Sept. 1882-Mar. 1884; Master Commissioners Docket, 1 vol., Dec. 5, 1893-Jan. 26, 1934.
Recorded disbursements to claimants in estate settlements by commissioners 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. Alph. index, direct by first letter of surname of plaintiff, showing name of defendant and p. no. where recorded. Hdw. under pr. hds. Aver. 250 pp. 14 x 12 x 1⅛.

Land Instruments (See also entries 57 and 58)

187. CIRCUIT COURT DEED BOOK, Sept. 22, 1826-Oct. 5, 1847. 1 vol.
Record of land ownership transfers by grants and deeds, showing: date of instrument, names of grantor and grantee, location and description of property, consideration, attested signature of grantor, dates filed and recorded, and attestation of circuit court clerk. Also contains:
i. Memorandum of deeds recorded by circuit court clerk, Sept. 22, 1826-May 2, 1842, showing: date of deed, date acknowledged by circuit court clerk, names of grantor and grantee, number of acres, water courses, in whose name entered, surveyed, and patented, number of certificate, and amount of tax and fee paid.
Arr. chron. by date recorded. No index. Hdw. 450 pp. 17⅛ x 12 x 2⅛. Cir. ct. clk. vt.

188. SALES OF LAND UNDER EXECUTION, Feb. 10, 1865--. 1 vol.
Record of sheriffs' reports of land sales under execution orders of circuit court, showing: date of sale, date and number of execution order, name of defendant, location and description of property, amount of debt, interest, and cost, name of purchaser, terms and amount of sale, signature of sheriff, and certification of circuit court clerk. Arr. chron. by date of sale. No index. Hdw. 476 pp. 14 x 12 x 2. Cir. ct. clk. vt.

Lunacy and Guardianship
(See also entries 246-248)

189. LUNACY INQUESTS, 1890--. 130 docs. in 2 bdls., 1 f.b. 1918-20 also in Miscellaneous Papers, entry 219.
Case papers in inquest held to determine mental status of persons suspected of being of unsound mind, showing: date of inquest, name, age, sex, occupation, marital status, and address of incompetent, names of jurors, statements of examining physicians, names of parents, name of person to be notified in case of death, findings of court, signatures of jury foreman, examining physician, and circuit court clerk, and order book number and page number where action of court is recorded. Arr. chron. by date of inquest. No index. Hdw. on pr. fm. Bdls., 3 x 8 x 5; f.b., 4⅛ x 4½ x 10.

190. INQUESTS FEEBLE MINDED PERSONS, Jan. 25, 1912--. 2 vols. Title varies: Inquest of Lunacy, 1 vol., Jan. 25, 1912-Sept. 27, 1917.
Record of inquests held by circuit court to determine mental status of persons

suspected of having unsound mind, showing: date of inquest, name, age, sex, marital status, and address of incompetent, names of parents, whether living or deceased, names of jurors, reports of examining physician, history of case, verdict of jury, court decision, and final disposition. Arr. chron. by date of inquest. No index. Hdw. on pr. fm. Aver. 390 pp. 16 x 12 x 2.

191. INQUESTS UPON IDIOTS, 1878--. 320 docs. in 1 bdl., 3 f.b. 1911-13 also in Miscellaneous Papers, entry 219.

Case papers of inquests held by circuit court upon pauper idiots, showing: date of inquest, names of presiding judge and jurors, name, age, sex, mental, physical, and pecuniary condition of defendant, history of case, sworn statement of examining physician, statement of support, names of parents or nearest relative, verdict of jury, signatures of jury foreman and Commonwealth's attorney, volume and page number where record of inquest recorded, date recorded, and attestation of circuit court clerk. Arr. chron. by date of inquest. No index. Hdw. on pr. fm. Bdl., 3 x 8 x 4; f.b. 4½ x 4½ x 10.

192. ORDERS DE IDIOTA INQUIRENDO (Idiots' Inquests), Sept. 1914-Sept. 1915. 1 vol. July 1824-Sept. 1914, Sept. 1915-- in Civil Orders, entry 149.

Record of idiot inquests held by circuit court from institution to final disposition of case, showing: date writ issued for service upon idiot, date of inquest, names of idiot, counsel appointed by court for idiot, and jurors, history of case, names of examining physicians, statement of support, names of parents or nearest relative, verdict of jury, name of committee appointed for idiot, amount of surety bond required, and attestation of circuit court clerk. Arr. chron. by date of inquest. Alph. index, direct by first letter of surname of idiot, showing p. no. where recorded. Hdw. on pr. fm. 475 pp. 14 x 12 x 2.

193. IDIOT INQUESTS AND CLAIMS, Aug. 1892--. 2 vols. Title varies: Idiot Claim Book, 1 vol., Aug. 1892-Sept. 1919.

Stubs of claim orders issued by circuit court clerk upon orders of circuit court making allowance for maintenance of pauper idiots, showing: names of committee and idiot, amount of allowance, year covered by allowance, and idiot order book number and page where recorded. Arr. chron. by date issued. No index. Hdw. on pr. fm. Aver. 500 pp. 15½ x 11½ x 2.

194. IDIOT ORDER BOOK, Sept. 25, 1893--. 1 vol.

Record of orders issued by circuit court at each term approving payment of allowances to pauper idiots who are adjudged unable to support themselves from a natural want of mental capacity, and who are unable to labor in any capacity, showing: date of order, names of committee and idiot, amount of allowance, period covered, and signature of circuit court judge. Arr. chron. by date of order. Alph. index, direct by first letter of surname of idiot, showing p. no. where recorded. Hdw. on pr. fm. 380 pp. 16 x 12 x 2.

195. BOND BOOK PAUPER IDIOTS (Committee Bonds), Sept. 30, 1895--. 1 vol. May 1921 also in Miscellaneous Bonds (Trustee Bonds), entry 197.

Original surety bonds executed by committees for pauper idiots covenanting with Commonwealth for faithful performance of duties, showing: date and amount of bond, names of idiot and committee, date committee appointed, 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 committee, showing name of idiot and p. no. where recorded. Hdw. on pr. fm. 200 pp. 14 x 10 x 2.

196. (GUARDIAN BONDS), Aug. 1865-1936. Aug. 1865-Feb. 1873 in Bonds in Equity (Injunction Bonds), entry 179; 1878-1923 in Miscellaneous Papers, entry 219; Apr. 1921-Apr. 1936 also in Miscellaneous Bonds (Trustee Bonds), entry 197.
Original surety bonds executed before circuit court by guardian of wards' affairs as a covenant with Commonwealth securing faithful executions of all named duties, showing: names of guardian, ward, and surety, date and amount of bond, signatures of guardian and surety, and attestation of circuit court clerk.

197. MISCELLANEOUS BONDS (Trustee Bonds), Apr. 1922--. 1 vol.
Original surety bonds executed before circuit court by trustees of assigned property as a covenant with Commonwealth that all named duties will be well and truly performed, showing: names of trustee, surety, and assignor, date and amount of bond, signatures of trustee and surety, and attestation of circuit court clerk. Also contains: Replevin Bonds, Apr. 1938, entry 133; Bond Book Pauper Idiots (Committee Bonds), May 1921, entry 195; (Guardian Bonds), Apr. 1921-Apr. 1936, entry 196. Arr. chron. by date of bond. No index. Hdw. on pr. fm. 230 pp. 13 x 12 x 2.

## Business Administration

### Financial Records

198. FEE BOOK, Apr. 1824--. 28 vols.
Account books of fees collected daily by circuit court clerk and reported monthly to State Auditor of Public Accounts, showing: date received, name of payer, services rendered, itemized fees, and signature of circuit court clerk. Arr. chron. by date received. No index. Hdw. on pr. fm. Aver. 400 pp. 18 x 12 x 2.

199. REPORTS OF OFFICERS, 1824--. 440 docs. in 11 bdls., 3 f.b. 1875-97 also in Miscellaneous Papers, entry 219.
Reports of fees, fines, and taxes collected by county officials and reported to circuit court at each term of court, showing: date of report, period covered, name and title of officer reporting, amount reported, nature of funds collected, approval of circuit judge, and signature of official making report. Arr. chron. by date of report. No index. Hdw. on pr. fm. Bdl., 3½ x 8 x 3½; f.b., 4½ x 4½ x 10.

200. CASH RECEIPTS (Circuit Court Clerk), Jan. 1915-Apr. 1934. 1 vol.
May 4, 1934-- in Report of Trustees Jury Fund, entry 207.
Record of circuit court clerk's daily cash receipts reported to circuit court at each term of court, showing: date, from whom received, on what account, tax on suits, clerk's costs, jury fees, witness fees, seals, appeals, fines, miscellaneous receipts, and total. Arr. chron. by date of collection. No index. Hdw. under pr. hds. 320 pp. 21½ x 18 x 1½. Cir. ct. clk. vt.

201. RECEIPTS FROM STATE AUDITOR, 1930--. 132 docs. in 2 f.b.
Receipts from State Auditor to circuit court clerk for funds and taxes received, showing: name of clerk, amount received, date, and signature of auditor. Arr. chron. by date of receipt. No index. Hdw. on pr. fm. 4½ x 4½ x 10.

202. CASH EXPENDITURES, Jan. 26, 1915-June 1, 1932. 2 vols. 1824-Dec. 1914, July 1932-- in Civil Orders, entry 149.
Record of cash expenditures by circuit court clerk upon orders of circuit court showing: date, name of payee, amount, and purpose of payment. Arr. chron. by date expended. No index. Hdw. under pr. hds. Aver. 250 pp. 14 x 14 x 1½. Cir. ct. clk. vt.

203. CLAIMS ALLOWED, June 1877--. 2 vols. 1824-May 1877 in Civil Orders, entry 149.
Record of claims allowed by circuit court for services rendered at each term of court, showing: date allowed, amount and nature of claim, name of claimant, order book reference, and certification of circuit court clerk. Arr. chron. by date allowed. No index. Hdw. and typed. Aver. 240 pp. 14 x 10 x 1½.

204. LISTS OF FINES, 1838-55. 38 docs. in 2 bdls. Discontinued.
Lists of fines collected at each term of circuit court by circuit court clerk and reported annually to Auditor of Public Accounts, showing: date collected, from whom, amount of fine, date of judgment, offense, and signature of circuit court clerk. Arr. chron. by date collected. No index. Hdw. under pr. hds. 3 x 8 x 4.

205. CASH RECEIPTS (Trustee of Jury Fund), Sept. 1903-June 1934. 3 vols. Title varies: Report of Officers to T.J.F. (Trustee Jury Fund), 2 vols., Sept. 1903-Jan. 1923.
Record of reports made to trustee of jury fund by county officials of fines and forfeitures, tax on seals, and fees collected, showing: date received, from whom received, on what account, daily total, and signature of trustee of jury fund. Arr. chron. by date received. No index. Hdw. under pr. hds. Aver. 250 pp. 14 x 18 x 1½.

206. PUBLIC MONEY RECEIVED, Apr. 1867--. 4 vols. (A, 1 vol. not labeled, 1-2). Title varies: Public Funds Collected, vol. A, 1 vol. not labeled, Apr. 1867-Feb. 4, 1921.
Record of circuit court clerks' daily cash collections reported monthly to the State Auditor of Public Accounts, showing: date collected, number and style of suit, amount collected, tax on suits, jury fees, fines and forfeitures, remarks, and date reported to State Auditor of Public Accounts. Also contains:
i. Public funds collected by trustee of jury fund, Apr. 1867-May 1934, and reported to the jury foreman on the first day of each term of court, showing: date received, from whom received, on what account, amount, remarks, and date reported.
Arr. chron. by date received. No index. Hdw. under pr. hds. Aver. 500 pp. 14 x 12 x 2.

207. REPORT OF TRUSTEES JURY FUND, Oct. 3, 1893-Jan. 27, 1934. 2 vols. Title varies: Order Book T.J.F. (Trustee Jury Fund), 1 vol., Oct. 3, 1893-July 16, 1906.
Record of reports from trustee of jury fund to Auditor of Public Accounts of

fines and forfeitures collected since previous report, showing: date, term of court, itemized list of receipts, date and from whom received, on what account, amount received from circuit court, justices, and other courts, total, signature of trustee of jury fund, attestation of circuit court judge and county attorney, certification of circuit court clerk, date examined and approved by State Examiner and Inspector of Public Accounts, and signature of Inspector. Also contains: Cash Receipts (Circuit Court Clerk), May 4, 1934--, entry 200. Arr. chron. by date of report. No index. Hdw. on pr. fm. Aver. 350 pp. 18 x 12 x 2.

208. TRUSTEE JURY FUND (Settlements), Mar. 1883-Jan. 1934. 2 vols. Title varies: Judges, Clerks and T.J.F. (Trustee Jury Fund), 1 vol., Mar. 1883-Sept. 1902.

Record of settlements produced in circuit court at each term sworn to by trustee of jury fund and approved by circuit judge in order that settlement be copied and certified to Auditor of Public Accounts, showing: date, term of court, name of trustee of jury fund, amount due Commonwealth for cash received of circuit court clerk, county court clerk, county judge, and sheriff, total received, amount paid to grand jurors, petit jurors, and bystanders, total paid out, trustees' commissions on amount paid out, net amount remitted to Auditor of Public Accounts, signature of trustee of jury fund, and attestation of circuit court clerk. Also contains:

i. Circuit court clerks' settlements, May 1934--, showing: date of settlements, items of tax, amount and from whom received, nature of tax and fees, signature of circuit court clerk, and attestation of circuit judge.

Arr. chron. by date of settlement. No index. Hdw. on pr. fm. Aver. 400 pp. 18 x 14 x 2. Cir. ct. clk. vt.

209. STANDARD MOTOR OPERATOR'S LICENSE REGISTER, 1934--. 2 vols. Title varies: Motor Operator's License Register, 1 vol., 1934-35.

Register of licenses issued daily to motor vehicle operators by circuit court clerk and reported weekly to State Auditor of Public Accounts, showing: number of license, name and address of operator, amount of fee and date paid, birth date, sex, weight, height, and description of operator. Arr. numer. by no. of license. Alph. index, direct by first letter of surname of operator, showing p. no. where recorded. Hdw. under pr. hds. Aver. 250 pp. 14 x 8 x 2.

Jury Records

210. JURY ATTENDANT BOOK, July 1825--. 7 vols. Title varies: Venire Book, 1 vol., July 1825-Nov. 1843; Jury Book, 5 vols., May 1, 1844-Sept. 1921.

Record of jurors serving in cases tried before the circuit court, showing: term of court, name of juror, day of week serving, total days served, amount of jury fees allowed, juror's signature, and attestation of presiding judge. Arr. chron. by date of court term. No index. Hdw. on pr. fm. Aver. 500 pp. 18 x 14 x 2½.

211. JURY BOOK (Common Pleas Court), Sept. 30, 1867-Apr. 1880. 1 vol. Court discontinued.

Record of jurors serving in criminal cases tried before the court of common pleas and their statement given to trustee of jury fund for payment in full

for services, showing: date, term of court, name of juror, whether petit or grand, days of week serving, number of days served, amount due, juror's signature, and certification of presiding judge. Arr. chron. by date of court term. No index. Hdw. under pr. hds. 250 pp. 14 x 9 x 1½.

Witness Records

212. WITNESS BOOK, Nov. 1855-Feb. 25, 1935. 5 vols. Title varies: Witness Attendance Book, 2 vols., Mar. 1875-Apr. 1906.
Record of witness attendance in cases tried before circuit court, showing: name of witness, style of case, party for whom appearing, number of days serving, amount for mileage, tollage, ferriage, total, and date paid. Arr. alph. direct by first letter of surname of plaintiff and chron. thereunder by date of court term. No index. Hdw. under pr. hds. Aver. 300 pp. 14 x 12 x 2.

213. WITNESS CERTIFICATES, Aug. 1889-Sept. 1928. 2 vols.
Stubs of certificates issued in payment of witness attendance in civil suits before the circuit court, showing: names of parties to suit, cause, name of witness, date of attendance, number of days served, amount allowed for service, mileage, and ferriage, total amount, and signature of circuit court clerk. Arr. chron. by date issued. No index. Hdw. on pr. fm. Aver. 250 pp. 14 x 12 x 1¼.

214. WITNESS CERTIFICATES (Felony), May 1841--. 6 vols. Title varies: Witness Book, 1 vol., May 1841-Nov. 1846; Witnesses for Com'lth. (Commonwealth) Payable at Treasury, 2 vols., May 1847-Mar. 1893; Witness Certificates Felony Cases, 1 vol., Apr. 1901-Apr. 1928.
Stubs of certificates issued to witnesses appearing in felony cases tried before the circuit court, showing: date, term of court, name of witness, amount allowed, name of accused and offense committed, days of attendance, mileage, ferriage, tollage, total amount of claim, and attestation of circuit court clerk. Arr. chron. by date issued. No index. Hdw. on pr. fm. Aver. 240 pp. 15 x 12 x 2.

215. WITNESS BOOK (Court of Common Pleas), 1867. 1 vol. Court discontinued.
Record of witnesses appearing in cases tried before the court of common pleas, showing: date, term of court, number and style of case, name of witness, for whom appearing, number of days served, amount due for service, mileage, tollage, ferriage, and total amount due. Arr. chron. by date recorded. No index. Hdw. on pr. fm. Aver. 600 pp. 18 x 12 x 2.

Miscellaneous

216. LIBRARIAN WITHDRAWAL RECORD (Inventory of County Library), n.d. 1 vol.
Inventory of county library volumes and records, showing: title of book, date received, from whom purchased or received, and signature of circuit court clerk. No obvious arr. No index. Hdw. under pr. hds. 450 pp. 18 x 13 x 3. Cir. ct. clk. vt.

217. REGISTER OF ATTORNEYS, Sept. 1903-Apr. 1917. 1 vol.
Register of attorneys at law licensed to practice before circuit court, show-

ing: date registered, name and address of attorney, date of license, and date admitted to bar. Arr. chron. by date registered. No index. Hdw. under pr. hds. 320 pp. 12 x 10 x 2. Cir. ct. clk. vt.

218. (PETITION FOR NATURALIZATION), Dec. 18, 1900-Sept. 21, 1922. 1 vol.

Petitions for admission to citizenship of the United States, showing: name of court, history record and family status of petitioner, date of petition, signature of petitioner, date attested and signature of circuit court clerk, affidavit and signatures of witnesses, oath of allegiance, court order admitting petitioner a citizen of the United States, and signature of presiding judge. Arr. chron. by date of petition. No index. Hdw. on pr. fm. 100 pp. 20 x 14 x 1. Cir. ct. clk. vt.

219. MISCELLANEOUS PAPERS, 1843-1937. 760 docs. in 8 bdls., 4 f.b.

Miscellaneous papers and documents filed by circuit court clerk, containing: Attorneys' Receipts, 1912-14, entry 131; Subpoenas, 1923-31, entry 137; Summonses, 1923-31, entry 138; Attachment Orders, 1835-52, entry 139; Transcript of Evidence, 1890-1921, entry 140; Depositions, 1895-1905, entry 141; Executions, 1843-64, entry 153; Peace Bonds, 1859-71, entry 163; Coroner's Records (Inquests), 1936-37, entry 165; Dog Cases, 1922; entry 167; Warrants of Arrest, 1873-77, entry 168; Summonses in Equity, 1914-17, entry 181; Lunacy Inquests, 1918-20, entry 189; Inquests upon Idiots, 1911-13, entry 191; (Guardian Bonds), 1878-1923, entry 196; Reports of Officers, 1875-97, entry 199. No obvious arr. No index. Hdw. and typed on pr. fm. Bdls., 3 x 8 x 5; f.b., 4½ x 4½ x 10.

(Next entry 220, p. 212)

# IV. COUNTY COURT

## Structure

### Creation

By an act approved December 17, 1823, the Kentucky General Assembly created the county of Meade from parts of Hardin and Breckinridge Counties, and directed that the first meeting of the county court be held on March 22, 1824. Accordingly, the seven justices of the peace named by Governor John Adair, commissioned as conservators of the peace, met at the home of John Rush on the day appointed, took the oaths of office, and appointed William Fairleigh as clerk pro tempore. (1) For names of the first justices of Meade County, and for the structure of the office, see Justices' Courts, p. 237.

### Constitutional and Statutory Changes in the Court

From March 1824, when the court first met, 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 and to assess the poll tax to defray such expenses. (3)

The Constitution of 1850 provided that the county court should be a tribunal composed of a county judge and two associate judges, but also provided that the legislature could abolish the office of associate judge at any time it saw fit. (4) The legislature saw fit to abolish the office of associate judge 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 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 best considered as predecessors of the present fiscal court, which was created in October 1892, as a separate administrative body. (7)

From its creation in 1824 until 1851, the county court of Meade County

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1. ORDERS COUNTY COURT, VOL. A, PP. 1-4, SEE ENTRY 220.
2. LITTELL, VOL. 1, 1796, P. 374.
3. LITTELL, VOL. 1, 1797, PP. 678-681.
4. CONST. OF 1850, ART. 4, SEC. 29.
5. ACTS, 1851-52, P. 96.
6. PENNINGTON V. WOOLFOLK, 79 KY. 13.
7. ACTS, 1891-93, PP. 268-274.

was composed of the justices acting both in a judicial and administrative capacity; thereafter, the county judge 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 was constituted as a separate legal entity, under the name of the fiscal court, in 1892. To understand this complex setup, it 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 (see p. 106), 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. (8)

## Sessions

The first session of the Meade County Court was held on the fourth Monday in March 1824 and thereafter on the fourth Monday in each month, except during the months the circuit court met. (9) Later legislation authorized the county courts to hold a regular term of court on Monday of every month during the year. (10) Meade County Court now meets on the first Monday of each month. (11)

# County Judge

## Selection and Term

The first county judge of Meade County was James Murray, who was commissioned by Governor John L. Helm on June 22, 1851. (12) He 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. (13) 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. Thereafter, "County Court" meant the judicial tribunal presided over by the county judge, its sole member. (14)

The county judge has always been elective to office, the first incumbent serving until the first Monday in August 1854, when his successor took office for a 4-year term. (15) 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 con-

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8. Const. of 1891, secs. 140, 141; see also Fiscal Court, p. 106.
9. Acts, 1823-24, p. 336; Orders County Court, vol. A, p. 1, see entry 220.
10. Acts, 1891-93, p. 1051.
11. Kentucky Court Calendar, 1938-39, Louisville, 1939.
12. Orders County Court, vol. E, p. 45, see entry 220; Const. of 1850, art. 4, sec. 32.
13. Acts, 1851-52, p. 96.
14. Const. of 1891, sec. 140.
15. Const. of 1850, art. 4, secs. 30, 31.

tinue 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. (16)

Qualifications

Before 1891 the age requirement for the judge was 21 years.(17) This qualification is now 24 years. (18) In 1852, he must have been a resident of the county 1 year prior to his election (19); this provision was later extended to include a residence requirement of 1 year in the county and 2 years in the State, preceding his election. (20)

Oath, Bond, and Security

Since 1851 the judge has sworn to support the constitution and to perform the duties of his office faithfully, with the added provision that he must not have participated in any way in duels (21); he also had to give bond and security before assuming office and as often thereafter as it was deemed necessary. (22)

Compensation

From 1851 to 1892 the court of claims and levy fixed the judge's annual salary (23); since 1892 the fiscal court has had this duty. (24) The salary of county judge of Meade County for the year 1939 was $1,200, paid in monthly installments. (25)

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. (26) In 1930, however, the legislature stipulated that, in case the fiscal court failed to fill a vacancy within 10 days, the county court clerk must notify the Governor in writing, and it then became the duty of the Governor to fill the vacancy immediately. (27) In 1936 the fiscal court's power to fill a vacancy in the office was taken away; 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

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16. CONST. OF 1891, SECS. 99, 100, 140.
17. CONST. OF 1850, ART. 4, SEC. 32.
18. CONST. OF 1891, SEC. 100.
19. CONST. OF 1850, ART. 4, SEC. 32.
20. CONST. OF 1891, SEC. 100.
21. CONST. OF 1850, ART. 8, SEC. 1; CONST. OF 1891, SEC. 228.
22. CONST. OF 1850, ART. 6, SEC. 9; CONST. OF 1891, SEC. 103.
23. REV. STAT., VOL. 1, P. 300.
24. ACTS: 1891-93, P. 1030; 1918, P. 448; CARROLL, SEC. 1072.
25. REPORT OF NAT. B. SEWELL, DIRECTOR OF POST AUDITS, TO GOVERNOR KEEN JOHNSON AND JUDGE W. E. BROWN, DECEMBER 26, 1939.
26. ACTS: 1851-52, P. 131; 1891-93, P. 105.
27. ACTS, 1930, PP. 390, 391.

the appointee. (28)

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. (29) 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; he had the right of appeal to the Court of Appeals; the Kentucky General Assembly also provided other methods for his removal or reinstatement. (30) 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, within 10 days after the entry of the order of removal, to the Court of Appeals; if removed, he shall be disqualified from holding office in this State, for a period of 4 years. (31)

Function of County Judge

In addition to his functions as presiding judge of the county court and as presiding officer of the fiscal court (32), the county judge has been given, through the years, many other duties. Since 1852, he has been the presiding judge of the quarterly court. (33) From 1852 to 1858, he and the county court clerk composed a county board of tax supervisors (34), but an act of February 15, 1858, required the judge to appoint citizens of the county as members of the board. (35) In 1904, he became a member of the county board of health (36), and in 1906, the judge of the juvenile session of the county court. (37) Recent provision made him a member of the county building commission, but Meade County has not as yet availed itself of the statutory authorization to create such a commission (38); and in 1934 he became a member of the county budget commission. (39)

General Jurisdiction

Penal and Misdemeanor Cases

Since 1934, the county court has been authorized by statute to exercise

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28. Acts, 1936, p. 272; Const. of 1891, sec. 152; Carroll, sec. 1529.
29. Const. of 1850, art. 5, secs. 1-3.
30. Const. of 1891, sec. 227, amend. 6.
31. Acts 1924, pp. 72-75.
32. See Fiscal Court, p. 106.
33. Acts [illegible] pp. 93, 94; Const. of 1891, sec. 139; See Quarterly Court, p. 223.
34. Rev. Stat., vol. 2, pp. 257, 258.
35. Acts 1857-58, vol. 1, pp. 57, 58; See County Board of Tax Supervisors, p. 281.
36. Acts 1904, p. 107.
37. Acts 1906, p. 322.
38. Acts 1910, p. 154; 1914, p. 1; 1928, p. 156.
39. Acts, 1934, p. 62 ff.

criminal jurisdiction concurrent with the justices', quarterly, and circuit courts, over cases in which the punishment did not exceed a fine of $500, or imprisonment for 1 year, or both. (40) For a more detailed treatment of the courts exercising this jurisdiction, see Governmental Organization and Records System, p. 19 ; Justices' Courts, p. 237; Quarterly Court, p. 223; and Circuit Court, p.150.

Insanity Inquests

Subsequent to the passage of the third constitution, the circuit judge or the county judge was given power to hold an insanity inquest when the circuit court was not in session. (41) 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 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. (42) 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. (43) 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. (44)

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. (45) The jurisdiction of such persons prior to 1802 is treated in the essay on Circuit Court, p.150. In 1893 legislation gave the county court jurisdiction concurrent with the circuit court over their persons and 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. (46) Later acts somewhat changed the general procedure concerning the care and treatment of persons of unsound mind (47), but the jurisdiction as specified in 1893 remains the same today under an act of 1928. (48)

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40. Acts, 1934, p. 422; Carroll, sec. 1093.
41. See Circuit Court, p. 150.
42. Acts, 1851-52, p. 253; Rev. Stat., vol. 2, p. 33 ff.; Gen. Stat., 1873 ed., pp. 534, 535.
43. Acts: 1891-93, p. 485; 1918, p. 161.
44. Acts, 1928, p. 110; Carroll, sec. 216AA-68.
45. Littell, vol. 3, 1802, p. 40; Acts, 1831-32, pp. 109-111; Preston S. Loughborough, A Digest of the Statute Laws of Kentucky, Frankfort, 1842, pp. 268-270; Acts, 1851-52, p. 250.
46. Acts, 1891-93, p. 483.
47. Acts: 1918, pp. 164, 165; 1924, p. 27.
48. Acts, 1928, pp. 115, 116, 123; Carroll, sec. 2149.

Complaints of Apprentices and Servants

The county court heard complaints of apprentices or hired servants, who were citizens living within the jurisdiction of the court, against masters or mistresses. (49) 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. (50) 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. (51) 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. (52)

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 (53), were later tried by either the county judge or a justice, if neither party demanded a jury. In such cases, the county judge or the justice was authorized to try all questions concerning cases of forcible entry and detainer, whether of law or of fact. (54)

Assignments

After 1394 the county court had jurisdiction of voluntary assignments. Whenever a suit involving a settlement of the estate was brought into the circuit court of the county in which the assignment was made, however, the jurisdiction of the county court ceased, and all papers relating to the estate which were filed in that court were transmitted by the county court clerk to the circuit clerk. (55)

Bastardy Proceedings

Since its establishment the county court has heard and determined all causes concerning bastardy proceedings. (56)

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49. LITTELL, VOL. 1: 1796, P. 375; 1797, PP. 677, 678.
50. LITTELL, VOL. 2, 1798, P. 8; GEN. STAT., 1873 ED., P. 655.
51. CARROLL, SECS. 2607-2610.
52. CARROLL, SEC. 2602.
53. LITTELL, VOL. 4, 1810, P. 182.
54. CIVIL CODE, 1876, SEC. 454; ACTS, 1887-88, VOL. 1, P. 112; CIVIL CODE, 1938, SEC. 454.
55. ACTS, 1894, P. 196; CARROLL, SECS. 74-96.
56. LITTELL, VOL. 1, 1795, PP. 282-284; ACTS, 1891-93, PP. 67-72; CARROLL, SEC. 168, ET. SEQ.

Jurisdiction of Tax Matters

By early legislation, the county court was given power to hear cases and impose a fine and triple tax on persons delinquent in filing lists of taxable property with the commissioner of the tax. (57) The court also heard appeals from evaluations placed upon property by the commissioner of the tax, and, if it thought proper, corrected such valuations. (58) An act approved February 26, 1842, gave the county court authority to summon a jury to determine the facts against a person failing to list taxable property. When it had been ascertained whether or not such person was guilty, the court rendered judgment according to the findings of the jury. (59) An act approved 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; such persons, however, were to be proceeded against in the circuit court instead of in the county court. (60) By enactment effective July 1, 1852, the county judge and the county court clerk composed a board of tax supervisors, which was directed to hold sessions attended by the commissioner of the tax and his assistants; to report delinquents to the county court; and, finally, to give a certificate of approval to the tax books. (61) The county court, therefore, instead of the circuit court, was again made the court in which proceedings were heard against tax delinquents. (62)

Jurisdiction of Juvenile Cases

Since its creation in 1824, the Meade County Court has had jurisdiction over orphans, apprentices, and neglected, dependent, and delinquent children. (63) 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 (64), and in 1825 the jurisdiction of the court was extended to include poor children of color who were free. (65)

An act approved February 24, 1894, directed the court to commit to any charitable reformatory or other institution in the county authorized to take charge of minors, any child adjudged to be vagrant or destitute, and authorized the county court clerk to enter proceedings against any such child in a separate book, styled "Infant Vagrants." (66)

In 1896 the county court was given the power to commit any boy or girl

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57. LITTELL, VOL. 5, 1814, P. 290.
58. Acts, 1818-19, PP. 652-660.
59. Acts, 1841-42, P. 76.
60. Acts, 1843-44, PP. 78-80.
61. Rev. Stat., VOL. 2, PP. 257, 258.
62. Rev. Stat.: VOL. 1, PP. 295, 296; VOL. 2, PP. 254, 255; Acts, 1906, P. 111; CARROLL, SECS. 4061-4063.
63. LITTELL, VOL. 1; 1793, PP. 191, 192; 1797, P. 674.
64. LITTELL, VOL. 3, 1802, P. 74.
65. Acts, 1825-26, P. 137; CARROLL, SEC. 2591.
66. Acts, 1894, PP. 28, 29.

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, except at the discretion of the court. (67)

An act approved March 21, 1906, and amended by an act of 1908, created "The Juvenile Session of the County Court." This juvenile session had 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. It did not, according to an opinion of the Court of Appeals in 1911, create a new court, but merely enlarged the powers of the county court. (68) 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." The court was also authorized to appoint probation officers 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. No child under 14 years of age could, under any circumstances, be placed in a detention school or detention ward of the county jail. 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 privately. 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. The court also, under provisions of this act, could 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. (69)

An act approved March 23, 1920, transferred jurisdiction of neglected, dependent, and delinquent children from the county court to the circuit court (70), but was held invalid by the Court of Appeals on November 11, 1920 (71); consequently, the county court continues to hear juvenile cases in the juvenile session. (72)

In 1825, the year after its establishment in Meade, the county court was given jurisdiction of cases concerning persons charged with cruelty toward children. (73) This jurisdiction was extended by legislation in 1894, which provided severe penalties for persons guilty of employing children in indecent or immoral occupations, of exhibiting any insane or idiotic child, of neglecting to provide for any child under 14 years of age, and of wilfully

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67. Acts, 1896, pp. 60-62
68. Marlow v. Commonwealth, 142 Ky. 106.
69. Acts, 1906, pp. 322-332; 1908, pp. 181-198.
70. Acts, 1920, pp. 329-333.
71. Lynn v. Bullock, 189 Ky. 604.
72. Carroll, sec. 331E-2.
73. Acts, 1825-26, p. 137.

deserting any child under 6 years of age. (74)

An act of 1906 provided that parents or persons who, having legal custody of a dependent, neglected, or delinquent child, 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. (75) An act of 1908 repealed this act 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. (76) An act approved March 23, 1910, repealed this act of 1908 and reenacted the act of 1906, decreasing the amount of the fine to not more than $100, and imprisonment to 50 days. It also empowered the court to suspend sentence upon any such defendant and place him on probation for 1 year. (77) In 1918 the county court was given jurisdiction over cases of parents who failed to educate deaf children. (78)

## Policy-determining Functions

### Roads

From the beginning, the jurisdiction of the county court has extended over road matters. (79) It had power to construct and maintain county roads, and to decide whether county roads, bridges, and landings should be established, altered, or discontinued. It was also empowered to take whatever judicial steps were necessary to effectuate its decisions. (80)

A special act approved March 23, 1873, further authorized the county court of Meade to include in its annual levy an additional 5 cents on each $100 of taxable county property and an additional poll tax of $1 upon each assessable person, for the purpose of opening and repairing roads, and repairing and building bridges. (81) 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

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74. Acts, 1894, pp. 29-31.
75. Acts, 1906, pp. 302, 303.
76. Acts, 1908, p. 152 ff.
77. Acts, 1910, pp. 226-228; Carroll, secs. 331A-1, 331A-3.
78. Acts, 1918, p. 142; Carroll, sec. 298F-6.
79. Littell, vol. 1, 1792, p. 93.
80. Littell, vol. 4, 1811, p. 361; Acts: 1851-52, p. 33 ff.; 1891-93, p. 235 ff.; 1914, pp. 341-344; Carroll, sec. 4302.
81. Acts, 1873, vol. 2, p. 55.

interrelated. (82)

Tollgates

In 1833 the county court was given power to have tollgates erected across public roads and to have such gates repaired or removed, provided mail roads or main highways leading from the courthouse of one county to that of an adjoining county were not obstructed by such gates. (83) 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. (84)

Ferries

Early legislation gave the county court authority to establish and regulate ferries and to grant ferry privileges, which authority it exercises today. (85)

Constables' Districts

One of the earliest functions of the county court was to lay the county off into districts and to appoint a constable for each district. (86) 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 these officers was discontinued. (87)

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. (88) 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. (89) The county court continued to divide these districts into election precincts, to establish the name or number and boundaries of such precincts, and to establish a place of voting in each. The court could divide or consolidate precincts, change boundaries, or change the places of holding elections whenever public

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82. SEE GOVERNMENTAL ORGANIZATION AND RECORDS SYSTEM, P.19.
83. ACTS, 1832-33, P. 85.
84. ACTS, 1914, P. 355; CARROLL, SEC. 4319.
85. LITTELL, VOL. 3, 1806, P. 361; ACTS: 1823-24, P. 386; 1851-52, P. 173; GEN. STAT., 1873 ED., P. 479; CARROLL, SEC. 1800.
86. ACTS, 1819-20, P. 865.
87. CONST. OF 1850, ART. 6, SEC. 5; CARROLL, SECS. 1519, 1526.
88. ACTS, 1822-23, P. 35; CONST. OF 1850, ART. 4, SEC. 34; ACTS, 1851-52, P. 124; GEN. STAT., 1873 ED., PP. 302, 376, 377.
89. ACTS, 1891-93, P. 189.

convenience required it; and still exercises these functions. (90) The court has had jurisdiction since 1936 over the cancellation of voters' registrations. (91)

Tavern Licenses

Since the county court was established, all causes pertaining to the granting of tavern licenses and the regulation of tippling houses have come under its jurisdiction. (92) All places of public entertainment that sold liquor were required by an act of 1936 to obtain licenses from the court. (93)

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. (94) Later legislation empowered the county court to grant peddlers' licenses. This body had exclusive jurisdiction of granting such licenses (95), but under provision of an act of March 12, 1938, a number of license taxes, including those of peddlers, transient merchants, and auctioneers were repealed. (96)

An act of 1940 was passed which 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. (97)

Towns

By early provisions, the county court was granted power to establish towns within the county, appoint town trustees, and lay off streets and lots (98), and to fix the number of trustees for each town in the county. (99) In 1852, the power of the court to establish towns, appoint trustees, and lay the town off into lots, streets, and alleys was reaffirmed. (100) 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 a town must contain at least 200 inhabitants within the boundaries proposed to be established for such town, before a petition could be brought before the

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90. Acts, 1891-93, pp. 106-108; Carroll, secs. 1443, 1444.
91. Acts, 1936, p. 131; Carroll, secs. 1486bb-15, 1486bb-16.
92. Littell, vol. 1, 1793, p. 194; Acts: 1851-52, pp. 41-45; 1891-93, p. 1051.
93. Acts, 1936, p. 187; Carroll, sec. 2554d-1.
94. Littell, vol. 5, 1814, p. 114; Acts: 1834-35, p. 218; 1841-42, p. 36.
95. Gen. Stat., 1873 ed., pp. 688, 689; Carroll, sec. 4210.
96. Acts, 1938, pp. 398-402.
97. Acts, 1940, p. 438 ff.; Baldwin's Supp. secs. 4215a-1 to 4215a-12.
98. Littell, vol. 1, 1796, pp. 512, 513.
99. Littell, vol. 2, 1800, p. 406.
100. Acts, 1851-52, p. 73.

circuit court. (101)

Public Buildings

Early legislation still in effect when Meade County was established, gave the county court jurisdiction over the erection and maintenance of public county buildings with the exception of schools, and required each county to erect a courthouse on 2 acres of land authorized to be purchased for that purpose, which provision was later reaffirmed. (102) Action of a majority of the justices was necessary before the court could make an appropriation for erecting a courthouse or jail, or for making any repairs thereto. (103) Later acts authorized the court to rent a suitable courthouse within a quarter of a mile of the public square (104); 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. (105) 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 (106), and to issue revenue bonds for the above-mentioned purposes. (107)

School Districts

With the development of a public educational system (108), it became the duty of the county court to lay off school districts. (109) In 1852, the county court appointed commissioners who had power to alter, modify, or establish school districts. (110) Today each county constitutes one county school district, provided that, where there is one or more independent school districts, the county school district is composed of the remaindor of the county outside the boundaries of such independent school districts. (111)

Marriages

A law in effect before Meade County was established, provided that 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 lived. The act stated that justices of the peace and others not authorized by law had been induced, because of the lack of ministers, to solemnize marriages. (112) Legislation effective January 1, 1800,

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101. Acts: 1891-93, pp. 1387, 1388; 1914, p. 9; Carroll, sec. 3714.
102. Littell, vol. 1, 1796, p. 374; Acts, 1851-52, p. 95.
103. Littell, vol. 4, 1811, p. 217.
104. Acts: 1817-18, p. 418; 1851-52, pp. 70, 71.
105. Acts, 1821-22, p. 443.
106. Acts, 1891-93, p. 5; Carroll, sec. 1857.
107. Acts, 1891-93, pp. 198, 199; Carroll, sec. 1872.
108. See County Board of Education, p.303.
109. Acts: 1821-22, p. 352; 1837-38, pp. 277, 278; 1841-42, pp. 81, 82.
110. Acts, 1851-52, pp. 163-165.
111. Acts, 1934, p. 228 ff.; Carroll, sec. 4399-2.
112. Littell, vol. 2, 1798, pp. 64-69.

gave the county court power to license one or more justices to solemnize marriages, in case of an insufficient number of ministers. (113) A few years later the authority to solemnize marriages was extended to all ministers who were duly qualified to preach, but they were first required to obtain from the county court a license to solemnize marriages. (114) Legislation in 1814 prohibited "ordained excommunicated preachers" from performing marriages. (115) 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. (116)

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. (117) Among various inspections, it supervised those of flour, hemp, and tobacco (118), and established various inspection warehouses. (119)

Mills

From the beginning the county court has had jurisdiction of all matters pertaining to mills and mill dams and obstructions in such dams and, in such cases, followed a procedure similar to that used in its jurisdiction over roads. (120)

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 water course deemed necessary in the county, upon petition of interested landowners. (121) 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." (122)

By an act of 1918, amended in 1924, a separate program was established in which the functions of the county court in carrying out reclamation

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113. LITTELL, VOL. 2, 1797, PP. 275, 276.
114. LITTELL, VOL. 3, 1804, P. 202.
115. LITTELL, VOL. 5, 1814, P. 95.
116. ACTS: 1891-93, P. 925; 1914, P. 263; 1932, P. 489; CARROLL, SEC. 2103-2.
117. LITTELL, VOL. 1: 1794, P. 258; 1796, PP. 374, 375; CONST. OF 1799, ART. 3, SEC. 9.
118. LITTELL: VOL. 3, 1803, P. 123; VOL. 4, 1809, P. 13.
119. LITTELL, VOL. 2, 1798, P. 195; ACTS, 1851-52, P. 152 FF.; GEN. STAT., 1873 ED., P. 557; CARROLL, SEC. 2186.
120. LITTELL, VOL. 1: 1792, P. 93; 1796, PP. 374, 375; 1797, P. 606; VOL. 3, 1802, P. 9; ACTS, 1891-93, PP. 601-604; CARROLL, SEC. 2712, ET SEQ.
121. ACTS, 1891-93, P. 1502 FF.
122. ACTS: 1912, P. 483; 1926, P. 9; CARROLL, SEC. 2380-1.

projects were considerably altered. (123) The Court of Appeals held that the drainage acts 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. (124) 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." (125) 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. (126)

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 water system to furnish water to the inhabitants. (127)

Probate

The Meade County Court was given jurisdiction of all cases "respecting wills, letters of administration. . . the appointment of guardians and settling of their accounts. . . ." (128) This jurisdiction 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. (129)

Care of the Poor

By an act of 1793 the county court was required 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 of the court to give information concerning poor orphans "and such other children within their knowl-

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123. Acts: 1918, p. 192; 1924, p. 491.
124. Board of Drainage Commissioners v. Lang, 187 Ky. 123, 218 S.W. 736.
125. Carroll, sec. 2380b-1.
126. See Fiscal Court, p. 106.
127. Acts: 1924, p. 251; 1926, p. 666; 1928, p. 18; 1930, p. 591; Carroll, sec. 9386-1.
128. Littell, vol. 1: 1792, p. 93; 1796, pp. 374, 375; 1797, pp. 613, 673-678.
129. Acts, 1891-93, p. 1051; Carroll, secs. 1057, 4849.

edge, 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 twenty-one years, if a boy, or eighteen if a girl." (130)

Authority to provide medical care for the poor was given to the county courts by an act of 1803. Reasonable compensation to such physicians designated by the court was to be provided out of the county levy. (131)

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 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." (132) The above provisions regarding the establishment and maintenance of poorhouses by the county courts were reenacted in 1852 (133), and in all essential features constitute the present law. (134)

It has been held by the Court of Appeals that the above provisions authorizing 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. (135)

Appointments

In addition to the appointments 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. (136) 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. (137) The court continued to perform this function until 1850, when the jailer's office was made elective. (138) Since 1852, when the court temporarily filled a vacancy in the office of jailer, the county judge has always issued a writ of election. (139)

In addition to the inspectors for flour, hemp, and tobacco mentioned

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130. LITTELL, VOL. 1, 1793, P. 191.
131. LITTELL, VOL. 3, 1803, PP. 133, 134.
132. Acts, 1821-22, P. 385.
133. Acts, 1851-52, P. 86.
134. CARROLL, SEC. 3925.
135. ORPHAN SOCIETY OF LEXINGTON V. FAYETTE COUNTY, 6 BUSH 413.
136. Const. of 1799, ART. 3, SEC. 9; Const. of 1891, SEC. 99; CARROLL, SEC. 1519.
137. Const. of 1799, ART. 3, SEC. 9; LITTELL, VOL. 2, 1799, P. 294.
138. Const. of 1850, ART. 6, SEC. 1; CARROLL, SEC. 1519.
139. Acts, 1851-52, P. 131; Gen. Stat., 1873 ED., P. 567; CARROLL, SEC. 1526.

earlier in this essay, the court was authorized in 1804 to appoint an inspector of salted beef and pork for exportation. (140) A year later an additional inspector was appointed to make such examinations (141), but legislation passed November 22, 1806, repealed these acts, which had failed to serve the purpose for which they were enacted. (142) The court has continued to appoint various inspectors to the present day. (143)

In 1820 the county court was given power to appoint a person to superintend the county's public works and buildings including the courthouse, jail, and stray pen. (144) Later, the jailer, by virtue of his office was made superintendent of the public square, courthouse, jail, and stray pen. (145)

The court, in 1792, was authorized to appoint commissioners to list the taxable property in the county (146) and, in 1797, to take lists of tithables. (147) For the evolution of appointment of these commissioners, see Tax Commissioner, p.270. An act of 1792 gave the sheriff the duty of collecting the revenues for the county, and if he failed to give satisfactory bond, the court could appoint a collector of the taxes. Later legislation reaffirmed this power. (148)

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. (149) Later legislation, however, authorized the court to appoint a commissioner to examine the sheriff's accounts. (150) 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. (151)

The court could appoint three justices, annually, vested with the power to award injunctions when the circuit court was not in session. (152) Because of the urgent nature of injunctions, the Civil Code of 1938 provides that two justices sitting together may issue injunctions only when the court in which action is pending is not in session, and the circuit and county judges

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140. LITTELL, VOL. 3, 1804, P. 237.
141. LITTELL, VOL. 3, 1805, PP. 321, 322.
142. LITTELL, VOL. 3, 1806, P. 329.
143. Acts, 1851-52, P. 152; GEN. STAT., 1873 ED., PP. 556-560; CARROLL, SECS. 2188, 2189.
144. Acts, 1820-21, P. 48.
145. Acts, 1851-52, P. 70; GEN. STAT., 1873 ED., P. 703; Acts, 1908, P.116; CARROLL, SEC. 3947.
146. LITTELL, VOL. 1, 1792, P. 89.
147. LITTELL, VOL. 1, 1797, P. 678.
148. LITTELL: VOL. 1, 1792, PP. 69-71; VOL. 2, 1799, P. 322; REV. STAT., VOL. 1, P. 297; Acts: 1891-93, PP. 317, 318; 1902, PP. 326, 327; CARROLL, SECS. 4129, 4131.
149. LITTELL, VOL. 1, 1793, P. 202.
150. Acts, 1851-52, P. 187; REV. STAT., VOL. 1, PP. 300, 301.
151. Acts, 1891-93, P. 522; CARROLL, SECS. 931, 932.
152. Acts, 1817-18, P. 525.

are both absent from the county. (153)

The county court was authorized in 1837 to appoint guardians for non-resident infants having property in the county (154) and could empower such guardian to sue for, recover, and remove any personal estate of such minor. (155)

The court was also given power to appoint a public administrator to administer decedents' estates for which there were no personal representatives, and to act as guardian of such orphans as have none. (156) Reaffirmed by later legislation, this power is exercised by the court today. (157)

By legislation in 1912, reaffirmed in 1918, the county judge was authorized to appoint a board of drainage commissioners. (158) 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. (159) 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. (160)

Land Titles

The county court, by early statutory provision, was directed to appoint commissioners for processing land (161), 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. These 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. (162)

The commissioners worked in conjunction with the county surveyor or his deputy. (163) In 1852 the county court was given power to appoint 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. (164)

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153. CIVIL CODE, 1938, SEC. 284.
154. ACTS, 1836-37, P. 238.
155. ACTS, 1891-93, P. 378; CARROLL, SEC. 2041.
156. LITTELL, VOL. 1, 1793, P. 202.
157. GEN. STAT., 1873 ED., P. 453; ACTS, 1891-93, P. 552; CARROLL, SEC. 3909.
158. ACTS: 1912, P. 491 FF.; 1918, P. 216 FF.
159. ACTS, 1918, PP. 504-507.
160. ACTS: 1924, P. 492; 1936, PP. 99, 100.
161. LITTELL, VOL. 1, 1795, P. 278.
162. LITTELL, VOL. 1, 1796, PP. 554-557.
163. LITTELL, VOL. 5, 1814, P. 145.
164. ACTS, 1851-52, P. 46; GEN. STAT., 1873 ED., P. 596; ACTS, 1891-93, P. 495; CARROLL, SEC. 2367.

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. (165)

County Patrol

The county court was required to lay off the county into not more than 5 districts, and to appoint in each district a company of patrollers for a year's service. 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 3 shillings for every 12 hours of service; 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. (166)

This general procedure continued for about 25 years, when the duties of patrols were broadened to include the same power to arrest, search, seize, and serve process, which sheriffs had, subject to the orders of the county court. They were paid a sum not to exceed $1 for each 10 hours of service. (167) In 1936, however, the old system of patrolling was abolished by a law which created a county highway patrol and an investigator for Meade County, whose duties were to be performed by the sheriff and his deputies. (168)

## Records

Deeds: Admission to Record

From its establishment in Meade County the county court has had power to determine all causes respecting the admission to record of deeds and other writings. (169)

Functions of County Court Clerk in County Court

The county court had jurisdiction over the preservation of records, with

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165. Acts, 1891-93, p. 612; Carroll, sec. 835.
166. Littell, vol. 2, 1799, p. 264.
167. Gen. Stat., 1873 ed., pp. 687, 688.
168. Acts, Fourth Special Session, 1936-37, p. 116 ff.; see also essay on the Sheriff, p. 244.
169. Littell, vol. 1: 1792, p. 93; 1796, p. 375; Acts: 1891-93, p. 829 ff.; 1910, p. 249; Carroll, sec. 501.

power to have them transcribed and rebound (170), 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 (171), recorded and preserved all records of the court. (172) It was his duty to administer oaths before the court, relating to any matter in which an oath might be legally administered. (173) He kept a record of persons testifying in court on legal summonses (174); 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 (175); and wrote up the proceedings of the court each day, to be signed by the county judge. (176) The clerk could also issue commissions for taking depositions of witnesses in certain cases when court was not in session. (177) He affixed seals to soldiers' claims, or to any power of attorney concerning them, free of charge (178), and recorded relinquishment of dowers. (179) 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. (180) 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. (181)

All records are kept in the county court clerk's office unless otherwise specified.

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170. GEN. STAT., 1873 ED., P. 411; ACTS: 1891-93, P. 1164; 1912, P. 302; 1918, P. 555; CARROLL, SEC. 1632.
171. LITTELL, VOL. 1, 1792, P. 94; ACTS, 1829-30, P. 53; GEN. STAT., 1873 ED., P. 307; ACTS, 1891-93, P. 534; CARROLL, SEC. 1519.
172. LITTELL, VOL. 1, 1796, P. 568; ACTS: 1851-53, P. 60; 1891-93, P. 534; CARROLL, SECS. 372, 1060.
173. LITTELL, VOL. 2, 1800, P. 370; ACTS, 1891-93, P. 536; CARROLL, SEC. 380.
174. LITTELL, VOL. 1, 1796, P. 470; ACTS: 1851-52, P. 62; 1891-93, P. 537; CARROLL, SEC. 383.
175. LITTELL, VOL. 1, 1796, P. 571; ACTS, 1891-93, P. 834; CARROLL, SEC. 510.
176. LITTELL, VOL. 2, 1798, P. 83 FF.; ACTS: 1851-52, P. 62; 1891-92, P. 536; CARROLL, SEC. 378.
177. LITTELL, VOL. 3, 1807, P. 524.
178. ACTS: 1830-31, P. 113; 1836-37, P. 278; 1851-52, P. 62; 1891-93, P. 537; CARROLL, SEC. 382.
179. LITTELL, VOL. 3, 1803, P. 133; ACTS, 1891-93, P. 1382; CARROLL, SEC. 1404.
180. ACTS: 1838-39, P. 138; 1891-93, P. 536; CARROLL, SEC. 379.
181. LITTELL, VOL. 2, 1798, P. 86; ACTS: 1851-52, P. 60; 1891-93, P. 535; CARROLL, SEC. 376.

Minutes and Proceedings

220. ORDERS COUNTY COURT, Mar. 22, 1824--. 22 vols. (A-V). Title varies: County Court Minute Book, vols. A-C, Mar. 22, 1824-Dec. 5, 1842; Minute Book, vols. D, F, G, Jan. 2, 1843-Aug. 13, 1847, June 5, 1854-June 4, 1866; Order Book, vols. E, H, I, K, M-R, Sept. 3, 1848-May 2, 1854, June 12, 1866-Mar. 23, 1877, Jan. 3, 1881-Nov. 3, 1884, July 14, 1888-Feb. 16, 1916; County Court Orders, vol. S, Feb. 22, 1916-Sept. 10, 1923; County Orders, vol. U, Apr. 28, 1930-Aug. 12, 1937.

Record of civil, administrative, and probate orders issued by county court at each daily session of court, 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 judgment of court. Administrative orders include accepting resignations of county officials and appointees; allowing claims; appointing commissioners to appraise damages to, and fix value of, land condemned for public purposes; appointing county officials, election officers, and special commissioner; approving bonds, commissions, highway deeds, officials' reports and settlements, and tax commissioners' books; apprenticing minors; correcting clerical errors in assessments; erecting public buildings; establishing livestock identification marks, magisterial districts, and townships; exonerating taxpayers from payment of county levy; extending boundaries of precincts; granting franchises; and qualifying public officials for office are among the items. Among the probate orders are orders: admitting wills to probate; appointing appraisers and fiduciaries; approving appraisements, inventories, sales of estates, fiduciaries reports and settlements, and filing of petitions and motions for inventories; fixing fiduciaries' bonds; and discharging fiduciaries. Also contains: Fiscal Court Orders, Apr. 4, 1893-Mar. 1900, entry 2; Claim Book, Mar. 22, 1824-Oct. 1882, Dec. 1890-Mar. 1900, entry 19; Minutes County Court, Mar. 22, 1824-Oct. 1856, entry 221; Probate Orders, Mar. 22, 1824-Jan. 1896, Oct 1936--, entry 224; (Administrators and Executors' Appointments), Mar. 22, 1824-Jan. 1896, Oct. 1936--, entry 229; Registry of Insolvent Estates, 1888--, entry 238; (Guardians' Appointments), Mar. 22, 1824-Jan. 1896, Oct. 1936--, entry 239; (Committees' Settlements), 1824-32, entry 246; Idiot Order Book, 1894--, entry 247; Docket County Court, 1824-55, entry 257; Witness Book, Aug. 1906--, entry 260. Arr. chron. by date of order. No index. Hdw. Aver. 600 pp. 18 x 14 x 3.

221. MINUTES COUNTY COURT, Oct. 6, 1856--. 15 vols. (A-F, 9 vols. not labeled). Mar. 22, 1824-Oct. 1856 in Orders County Court, entry 220.

Record of county court proceedings in civil cases tried, probate sessions, and administrative matters, showing on each day's minutes: date of session, name of presiding judge, summary of proceedings, and notation of adjournment. In civil proceedings, motions by counsel, bills of exception, appointments of liquidators, cases taken under advisement, and rules, orders, and judgments of the court are among the items; each summary shows: docket number, title of suit, and names of attorneys. In probate proceedings, probating of wills, depositing money or valuables belonging to the estate, withdrawals of same, authorizing disbursements or placing heirs in possession of legacy are recorded; each summary showing, succession number, title of proceedings, and in some cases description of property. Proceedings in administrative

matters include: accepting resignations, allowing claims, appointments, and approving reports are among the items; each summary shows, nature of order and name of principal involved. Also contains: Minute Book Fiscal Court, Apr. 4, 1893-Feb. 1923, entry 1. Arr. chron. by date of court term. No index. Hdw. Aver. 600 pp. 15 x 12 x 2.

## Probate of Wills

222. WILLS, 1824--. 750 docs. in 4 bdls., 13 f.b.
Original wills disposing of testators' estates filed with county court clerk to be recorded after probation by county court showing: date of will, name of testator, address, statement of intent, names of beneficiaries, manner of distribution, amount willed to each heir, description of each grant, signatures of testator and witnesses, will book letter and page number where recorded, date recorded, and attestation of county court clerk. Arr. chron. by date filed. No index. Hdw. and typed. Bdls., 3 x 8 x 4; f.b., $4\frac{1}{2}$ x $4\frac{1}{2}$ x 10.

223. WILLS, Apr. 10, 1824--. 4 vols. (A-D). Title varies: Will Book, 1 vol. Feb. 20, 1890-Aug. 2, 1932.
Record of wills probated in county court and recorded by county court clerk, showing: names of testator and beneficiaries, value of estate, description of property, names of executor and heirs, terms and provisions of will, dates probated and recorded, and attestation of county court clerk. Also contains: (Commissioners and Surveyors' Reports), 1824-32, entry 226; Inventories, Appraisements, and Sales Bills, Apr. 10, 1824-Jan. 22, 1833, entry 235; Executors and Administrators (Settlements), Apr. 1824-Dec. 1832, entry 236; Guardians' (Reports), 1824-Aug. 1870, entry 241; (Guardians' Settlements), 1824-Dec. 1832, entry 242; (Assignments), 1824-Dec. 1832, entry 244. Arr. chron. by date recorded. Alph. index, direct by first letter of surname of testator; showing p. no. where recorded. Apr. 10, 1824-Sept. 7, 1935, hdw.; Sept. 8, 1935--, typed. Aver. 510 pp. 18 x 13 x $2\frac{1}{2}$. Co. ct. clk. vt.

224. PROBATE ORDERS, Jan. 25, 1896-Sept. 29, 1936. 2 vols. Mar. 22, 1824-Jan. 1896, Oct. 1936-- in Orders County Court, entry 220.
Record of probate orders issued by county court appointing appraisers and fiduciaries, showing: date, term of court, name of estate, name and address of appointee, and signature of county judge. Also contains: (Administrators and Executors' Appointments), entry 229; (Guardians' Appointments), entry 239. Arr. chron. by date of order. No index. Hdw. on pr. fm. Aver. 500 pp. 18 x 12 x 3.

225. (ALLOTMENT OF DOWER), 1824--. 1824-32 in Deeds, entry 58; 1833-- in Inventories, Appraisements, and Sales Bills, entry 235.
Record of dower allotment reports made to county court by commissioners appointed to make dower allotments, showing: date of report, names of testator, dowager, and commissioner, value and description of property allotted, date report filed, attestation of county court clerk, and date recorded.

226. (COMMISSIONERS AND SURVEYORS' REPORTS), 1824--. 1824-32 in Wills, entry 223; 1833-- in Inventories, Appraisements, and Sales Bills, entry 235.
Record of reports made to county court by commissioners and surveyors appointed by court to divide land in disputed estate division causes, showing: date of report, names of commissioner, surveyor, estate, and beneficiaries, manner of division, description of property allotted to each heir, date report approved by court, attestation of county court clerk, and date recorded.

227. PROCESSIONERS REPORTS, 1845-1913. 35 docs. in 1 bdl.
Original approved reports made to county court by processioners appointed by court to establish boundary lines in disputed land causes, showing: date of report, names of litigants, location and description of property in original survey, description of boundaries established by processioner, names of adjoining land owners, drawing of processioners survey, date of survey, signature of processioner, date report approved by court, attestation of county court clerk, and date recorded. Arr. chron. by date of report. No index. Hdw. and typed. 1½ x 3½ x 8.

228. LANDS PROCESSED, Mar. 21, 1845-Aug. 14, 1862. 1 vol. 1863-1913 in Inventories, Appraisements, and Sales Bills, entry 235.
Record of reports by land processioners appointed by county court to establish boundary lines in disputed causes, showing: date of report, name of landowner, location and description of property, amount of land in original survey, description and drawing of lines surveyed and shown as new boundaries, copy of signature of processioner, and certification of county court clerk. Arr. chron. by date of report. No index. Hdw. 100 pp. 14 x 10 x 1. Co. ct. clk. vt.

229. (ADMINISTRATORS AND EXECUTORS' APPOINTMENTS), Mar. 22, 1824--. Mar. 22, 1824-Jan. 1896, Oct. 1936-- in Orders County Court, entry 220; Jan. 1896-Sept. 1936 in Probate Orders, entry 224.
Record of county court appointments of administrators and executors to administer deceased persons' estates, showing: date of appointment, names of estate and appointee, terms of appointment, and signature of county judge.

230. ADMINISTRATORS OATHS, 1928--. 80 docs. in 1 f.d.
Oaths taken before county judge by administrators of deceased persons' estates as required by State laws, showing: date, names of estate and administrator, sworn statement of administrator, and attestation of county judge. Arr. chron. by date of oath. No index. Typed. 4½ x 4½ x 10.

231. EXECUTORS' BONDS, Mar. 7, 1853--. 1 vol. Last entry Feb. 6, 1936.
Original bonds furnished Commonwealth by executors securing faithful discharge of duties, showing: date and amount of bond, names of principal, surety, and estate, signatures of principal and surety, and certification 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. 240 pp. 14 x 9 x 1½.

232. ADMINISTRATORS' BONDS, Jan. 3, 1853--. 6 vols. 1824-60 also in Miscellaneous Bonds, entry 51.
Original surety bonds furnished Commonwealth by administrators securing faithful performance of duties, showing: date and amount of bond, names of principal, surety, and estate, affidavit of surety, 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. 240 pp. 14 x 10 x 1½.

233. UNRECORDED SETTLEMENTS, 1938--. 4 docs. in 1 f.b.
Papers in settlements of deceased persons' estates that have not been approved by county court and filed by county court pending final approval of court, showing: date, names of estate, heirs, and fiduciary, value of estate, date final settlement to be made, signature of fiduciary, and attestation of county judge. No obvious arr. No index. Hdw. 4½ x 4½ x 10.

234. INVENTORIES, APPRAISEMENTS, AND SALES BILLS, 1824--. 3500 docs. in 119 bdls., 49 f.b.
Inventories, appraisements, and sale bills of deceased persons' estates, showing on inventories and appraisements: date of inventory, names of estate, appraiser, and trust, description, valuation, and itemized list of property, and 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, sworn statement of trust, certification of county court clerk, and date filed. Arr. chron. by date filed. No index. Hdw. and typed. Bdls., 3 x 8 x 4; f.b., 4½ x 4½ x 10.

235. INVENTORIES, APPRAISEMENTS, AND SALES BILLS, Jan. 23, 1833--. 19 vols. (A-S). Title varies: Inventories and Settlements, vols. A-F, Jan. 23, 1833-Dec. 13, 1869; Book of Inventory & Settlements, vol. G, Dec. 13, 1869-Aug. 17, 1875; Inventories, Settlements & C, vol. I-M, Jan. 6, 1879-Dec. 6, 1900; Inventory, Appraisement, & Sale Bill Book, vol. N, Dec. 26, 1900-Apr. 6, 1905. Apr. 10, 1824-Jan. 22, 1833 in Wills, entry 223.
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, acknowledgment of county court clerk, and date recorded. Also contains: (Allotment of Dower), entry 225; (Commissioners and Surveyors' Reports), entry 226; Lands Processed, 1863-1913, entry 228; Executors and Administrators (Settlements), Jan. 1833-Oct. 1870, Feb. 1891--, entry 236; Guardians' (Reports), Apr. 1891--, entry 241; (Guardians' Settlements), entry 242; (Assignments), entry 244; (Committees' Settlements), entry 246. Arr. chron. by date recorded. Alph. index, direct by first letter of surname of estate, showing p. no. where recorded. Jan. 23, 1833-Aug. 25, 1911, hdw.; Aug. 25, 1911--, typed. Aver. 560 pp. 18 x 12 x 3.

236. EXECUTORS AND ADMINISTRATORS (Settlements), Sept. 5, 1870-Feb. 16, 1891. 1 vol. Apr. 1824-Dec. 1832 in Wills, entry 223; Jan. 1833-Oct. 1870, Feb. 1891-- in Inventories, Appraisements, and Sales Bills, entry 235.
Record of executors and administrators' settlements made with county court and recorded by county court clerk upon approval of court, showing: names of decedent, trust, and securities, date trust qualified, amount of appraisement bill and amount of sale bill, date of settlement, balance on settlement, costs of administration, and remarks. Arr. chron. by date of settlement. Alph. index, direct by first letter of surname of estate, showing p. no. where recorded. Hdw. under pr. hds. 200 pp. 16 x 11 x 1½.

237. FIDUCIARIES RECORD, 1890--. 2 vols.
County judges' record of estates administered by fiduciaries appointed by county court, showing: names of estate and fiduciary, dates fiduciary appointed and qualified, amount of bond and name of surety, due dates of reports and settlements, dates made, amounts reported and balance due, date and amount of final settlement, and date approved. Arr. alph. by first letter of surname of trust and chron. thereunder by date of record. No index. Hdw. under pr. hds. Aver. 300 pp. 18 x 14 x 2½. Co. judge off.

238. REGISTRY OF INSOLVENT ESTATES, Sept. 2, 1872-May 26, 1877. 1 vol. 1888-- in Orders County Court, entry 220.
Record of suits filed in settlement of insolvent estates for hearing before county court, showing: case number, style of suit, names of plaintiffs' and defendants' attorneys, date of filing, date judgment of distribution rendered, and final order in case. Arr. chron. by date filed. No index. Hdw. 350 pp. 18 x 13 x 2.

## Guardianship

239. (GUARDIANS' APPOINTMENTS), 1824--. Mar. 22, 1824-Jan. 1896, Oct. 1936-- in Orders County Court, entry 220; Jan. 1896-Sept. 1936 in Probate Orders, entry 224.
Record of appointments made by county court of guardians to manage wards' affairs, showing: date, term of court, names of estate, guardian, and ward, terms of appointment, name of county judge, attestation of county court clerk, and date recorded.

240. GUARDIAN BONDS, Jan. 3, 1853--. 6 vols. 1824-60 also in Miscellaneous Bonds, entry 51.
Original surety bonds executed before county court by guardians of minors' affairs as a covenant with Commonwealth for faithful discharge of duties of trust as required by law, showing: date and amount of bond, names of guardian, ward, and surety, signatures of principal and surety, or power of attorney grant delegating authority to bind surety, approval and signature of county judge, and attestation of county court clerk. Also contains: Assignee's Bond Book, Apr. 1909--, entry 243. 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. 220 pp. 15 x 10 x 2.

241. GUARDIANS' (Reports), Sept. 5, 1870-Mar. 16, 1891. 1 vol. 1824-Aug. 1870 in Wills, entry 223; Apr. 1891-- in Inventories, Appraisements, and Sales Bills, entry 235.
Record of reports made with county court by guardians and recorded by county court clerk upon approval of court, showing: names of guardian, ward, and securities, when appointed, when reported, amount reported, date of first settlement, date of second settlement, and balance on settlement. Arr. chron. by date of report. Alph. index, direct by first letter of surname of ward, showing p. no. where recorded. Hdw. under pr. hds. 300 pp. 18 x 12 x 2.

242. (GUARDIANS' SETTLEMENTS), 1824--. 1824-Dec. 1832 in Wills, entry 223; Jan. 1833-- in Inventories, Appraisements, and Sales Bills, entry 235.
Record of settlements of wards' affairs filed with county court by guardians and recorded by county court clerk upon approval of court, showing: date of settlement, names of estate, ward, guardian, and securities, date guardian qualified, value of estate, date claim filed against estate, whether claims allowed or rejected, costs of administration, summary of costs, itemized list of receipts and disbursements, totals and balance, copy of guardian's notarized signature and sworn statement, date settlement approved by court, order book reference to approval order, name of county judge approving settlement, attestation of county court clerk, and date recorded.

Trusteeship
(See also entry 61)

243. ASSIGNEE'S BOND BOOK, Oct. 2, 1894-Mar. 1, 1909. 1 vol. Apr. 1909-- in Guardian Bonds, entry 240.
Original surety bonds executed before county court by assignees as a covenant with Commonwealth for faithful discharge of duties of trust as required by law, showing: date and amount of bond, names of assignee, assignor, and surety, signatures of assignee and surety, or power of attorney grant delegating authority to bind surety, approval of county judge, 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. 220 pp. 15 x 10 x 2.

244. (ASSIGNMENTS), 1824--. 1824-Dec. 1832 in Wills, entry 223; Jan. 1833-- in Inventories, Appraisements, and Sales Bills, entry 235.
Record of assignments of property made by assignors for benefit of creditors and recorded by county court clerk upon approval of county court, showing: date of assignment, names of assignor, assignee, and creditors, itemized schedule of property assigned, amount of indebtedness, itemized schedule of indebtedness, copy of assignor's sworn statement, attestation of county court clerk, and date recorded.

245. TITLE BONDS, 1825-30. 50 docs. in 1 bdl.
Original surety bonds executed by purchasers of property sold by trustees of town of Brandenburg as a covenant securing payment of deferred balance, showing: date, number and amount of bond, affidavit of surety, signatures of principal and surety, and attestation of county court clerk. Arr. chron. by

date of bond. No index. Hdw. on pr. fm. and plain paper. 4 x 8 x 3.

## Committeeship and Lunacy

246. (COMMITTEES' SETTLEMENTS), 1824--. 1824-32 in Orders County Court, entry 220; 1833-- in Inventories, Appraisements, and Sales Bills, entry 235.

Record of settlements made with county court by committees of wards' affairs and recorded by county court clerk upon approval of court, showing: date of settlement, names of ward, committee, and securities, date committee qualified, itemized schedule of receipts and disbursements, date settlement filed and date approved by court, copy of committee's sworn statement, attestation of county court clerk, and date recorded.

247. IDIOT ORDER BOOK, Nov. 1890-Oct. 1893. 1 vol. 1894-- in Orders County Court, entry 220.

Record of county court allowances to committees for care and support of pauper idiots, showing: names of committee and pauper idiot, amount and date allowed, nature of allowance, and certification of county court clerk. Arr. chron. by date of issue. No index. Hdw. on pr. fm. 200 pp. 18 x 11½ x 1½.

248. LUNACY INQUEST, June 11, 1886--. 3 vols.

Record of inquests held by county court to determine mental status of persons suspected of unsound mind, showing: date of inquest, name, age, sex, marital status, and address of incompetent, names of parents, whether living or dead, names of jurors, report of examining physician, history of case, verdict of jury, decision of court, and final disposition. Arr. chron. by date of inquest. Alph. index, direct by first letter of surname of incompetent, showing p. no. where recorded. Hdw. on pr. fm. Aver. 300 pp. 15½ x 12 x 2. 1886-1922, 2 vols., co. judge off.; 1923--, 1 vol., co. ct. clk. off.

## Apprenticeship

249. INDENTURE OF APPRENTICESHIP, July 26, 1886-Dec. 13, 1895. 1 vol. 1896-- in Deeds, entry 53.

Record of indentures of apprenticeship executed by county court clerk upon orders of county court under which children are bound out to serve masters until the age of 18 years is reached, showing: names of child, parents, and master, date, trade to be taught, conditions of apprenticeship, date court order, order book number and page reference, and attestation of county court clerk. Arr. chron. by date of indenture. No index. Hdw. on pr. fm. 200 pp. 13 x 9 x 2.

250. FREEDMENS INDENTURES OF APPRENTICESHIP, June 4, 1866-Dec. 13, 1905. 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 of instrument. No index. Hdw. on pr. fm. 250 pp. 16 x 12 x 1½.

## Civil Actions at Law

### Case Papers

251. JUDGMENTS AND DISMISSALS, 1824--. 3300 docs. in 31 bdls., (numer. by case no.), and 22 f.b. (numer. by case no.)
Original case papers and documents from institution to final disposition of civil suits tried before county court for recovery of rights or claims; included are petitions, citations, answers, motions, bills, notes and other evidence exhibited, exceptions, summonses, subpoenas, warrants, writs, and judgments; each summary shows: number and style of case, date filed, signature of plaintiff's attorney, acknowledgment of county court clerk, and date of trial. Arr. numer. by case no. No index. Hdw. and typed on pr. fm. Bdls., 3 x 8 x 4; f.b., 4½ x 4½ x 10.

252. PETITIONS (Land Condemnation Suits), 1931--. 18 docs. in 2 f.b.
Case papers filed with county court in suits to condemn land for road purposes, including: petitions, citations, demurrers, motions, orders, documentary evidence exhibited, summonses, subpoenas, exceptions, and judgment rendered, showing: date suit filed, docket number, style of suit, location and description of property, and signatures of judge and county court clerk. Arr. chron. by date filed. No index. Hdw. 4½ x 4½ x 10.

253. (MERCHANTS' LEDGERS), 1837-1923. 5 vols.
Merchants' ledgers and journals used as evidence in county court suits to recover cost of merchandise, showing: name of purchaser, description of article purchased, purchase price, and amounts paid and charged to account. Arr. chron. by date of sale. No index. Hdw. Aver. 150 pp. 14 x 8 x 1. 1837-72, 1910-23, 2 vols., co. judge off.; 1860-70, 1 vol., co. ct. clk. off.; 1873-1909, 2 vols., co. ct. clk. vt.

### Surety Bonds

254. REPLEVIN BONDS (County Court), 1826. 15 bonds in 2 bdls. 1873-- in Replevin Bonds (Quarterly Court), entry 275.
Original surety bonds executed by defendants as a covenant with Commonwealth to respond to judgments rendered in county court, showing: date and amount of bond, names of plaintiff, defendant, and sureties, signatures of defendant and surety, and attestation of county court clerk. Arr. chron. by date of bond. No index. Hdw. on pr. fm. 3 x 6½ x 1.

255. (ATTACHMENT BONDS, COUNTY COURT), 1866--. In Attachment and Injunction Bonds, entry 276.
Original surety bonds furnished county court by plaintiffs securing defendants against damages sustained should attachment be wrongfully obtained, showing: names of plaintiff, defendant, and surety, date and amount of bond, signatures of plaintiff and surety, and attestation of county judge.

256. (APPEAL BONDS, COUNTY COURT), 1892--. In Appeal and C. (Costs) Bonds, entry 277.
Original surety bonds executed by appellants guaranteeing satisfaction of judgments of court to be rendered on appeals of cases, showing: names of appellant, appellee, and surety, date, number, and amount of bond, affidavit

of surety, signatures of appellant and surety, and attestation of county judge.

Dockets

257. DOCKET COUNTY COURT, Oct. 1856--. 6 vols. Title varies: Common Law Docket, 1 vol., Feb. 1868-Nov. 1886; Docket Book, 1 vol., Sept. 1902-Oct. 1912; Court Docket, 1 vol., Oct. 1912-May 1929. 1824-55 in Orders County Court, entry 220.
Docket of civil cases set for trial before county court prepared for use of judge during each term, showing: date, term of court, number and style of case, names of plaintiff, defendant, and attorneys, process issued, action taken, last order in case, and return on process. Arr. chron. by date of court term. No index. Hdw. on pr. fm. Aver. 400 pp. 18 x 12 x 3.

Executions

258. EXECUTIONS, 1824--. 1800 docs. in 19 bdls., 12 f.b.
Original execution orders issued on judgments rendered in civil cases tried by judge of county court, showing: date and number of execution, style and number of suit, amount of debt, interest, and cost, names of attorneys, to whom delivered, date of return, officer's return, and signature of county court clerk. Arr. chron. by date of return. No index. Hdw. on pr. fm. Bdls., 2½ x 7 x 3; f.b., 4½ x 4½ x 10.

259. EXECUTION BOOK, Dec. 4, 1824--. 3 vols. Title varies: Execution Docket, 1 vol., Feb. 6, 1863-Mar. 7, 1910.
Record of execution orders issued on county court judgments, showing: date and number of execution, number and style of case, names of plaintiff and defendant, amount of judgment, interest, and cost, to whom delivered, date and return, and officer's return. Arr. chron. by date of order. Alph. index, direct by first letter of surname of defendant, showing p. no. where recorded. Hdw. under pr. hds. Aver. 300 pp. 14 x 10 x 2.

Witness Records

260. WITNESS BOOK, Aug. 1897-July 1906. 1 vol. Aug. 1906-- in Orders County Court, entry 220.
Record of witnesses appearing in cases tried before county court, showing: date of trial, names of parties to action, names of witnesses, for whom appearing, number of days served, and amount allowed for service, mileage, tollage, and ferriage. Arr. alph. by first letter of surname of plaintiff and chron. thereunder by date of appearance. No index. Hdw. under pr. hds. 300 pp. 14 x 12 x 2.

261. WITNESS CERTIFICATE BOOK, Apr. 1895-July 1906. 1 vol. Record discontinued.
Stubs of certificates issued by county court clerk to witnesses for appearance in trials tried before county court, showing: date issued, style and number of case, name of witness, for whom appearing, number of days present, amount allowed for service, mileage, tollage, and ferriage, and total amount of certificate. Arr. chron. by date issued. No index. Hdw. on pr. fm. 450 pp. 18 x 12 x 3.

## Juvenile Actions
(See also entry 221)

### Case Papers

262. JUVENILE COURT PAPERS, 1920--. 20 docs. in 2 f.b.
Original case papers and documents from institution to final disposition of juvenile cases tried before juvenile section of county court; including: plaintiff's information concerning juvenile, affidavits, warrants, petitions, summonses, subpoenas, rules, reports, citations, answers, motions, exceptions, and judgments; each summary shows: number and style of case, date filed, signature of plaintiff, acknowledgment of county judge, and date of trial. Arr. numer. by case no. No index. Hdw. and typed on pr. fm. 4½ x 4½ x 10.

### Docket

263. JUVENILE DOCKET, Oct. 7, 1911--. 1 vol.
Docket of charges filed against indigent, neglected, or wayward juveniles appearing for trial before juvenile section of county court prepared for use of county judge at each term of court, showing: style and number of case, date filed, name, age, and sex of juvenile, names of parents or guardian, offense, date and place committed, date of trial, judgment rendered, return on process, last order in case, and steps taken. Arr. chron. by date of trial. No index. Hdw. on pr. fm. 500 pp. 18 x 13 x 3.

### Orders

264. JUVENILE ORDER BOOK, Mar. 27, 1916--. 1 vol.
Record of orders issued by county judge in juvenile cases tried at each session of juvenile section of county court, showing: style and number of case, name, address, age, and sex of juvenile, names of parents or guardian, offense, place and date committed, judgment rendered, nature, description, and disposition of order, and signature of county judge. Arr. chron. by date of order. Alph. index, direct by first letter of surname of defendant, showing p. no. where recorded. Hdw. 320 pp. 16 x 11 x 1½.

## Surety Bonds

265. NOTARY PUBLIC BOND, Nov. 22, 1906--. 1 vol. Sept. 2, 1890-July 1, 1930 also in Miscellaneous Bonds, entry 51.
Original bonds furnished Commonwealth by notaries securing faithful performance of duties, showing: date and amount of bond, names of principal and surety, affidavit of surety, 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. 250 pp. 14 x 12 x 1½.

266. MINISTERS BONDS, Nov. 23, 1887--. 1 vol. 1824-99 also in Miscellaneous Bonds, entry 51.
Original surety bonds furnished Commonwealth by ministers securing compliance with State marriage laws, showing: date, amount of bond, name of minister, 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. 232 pp. 15 x 8½ x 1.

267. LIQUOR DEALERS BONDS, Feb. 4, 1895-June 3, 1895. 1 vol. 1867-98 also in Miscellaneous Bonds, entry 51.
Original surety bonds furnished Commonwealth by dealers in liquor securing compliance with legal requirements, showing: date and amount of bond, names of principal and surety, provisions of bond, signatures of principal and surety, and certification of county court clerk. Arr. chron. by date of bond. No index. Hdw. on pr. fm. 250 pp. 13 x 8 x 1½.

268. COFFEE HOUSE KEEPER'S BOND, 1885-96. 1 vol.
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 in violation of the State laws, 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.

269. TAVERN KEEPERS BOND BOOK, Nov. 4, 1872-Aug. 5, 1918. 2 vols.
Title varies: Tavern Keepers Bonds, 1 vol., Nov. 4, 1872-Apr. 4, 1904. 1824-60 in Miscellaneous Bonds, entry 51.
Original surety bonds furnished 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 on his premises; and will not allow any person to tipple or drink more than is necessary on his premises; each summary 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. Aver. 100 pp. 14 x 9 x 1½.

## Petitions

270. PETITIONS, 1925-32. 75 docs. in 3 f.b.
Petitions submitted by property owners to county judge, requesting that a State highway be constructed through or abutting their various properties and declaring their willingness to deed right of way and pay certain amounts to defray the costs of construction, showing: proposed route of road, names of petitioners, and amount subscribed. Arr. chron. by date of petition. No index. Hdw. under typed hds. 4½ x 4½ x 10. Co. judge off.

271. WIDOWS INDIGENT PENSION, May 3, 1913-Nov. 7, 1921. 20 docs. in 1 f.b.
Indigent widows of soldiers of American wars applications for government pensions and applications of soldiers of American wars for pensions, showing on widows' applications: name of applicant, date and place of birth, residence, maiden name, date and place of marriage, company and regiment husband enlisted in, date of enlistment, service record, date discharged from service.

date and place of husband's death, present marital status, number in family, notarized signatures of widow and witnesses, and attestation of notary public; soldiers' applications for pensions showing: date enlisted, company and regiment, date discharged, statement of disability, whether incurred during service or not, age of applicant, date of birth, notarized signature of applicant and witnesses, and attestation of notary public. Arr. chron. by date of application. No index. Hdw. on pr. fm. 4½ x 4½ x 10. Co. ct. clk. vt.

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## V. QUARTERLY COURT

### Structure

Creation

Under provisions of the Constitution of 1850, the General Assembly was empowered 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 Meade County, as elsewhere, was a statutory court, from its establishment until 1891. (2) In 1891 it was made a constitutional court; however, it continued to exercise the same jurisdiction that it had previously exercised. (3)

At the time of the establishment of the quarterly court in Meade County, James Murray, judge of the county court, served as the presiding officer of its first quarterly court, which met on September 2, 1851. (4) For the structure of the office of county judge, see the essay on County Court, p. 193.

The judge held four sessions yearly at the courthouse at Brandenburg, 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 might fix by an order entered in the quarterly court order book. The terms when so fixed could not be changed except at the last regular term held in the year next pre-

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1. CONST. OF 1850, ART. 4, SEC. 1; ACTS, 1850-51, VOL. 1, P. 40.
2. ACTS: 1850-51, VOL. 1, PP. 40-43; 1851-52, P. 94.
3. CONST. OF 1891, SEC. 139; SCHED., SEC. 6.
4. ORDERS QUARTERLY COURT, VOL. 1, P. 1, IN MEADE COUNTY ARCHIVES, ENTRY 281.
5. ACTS: 1850-51, VOL. 1, PP. 40-43; 1851-52, PP. 93-95; REV. STAT., VOL. 1, PP. 324-326.

ceding 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

The quarterly court, upon its creation, was given power to impanel a jury. It was also given concurrent original jurisdiction, both in law and equity, 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 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 justices' courts, and concurrent with the circuit court in controversies which involved amounts between $50 and $200. (11)

In 1851 the quarterly court 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 presided over both courts, the custom seems to be to hear forcible entry and detainer cases in the county court today. (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)

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6. ACTS: 1891-93, P. 1049; 1938, PP. 410, 411.
7. ACTS: 1850-51, VOL. I, PP. 42, 43; 1851-52, PP. 93, 94.
8. ACTS, 1851-52, 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, 1938, SEC. 454.
14. ACTS, 1906, P. 152; EMINENCE DISTILLERY V. HENRY COUNTY BOARD OF TAX SUPERVISORS, ET AL., 178 KY. 811.

Quarterly Court (Next entry 272, p. 226)

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) Legislation in 1906 gave the quarterly court jurisdiction, concurrent with justices' courts and exclusive of circuit courts, in all penal cases 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, such as Brandenburg, 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 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 to the quarterly court in all cases involving $5 or more. (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) An act of 1904 broadened this appellate jurisdiction to include "all judgments and orders of justices', fiscal, city or police, and ordinance courts in civil cases," regardless of the amount involved. (25)

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15. Acts: 1850-51, vol. 1, pp. 42, 43; 1851-52, pp. 93, 94.
16. Acts, 1850-51, vol. 1, pp. 42, 43; Gen. Stat., 1873 ed., pp. 300-302.
17. Acts, 1906, pp. 382, 383.
18. Acts, 1928, pp. 155, 156.
19. Acts, 1934, p. 422; Crim. Code, sec. 13-5.
20. Acts, 1934, pp. 653, 654.
21. Acts, 1936, p. 17.
22. Acts: 1850-51, vol. 1, pp. 43, 44; 1851-52, p. 96; Rev. Stat., 1860 ed., vol. 1, p. 327.
23. Acts, 1855-56, vol. 1, p. 51; Rev. Stat., vol. 1, p. 346.
24. Acts, 1891-93, p. 1050.
25. Acts, 1904, p. 157.

## Recordation

In the beginning the presiding judge of the quarterly court was authorized to act as his own clerk, keep a docket, order book, and execution book, and issue 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 he must keep a record of his official acts when the court was not in session, and giving him authority to appoint a clerk, if he chose to do so, who could file papers, issue all process, and administer oaths. (27)

All records are located in the county judge's office, unless otherwise specified.

## Civil Actions at Law

### Case Papers

272. SUITS A D DISMISSALS, 1851--. 3910 docs. in 68 bdls., 15 f.b. Title varies: Judgments and Dismissasl, 68 bdls., 6 f.b., 1851-1931; Judgments, 3 f.b., 1921-30; Quarterly Court, 1 f.b., 1932; Quarterly Court Papers off of Docket, 1 f.b., 1933-35; Quarterly Court Papers on Docket, 1 f.b., 1936-37.

Original case papers and documents filed in civil and criminal cases tried before quarterly court from institution to final disposition, including in civil case papers, petitions of plaintiff, citations, answers, motions, bills, notes and other documentary evidence exhibited, exceptions, returns on executions, summonses and subpoenas, notices to take depositions, and depositions; and in commonwealth cases: bills of information, indictments by grand jury, petitions, citations, answers, evidence exhibited, pleas of accused, fixing of bond, returns on summonses and subpoenas, notices to take depositions, depositions, warrants, capiases, and pardons. Summary of case papers in civil suits show: docket number, style of suit, date filed, case number, names of parties' attorneys, various clauses indicating form of document, and signature of presiding judge; and in criminal cases: docket number, style of case, date filed, offense, date of trial, action taken, and signature of presiding judge. Arr. numer. by case no. No index. 1851-1931, hdw.; 1932--, typed. Bdls., 8 x 14 x 4; f.b., 4½ x 4½ x 10.

273. JUDGES' MEMO BOOK, June 26, 1851-Sept. 27, 1883. 1 vol. Record discontinued.

Judges' record of documents filed in actions before quarterly court and memoranda of court's actions, showing: date filed, name of principal, and by whom filed. Arr. chron. by date filed. No index. Hdw. 500 pp. 14 x 8 x 2½.

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26. Acts: 1850-51, vol. 1. pp. 42, 43; 1851-52, pp. 94, 95.
27. Acts: 1891-93, p. 1050; 1906, p. 351; 1930, p. 68; 1934, p. 423.

274. LEDGERS, 1832-87. 3 vols. Title varies: Day Book, 1 vol., 1837-75.
Record of individual accounts with debtors submitted by plaintiffs as evidence in suits filed in quarterly court for recovery of claims, showing: name of article sold, name of purchaser, date of purchase, amount of charges and credits, and balance unpaid. Arr. chron. by date recorded. Alph. index, direct by first letter of surname of purchaser, showing p. no. where recorded. Hdw. Cond. poor. Aver. 200 pp. 13 x 9 x 1½. Strm. 2nd floor.

Surety Bonds

275. REPLEVIN BONDS (Quarterly Court), Aug. 17, 1878--. 3 vols. Title varies: Replevin Bond Book, 1 vol., Aug. 17, 1878-Aug. 3, 1883.
Original surety bonds furnished Commonwealth by defendants securing payment of judgments rendered in quarterly court within three months, showing: date and amount of bond, names of defendant and plaintiff, amount of judgment, costs, and interest, date rendered, signatures of defendant and surety, attestation of county judge, and date recorded. Also contains: Replevin Bonds (County Court), entry 254. Arr. chron. by date of bond. No index. Hdw. on pr. fm. Aver. 400 pp. 15 x 12 x 2.

276. ATTACHMENT AND INJUNCTION BONDS, Dec. 18, 1866--. 2 vols.
Original surety bonds executed by plaintiffs as a covenant with Commonwealth securing defendant against damages which he 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 county judge. Also contains: (Attachment Bonds, County Court), entry 255. Arr. chron. by date of bond. No index. Hdw. on pr. fm. Aver. 350 pp. 14 x 10 x 2.

277. APPEAL AND C (Cost) BONDS, May 5, 1892-Aug. 25, 1926. 1 vol.
Original surety bonds executed by defendants to Commonwealth securing payment of court costs and response to judgment in cases appealed from justices' courts, showing: date and amount of bond, number and style of case, affidavit of surety, signatures of principal and surety, and approval of county judge. Also contains: (Appeal Bonds, County Court), 1892--, entry 256. Arr. chron. by date of bond. No index. Hdw. on pr. fm. 325 pp. 15 x 10 x 2.

Miscellaneous

278. (SUMMONSES RETURNED), 1902-5. 50 docs. in 1 f.b.
Original summonses issued by county judge commanding appearance of named person before quarterly court and returned after service by sheriff, showing: name of person summoned, date, place, and purpose of appearance, style of case, date of summons, date returned, and signature and remarks of sheriff. Arr. chron. by date of summons. No index. Hdw. on pr. fm. 4½ x 4½ x 10.
For additional records, see entry 272.

279. DETAINER PAPERS, 1918-19. 5 docs. in 1 f.b.
Petitions for writs of forcible entry and detainer filed with quarterly court by plaintiffs seeking recovery of property, showing: names of plaintiff and

defendant, location and description of property involved, signature of petitioner, and date of petition. Arr. chron. by date of petition. No index. Typed. 4½ x 4½ x 10.

For additional records, see entry 272.

Docket

280. ORDINARY DOCKET, Sept. 1851--. 4 vols. (A-D) Title varies: County Court Judges Docket, vol. A, Sept. 1851-Sept. 1868.

Docket of civil cases set for trial at each term of quarterly court prepared for use by the judge during court term, showing: date, term of court, case number, last order in case, plaintiff's attorney, parties to action, defendant's attorney, action, return on process, steps at present term, judgment rendered, and remarks. Also contains: Commonwealth Docket, Sept. 1851-Mar. 1904, entry 289. Arr. chron. by date of court term. No index. 1851-68; hdw.; 1869--, hdw. under pr. hds. Aver. 250 pp. 15 x 12 x 2½.

Orders and Judgments

281. ORDERS QUARTERLY COURT, Sept. 1851--. 4 vols.

Record of civil and criminal orders issued by quarterly 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 showing: docket number, style of case, and action of court. In criminal cases are included, orders for filing information, pleas of accused, fixing bonds if allowable, continuance, rules, motions, and judgments of court; each summary showing: docket number, style of case, offense, and action of court. Also contains: Judgment by Default, 1879--, entry 282; Civil and Criminal Judgments (Criminal Judgments), 1851-June 1926, Aug. 1926--, entry 290; Witness Book, Mar. 1914--, entry 296. Arr. chron. by date of court term. No index. Hdw. Aver. 600 pp. 18 x 14 x 3.

282. JUDGMENTS BY DEFAULT, 1862-78. 1 vol. 1879-- in Orders Quarterly Court, entry 281.

Record of quarterly court judgments awarded plaintiffs upon failure of defendant to answer petition, showing: number and style of case, nature of judgment, date rendered, and signature of presiding judge. Arr. chron. by date of judgment. Alph. index, direct by first letter of surname of defendant, showing no. of judgment and p. no. where recorded. Hdw. under pr. hds. 375 pp. 18 x 15 x 2½.

Executions

285. EXECUTION PAPERS, 1914--. 200 docs. in 1 f.b.

Original execution orders issued on judgments rendered in civil cases tried in quarterly court, showing: number of execution order, number and style of case, names of attorneys, amount of debt, interest, cost, and credits, date of judgment, to whom execution delivered, date of return, officer's return, and signature of county court clerk. Arr. chron. by date of execution. No index. Hdw. on pr. fm. 4½ x 4½ x 10.

For additional records, see entry 272.

284. EXECUTION BOOK, Sept. 2, 1851--. 2 vols.
Record of execution orders on judgments rendered in civil cases tried before quarterly court, showing: date and number of execution, number and style of case, amount of debt, cost, interest, and credits, return date, and officer's return. Arr. chron. by date of order. No index. Hdw. under pr. hds. Aver. 475 pp. 16 x 12 x 2½.

## Criminal Actions
(See also entries 272, 275, 278, and 281)

### Case Papers

285. RECORD OF MISDEMEANORS, Aug. 11, 1872--. 4 vols.
Record of misdemeanor cases tried before quarterly court, showing: court term, style of case, nature and date of offense, date of trial, action taken, disposition of case, and certification of quarterly court clerk. Arr. chron. by date of court term. For index, see entry 286. Hdw. Aver. 480 pp. 14 x 12 x 2½.

286. INDEX TO MISDEMEANOR CASES, Aug. 11, 1872--. 1 vol.
Index to Records of Misdemeanors, entry 285, direct by name of defendant, showing: type and style of case, date of trial, and volume and page number where recorded. Arr. alph. direct by first letter of surname of defendant. Hdw. 200 pp. 14 x 12 x 1½.

### Surety Bonds (See also entries 275 and 277)

287. BAIL BONDS, May 1, 1894--. 3 vols.
Original surety bonds executed before quarterly court as a covenant with Commonwealth for release of defendant from custody and guaranteeing appearance for trial, showing: date, number, and amount of bond, name of defendant, offense, affidavit and signature of surety, and attestation of county judge. Arr. chron. by date of bond. No index. Hdw. on pr. fm. Aver. 300 pp. 13 x 10 x 2. May 1, 1894-Dec. 22, 1932, 1 vol., co. ct. clk. off.; June 9, 1913--, 2 vols., co. judge off.

288. BONDS IN LIQUOR CASES, Aug. 2, 1923-June 4, 1932. 1 vol.
Original surety bonds furnished Commonwealth by defendants convicted in quarterly court of liquor law violations guaranteeing good behavior for one year, showing: date, number, and amount of bond, affidavit of surety, signatures of principal and surety, and attestation of county judge. Arr. chron. by date of bond. No index. Hdw. on pr. fm. 450 pp. 14 x 8 x 2½.

### Docket and Judgments

289. COMMONWEALTH Ddocket, Apr. 6, 1904--. 2 vols. Sept. 1851-Mar. 1904 in Ordinary Docket, entry 280.
Docket of cases set for trial at each term of quarterly court prepared for use by judge during court term, showing: date, term of court, number and style of case, name of defendant, offense, action taken, date of trial, last

order in case, judgment rendered, and how satisfied. Also contains: Execution Book (Commonwealth Executions), entry 293. Arr. chron. by date of court term. No index. Hdw. under pr. hds. Aver. 500 pp. 18 x 15 x 3.

290. CIVIL AND CRIMINAL JUDGMENTS (Criminal Judgments), June 26, 1926-Aug. 4, 1926. 1 vol. 1851-June 1926, Aug. 1926-- in Orders Quarterly Court, entry 281.
Record of criminal judgments rendered in cases tried before quarterly court, showing: number and style of case, name of defendant, offense, date and amount of judgment rendered, order book number and page where recorded, when and how satisfied, and signature of county judge. Arr. chron. by date of judgment. Alph. index, direct by first letter of surname of defendant, showing p. no. where recorded. Hdw. under pr. hds. 240 pp. 18 x 14 x 2.

Executions

291. COMMONWEALTH WARRANTS (Warrants of Arrest), 1920--. 1100 docs. in 1 f.d., 9 f.b.
Warrants of arrest issued by county judge for service by sheriffs upon persons accused of law violations, showing: number of warrant, style of case, name of defendant, offense, date issued, signature of county judge, date and nature of sheriff's return, and signature of sheriff. Arr. chron. by date of return. No index. Hdw. on pr. fm. F.d., 5½ x 30 x 12; f.b., 4½ x 4½ x 10. 1920-32, 1 f.d., sheriff off.; 1928--, 9 f.b., co. judge off.

292. AFFIDAVITS FOR WARRANTS, 1936--. 150 docs. in 1 f.d.
Affidavits furnished county judge by plaintiffs seeking warrants of arrest issued for execution upon named defendant for stated offense, showing: name of defendant, offense, place and date committed, names of witnesses, signature of plaintiff, and attestation of county judge. Arr. chron. by date of affidavit. No index. Hdw. and typed on pr. fm. 8 x 14 x 4.

293. EXECUTION BOOK (Commonwealth Executions), Feb. 7, 1893-Apr. 1, 1904. 1 vol. Apr. 1904-- in Commonwealth Docket, entry 289.
Record of execution orders issued in criminal cases tried before quarterly court, showing: nature of execution, number and style of case, amount of judgment, interest, and costs, number, date, and amount of execution, return date, officers return, and date returned. Arr. chron. by date recorded. No index. Hdw. on pr. fm. 500 pp. 16 x 13 x 2.

Business Administration

Financial Records

294. FEE BOOK, 1876--. 3 vols.
Record of fees collected in suits tried before quarterly court, showing: case number, names of plaintiff and defendant, amount of jurors, attorneys, witnesses, constables, and sheriff's fees, and total amount of costs. Arr. chron. by date collected. No index. Hdw. on pr. fm. Aver. 600 pp. 18 x 12 x 2.

295. COMMONWEALTH CLAIMS, 1936. 1 doc. in 1 f.d.
Claim against Commonwealth for costs accruing in examining trial of commonwealth case before quarterly court and for which indictment has been returned by circuit court grand jury, showing: date of examining trial, name of defendant, date indicted, total amount of costs, and signatures of judge of quarterly court and judge and clerk of circuit court. No obvious arr. No index. Typed. 14 x 8 x 4.

Witness Records

296. WITNESS BOOK, Dec. 18, 1866-Mar. 1914. 1 vol. Mar. 1914-- in Orders Quarterly Court, entry 281.
Attendance record of witnesses appearing in cases tried before quarterly court, shoing: date and term of court, number and style of case, name and address of witness, for whom appearing, number of days served, itemized costs, and total amount paid. Arr. chron. by date of service. No index. Hdw. under pr. hds. 250 pp. 14 x 12 x 2.

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## 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 office of county attorney was not established in Meade County until 1824, when this county was created. (1)

In 1824 the county court of Meade County appointed John L. Holm 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 provided for his appointment by the county court. (3) In 1829, statutory provision specified that he should be appointed by

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1. CONST. OF 1799, ART. 3, SEC. 23; ORDERS COUNTY COURT, VOL. A, P. 1, SEE ENTRY 220.
2. ORDERS COUNTY COURT, VOL. A, P. 6, SEE ENTRY 220.
3. CONST. OF 1799, ART 3, SEC. 23.

County Attorney (Next entry 297, p. 243)

the county court for a period of 1 year. (4) In 1850, the office became elective for a 4-year term. (5)

Residence

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)

Age

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); however, under the present constitution he must be at least 24 years old. (9)

Experience

Since 1850, the county attorney has been required to have been a licensed, practicing attorney for 2 years prior to his election. (10)

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. (11) Since 1850, however, the stipulation that he must not have participated in any way in duels, has been added to the above oath. (12) He was also required to give such bond as was prescribed by law, as often as it was deemed necessary. (13)

Removal

The county attorney has always been liable to impeachment, by concurrence of two-thirds of the members present in the House of Representatives for any misdemeanor in office. (14) Moreover, he was subject to indictment or prosecution for any misdemeanor in office, or for willful neglect of official duties, in such manner as might be legally prescribed; however, all such charges

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4. ACTS, 1828-29, P. 105.
5. CONST. OF 1850: ART. 4, SEC. 30; ART. 6, SEC. 3; CONST. OF 1891, SEC. 99.
6. CONST. OF 1799, ART. 3, SEC. 9.
7. CONST. OF 1850, ART. 6, SEC. 2; CONST. OF 1891, SEC. 100.
8. CONST. OF 1850, ART. 6, SEC. 2.
9. CONST. OF 1891, SEC. 100.
10. CONST. OF 1850, ART. 6, SEC. 2; CONST. OF 1891, SEC. 100.
11. CONST. OF 1799, ART. 6, SEC. 1.
12. CONST. OF 1850, ART. 8, SEC. 1; CONST. OF 1891, SEC. 228.
13. CONST. OF 1850, ART. 6, SEC. 9; CONST. OF 1891, SEC. 103.
14. CONST. OF 1799, ART. 5, SEC. 1-3; CONST. OF 1850, ART. 5, SECS. 1-3; CONST. OF 1891, SECS. 66-68.

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. (15) 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. (16)

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. (17) 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. (18) The county judge is empowered to appoint an attorney pro tempore to serve in the county attorney's absence. (19)

Compensation

By an act approved December 27, 1820, the courts were authorized to tax as costs certain specified sums on all final judgments or decrees where costs are recovered, as attorneys fees, except in those cases where the law directed that no costs could be taxed. (20) In 1825, John L. Helm received $100 for acting as county attorney for 1 year ending October term of court. (21) In 1829, the county attorney was paid out of the county levy upon the authority of the county court (22); and later he was authorized to receive a reasonable salary, plus fees from fines and taxable costs in cases prosecuted by him. (23) Later legislation provided that he receive 30 per cent 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)

In addition to his salary as determined by the fiscal court, several acts have been passed governing his fees. At present he receives 30 per cent of all judgments for fines and forfeitures rendered in favor of the

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15. CONST. OF 1891, SEC. 227, AMEND. 6.
16. ACTS, 1924, PP. 72-75.
17. CONST. OF 1799, ART. 3, SEC. 9.
18. CONST. OF 1850, ART. 6, SEC. 7; ACTS: 1850-51, VOL. 1, P. 90; 1891-93, P. 146.
19. ACTS, 1891-93, P. 267.
20. ACTS, 1820-21, P. 201.
21. ORDERS COUNTY COURT, VOL. A, P. 147, SEE ENTRY 220.
22. ACTS, 1828-29, P. 105.
23. REV. STAT., VOL. 2, P. 188.
24. GEN. STAT., 1873 ED., P. 151.
25. ACTS, 1891-93, PP. 267, 268; CARROLL, SEC. 132.

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 per cent of such judgments, except where the judgment is less than $25, in which event a $5 fee is taxed as costs for him. (26) In 1906, he was allowed 25 per cent of the fines recovered from all cases relative to the assessment of property. (27) A more recent enactment specified a fee of 40 per cent 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. (28) His present salary is $700 a year. (29)

## Functions

### Attorney for the County

The county attorney, as legal agent for the county, was given the following duties: 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; to conduct motions of prosecution in the county court against sheriffs, constables, or other officers; and to attend the court of claims and assist in investigating claims to see that only legal and just ones were approved. (30) Later, he instituted and conducted prosecutions of suits in any court in the State where the interests of the county were involved. (31)

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 cases and business 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. (32) 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. (33) He also investigated all unsatisfied judgments in the county in favor of the Commonwealth, and took all the steps necessary to collect them. (34)

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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.
29. Report of Nat. B. Sewell, Director of Post Audits, to Governor Keen Johnson and Judge W. E. Brown, December 26, 1939.
30. Acts, 1828-29, p. 105.
31. Gen. Stat., 1873 ed., p. 151; Carroll, sec. 127.
32. Acts, 1891-93, p. 266; Carroll, sec. 126.
33. Acts, 1891-93, p. 266; Carroll, sec. 127.
34. Acts: 1891-93, pp. 266, 267; 1926, pp. 101, 102; Carroll, sec. 130.

Law Enforcement

Since the beginning of his office, the county attorney has enforced the laws governing the granting of tavern licenses. (35) 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. (36) Later statutes required him to prosecute if a tavern license was improperly granted and, when necessary, to appeal to the circuit court. (37) 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. (38)

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 riots, routs, and breaches of the peace, except circuit court prosecutions of such cases. (39) He was also required to prosecute all charges of felony or other public offenses before examining courts in his county. (40) Under legislation passed in 1825, he prosecuted masters for inhuman treatment of apprentices. (41) Later, he was required to defend for the apprentices and to resist the release of the masters from their obligations. (42)

An early act required the county attorney also to prosecute the sheriff for failure to transmit election certificates to the Secretary of State. (43) 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. (44) He was directed by statute to prosecute in bastardy proceedings. (45) An early act required him to examine the county court clerk's list of deeds and seals, and to compare it with the number recorded. (46) By recent statutes, he was 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. (47)

Road Cases

Statutory provision in 1830 directed him to represent the Commonwealth in road cases appealed to the circuit court from the county court. (48)

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35. Acts, 1828-29, p. 105.
36. Acts, 1831-32, pp. 132, 133.
37. Acts, 1851-52, pp. 42, 43; Gen. Stat., 1873 ed., p. 150.
38. Acts, 1891-93, p. 266; Carroll, sec. 129.
39. Acts, 1828-29, p. 105.
40. Gen. Stat., 1873 ed., p. 151; Carroll, sec. 128.
41. Acts, 1824-25, p. 138.
42. Gen. Stat., 1873 ed., p. 655; Carroll, sec. 2599.
43. Acts, 1833-34, p. 478; see County Board of Election Commissioners, p. 291.
44. Gen. Stat., 1873 ed., p. 154; Acts, 1891-93, p. 265; Carroll, sec. 123.
45. Gen. Stat., 1873 ed., p. 161; Acts, 1891-93, p. 71.
46. Acts, 1831-32, p. 112.
47. Acts, 1906, p. 99.
48. Acts, 1829-30, p. 217.

Subsequent enactment required him to oppose the wrongful alteration of roads. (49) 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. (50)

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. (51) It also was his duty to prosecute delinquent taxpayers (52), 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. (53)

Miscellaneous Functions

The county attorney was further required to prepare and have printed election instructions (54); resist every application for divorce (55); and attend examining trials before magistrates. (56) He must also represent State and local boards of health within his jurisdiction; prosecute violators of health laws (57); prosecute violators of the hotel and restaurant laws (58); conduct prosecutions for violation of the labor act (59); enforce the game and fish laws (60); and represent actions brought by the forestry department. (61) A recent statute required him to examine candidates for the office of tax commissioner (62), and, more recently, he was made a member of the county budget commission. (63)

No records are kept by this officer.

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49. GEN. STAT., 1873 ED., P. 150.
50. ACTS, 1891-93, P. 266; CARROLL, SEC. 129.
51. ACTS: 1828-29, P. 129; 1891-93, P. 260; CARROLL, SECS. 102, 105.
52. GEN. STAT., 1873 ED., P. 723; ACTS, 1906, P. 230.
53. ACTS, 1906, PP. 112, 151.
54. ACTS, 1891-93, P. 119; CARROLL, SEC. 1466.
55. ACTS, 1891-93, P. 931.
56. ACTS, 1891-93, P. 266.
57. ACTS: 1891-93, P. 827; 1916, P. 420.
58. ACTS, 1918, P. 305.
59. ACTS, 1924, P. 164.
60. ACTS, 1912, P. 162.
61. ACTS, 1930, P. 29.
62. ACTS, 1918, PP. 36, 37; SEE TAX COMMISSIONER, P. 270.
63. ACTS, 1934, P. 63.

(Next entry 297, p. 243)

# VII. JUSTICES' COURTS

## Structure

### Creation

The constitution in effect when Meade County was created provided for a competent number of justices for each county. (1) The act creating Meade County, in 1824, provided for eight justices of the peace, though only seven assumed office. (2)

### Selection and Term

In 1824, 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 the Governor, one of whom he appointed as justice; but, in newly created counties, a majority of the Representatives from the Senatorial district of which the county was a part made the recommendations, and these, the Governor appointed. (4) The number of justices was fixed by law (5) and following the establishment of Meade County in 1824, Governor John Adair appointed Joseph Stith, John H. Trent, William Ditto, William Garnett, Robert W. Washington, Joseph Atwell, and William Foushee to be the first justices for Meade County. (6)

In 1851 Meade County was divided into six 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 one justice elected from each district for a term of 4 years. (8)

### Residence

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 have been a resident of the district for which he was elected. (10) Today, he must have been a citizen of the State for 2 years, and a resident of the county and district for 1 year, preceding his election. (11)

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1. CONST. OF 1799, ART. 4, SEC. 6.
2. ACTS, 1823-24, P. 336; ORDERS COUNTY COURT, VOL. A, PP. 1, 3, SEE ENTRY 220.
3. CONST. OF 1799, ART. 4, SEC. 6.
4. CONST. OF 1799, ART. 4, SECS. 8, 9.
5. LITTELL, VOL. 2, 1801, PP. 444, 445.
6. ACTS, 1823-24, P. 336; ORDERS COUNTY COURT, VOL. A, PP. 1, 3; SEE ENTRY 220.
7. CONST. OF 1850, ART. 4, SECS. 34, 35; ACTS, 1850-51, PP. 4-14; ORDERS COUNTY COURT, VOL. E, P. 116, SEE ENTRY 220.
8. CONST. OF 1891, SEC. 99; ACTS, 1891-93, P. 143; ORDERS COUNTY COURT, VOL. I, PP. 483-486; SEE ENTRY 220.
9. CONST. OF 1799, ART. 3, SEC. 9.
10. CONST. OF 1850, ART. 4, SEC. 34.
11. CONST. OF 1891, SEC. 100.

Age

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)

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 legislature may also provide other methods for the removal or reinstatement of this officer. (17)

A later statute 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

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12. CONST. OF 1850, ART. 4, SEC. 34.
13. CONST. OF 1891, SEC. 100.
14. CONST. OF 1799, ART. 6, SEC. 1; CONST. OF 1850, ART. 8, SEC. 1; CONST. OF 1891, SEC. 228.
15. CONST. OF 1850, ART. 6, SEC. 9; CONST. OF 1891, SEC. 103.
16. CONST. OF 1799, ART. 5, SECS. 1-3; CONST. OF 1850, ART. 5, SECS. 1-3; CONST. OF 1891, SECS. 66-68.
17. CONST. OF 1799, ART. 4, SEC. 6; CONST. OF 1850, ART. 4, SEC. 36; CONST. OF 1891, SEC. 227, AMENDMENT 6.
18. ACTS, 1924, PP. 72-75.
19. CONST. OF 1799, ART. 4, SEC. 8.

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 services performed as judicial officials, the justices of the peace have always been compensated by fees established by law. (24) 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 at times set by the presiding judge of the county court, in the months designated by law (27); however, an act of 1908 provided that, for such purposes, they should hold court once each month. (28) For the trial of criminal or penal causes, the justices were authorized to hold court at any time. (29)

Non-Judicial Functions

Statutes in force in 1824, when Meade 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

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20. LITTELL, VOL. 5, 1814, P. 258.
21. GEN. STAT., 1873 ED., P. 386.
22. ACTS, 1891-93, P. 146.
23. ACTS, 1894, P. 11; DAUGHERTY V. ARNOLD, 110 KY. 1; ACTS, 1930, P. 390; CARROLL, SEC. 3758.
24. LITTELL, VOL. 1, 1792, PP. 112, 113; CONST. OF 1891, SEC. 106; ACTS: 1891-93, P. 1141; 1916, P. 702.
25. REV. STAT., VOL. 1, P. 234.
26. ACTS: 1891-93, P. 271; 1902, P. 216; 1918, P. 672; 1926, P. 173; CARROLL, 1930, SEC. 1845.
27. ACTS: 1851-52, P. 100; 1891-93, P. 1056.
28. ACTS, 1908, P. 131.
29. ACTS, 1851-52, P. 102.
30. LITTELL, VOL. 1, 1793, P. 196.
31. LITTELL, VOL. 2, 1798, P. 114.

there was, in the opinion of the county court, 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 the authority was added 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, empowers the justices to suppress gaming and lotteries (36); grant certificates for payments to persons killing wolves (37); and order mad dogs killed. (38) Since 1851, they have been empowered to hold inquests in the absence of the coroner. (39)

General Court Powers

By an act of 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, impanel 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 further 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; and, they were 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

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32. LITTELL, VOL. 2, 1799, P. 275.
33. ACTS, 1891-93, P. 927.
34. ACTS, 1932, PP. 488, 489.
35. LITTELL, VOL. 3, 1802, PP. 55-57; ACTS: 1851-52, P. 99; 1891-93, P. 1058; 1934, P. 422.
36. LITTELL, VOL. 3, 1804, P. 176; ACTS, 1891-93, PP. 9, 744, 745.
37. LITTELL, VOL. 5, 1814, P. 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. 264.
40. LITTELL, VOL. 5, 1812, PP. 28, 29.
41. ACTS: 1851-52, PP. 99, 100; 1891-93, P. 1057; CARROLL, SEC. 1087.
42. ACTS: 1819-20, P. 976; 1891-93, P. 1030.
43. ACTS, 1932, P. 685.
44. LITTELL, VOL. 1, 1792, P. 91.

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, or 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, and 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. (48) This jurisdiction was further extended to include the subjection of choses in action and property of non-residents, to payments of demands. (49)

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, and also 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 circuit court and concurrent with the quarterly court, of civil cases of not more than $50. (50) 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. (51) 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. (52)

Prior to 1831, three justices sat as a court to hold inquests on persons believed to be of unsound mind (53), but in that year the jurisdiction of insanity inquisitions was given the circuit court because of illegal execution of previous laws. (54) 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. (55)

The justices in 1835, were empowered to render judgments against constables for money collected and not paid (56), and were given jurisdiction of motions against constables. (57) Today, they have jurisdiction of motions against constables concurrent with the quarterly court. (58)

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45. LITTELL, VOL. 4, 1811, P. 342.
46. LITTELL, VOL. 5, 1812, P. 29.
47. ACTS: 1823-24, P. 397; 1827-28, P. 228; 1838-39, P. 310.
48. ACTS, 1851-52, PP. 99, 100, 101.
49. ACTS, 1851-52, P. 100.
50. ACTS, 1891-93, P. 1057.
51. ACTS, 1891-93, P. 1058.
52. ACTS: 1928, PP. 155, 156; 1934, P. 422; CRIM. CODE, SEC. 13-5.
53. LITTELL, VOL. 2, 1785 (VIRGINIA LAW) P. 578.
54. ACTS, 1831-32, P. 109.
55. ACTS, 1851-52, P. 100.
56. ACTS, 1834-35, P. 301.
57. ACTS, 1851-52, PP. 99, 100.
58. ACTS, 1891-93, P. 1057.

By an act of 1798 the justices could examine charges against slaves, and aid in recovering runaway slaves, stray boats, and animals. (59) They now have jurisdiction over stray and glandered animals. (60) Formerly they investigated cases of free Negro immigrants entering the State in contravention of law. (61)

Miscellaneous Powers

In 1801, justices were authorized to issue executions to constables in other counties to which debtors had moved. (62) They were also required to order payment to the plaintiff when executions not exceeding 5 pounds had been returned with no property found. (63) They now render new judgments when records are lost or destroyed. (64) Legislation in effect today gives the justices jurisdiction of forcible entry and detainer proceedings. (65) Justices were also required to issue the following: Warrants in bastardy cases (66); escape warrants; warrants for the arrest of traitors, felons, and disturbers of the peace (67); warrants for persons disturbing public worship (68); warrants for those charged with shooting, stabbing, or wounding (69); and distress warrants for rent. (70) Later statutes continued their power to issue distress warrants for rent, and gave them authority to issue attachments for rent. (71) The justices also issued warrants for the arrest of fugitives (72) and persons violating the game laws. (73)

Examining Trials

In 1809 two justices, sitting as a court, could examine criminal charges, the punishment of which was capital, corporal, or imprisonment. (74) 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. (75) At present, justices may conduct examining trials when the county attorney has been notified of such action. (76) They were early given authority to examine charges against vagrants. (77) In Meade County, however, the justices have not held court since approximately 1925 and therefore have not exercised the jurisdictions conferred upon them.

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59. LITTELL, VOL. 2, 1796, PP. 5, 79, 215.
60. ACTS: 1891-93, PP. 842-844; 1897, P. 3; CARROLL, SEC. 43-47A.
61. LITTELL, VOL. 3, 1807, P. 499.
62. LITTELL, VOL. 2, 1801, PP. 465, 466.
63. LITTELL: VOL. 3, 1806, P. 376; VOL. 4, 1810, PP. 182-186.
64. ACTS, 1891-93, P. 1058.
65. CIVIL CODE, P. 452 FF.
66. LITTELL, VOL. 1, 1795, P. 282.
67. LITTELL, VOL. 1, 1796, PP. 505, 590, 591.
68. LITTELL, VOL. 2, 1801, P. 479.
69. LITTELL, VOL. 4, 1809, P. 78.
70. LITTELL, VOL. 4, 1810, P. 271.
71. ACTS, 1891-93, P. 458.
72. ACTS, 1839-40, P. 114.
73. ACTS, 1894, P. 42.
74. LITTELL, VOL. 4, 1809, P. 67.
75. ACTS, 1851-52, P. 99.
76. ACTS, 1891-93, P. 266; CIVIL CODE, SECS. 49-51.
77. LITTELL, VOL. 1, 1795, P. 289; ACTS, 1904, P. 134.

Recordation

Early legislation required the justices of Meade 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. (78) 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. (79)

The act of 1838 creating a jury fund and a trustee of that fund, required the justices 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. (80) Such money is now paid into the county treasury since the office of trustee of the jury fund was abolished in 1934. (81)

Justices recorded all proceedings in an order book and kept an execution book, indexing each properly. They also furnished copies of any records of proceedings in their custody, to persons desiring such documents. (82) 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 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. (83)

Records kept by these officers prior to 1840, and from 1857 to the time they ceased holding court, could not be found among the records of the county.

297. DOCKET, Feb. 29, 1840-Mar. 6, 1847, Mar. 12, 1853-Nov. 26, 1857. 2 vols. Title varies: Justices Docket, 1 vol., Feb. 29, 1840-Mar. 6, 1847.

Docket of cases set for trial before justices of the peace prepared for use of justice at each session of court and a record of executions 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 shows: names of parties to suits, 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. Aver. 600 pp. 18 x 12 x 2. Co. judge off.

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78. LITTELL, VOL. 3, 1806, PP. 375, 376.
79. LITTELL, VOL. 4, 1811, P. 343.
80. ACTS, 1837-38, P. 240.
81. ACTS, 1934, P. 541.
82. ACTS, 1891-93, PP. 1057, 1058.
83. ACTS, 1906, P. 224.

(Next entry 298, p. 252)

# 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 December 17, 1823, which created Meade County, Governor John Adair, appointed Benjamin Shacklett as the first sheriff, who in turn appointed Robert Bleakley as his deputy. (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 from one of two justices of the peace recommended by the county court for a term of 2 years. 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 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 qualified. (7)

### Residence

Until 1850, the sheriff, to qualify for appointment, must have resided in the county for 1 year. (8) Since 1850 he has been required to be a citizen of the United States, and to have lived in the State 2 years and the county 1 year prior to his election. (9)

### Age

No age requirement was necessary until 1850 when the sheriff must have been at least 21 years old upon qualifying for office. (10) Today, the sheriff must be at least 24 years of age to qualify for office. (11)

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1. CONST. OF 1792, ART. 6, SEC. 1; CONST. OF 1799; ART. 3, SEC. 31; ART. 4, SEC. 9.
2. ACTS, 1823-24, P. 336; ORDERS COUNTY COURT, VOL. A, PP. 2, 3, ENTRY 220.
3. CONST. OF 1799, ART. 4, SEC. 9.
4. CONST. OF 1799; ART. 3, SEC. 31; ART. 4, SEC. 9.
5. CONST. OF 1850, ART. 6, SEC. 4.
6. CONST. OF 1891, SEC. 99.
7. ACTS, 1891-93, PP. 228, 229.
8. CONST. OF 1799, ART. 3, SEC. 9.
9. CONST. OF 1850, ART. 6, SEC. 2; CONST. OF 1891, SEC. 100.
10. CONST. OF 1850, ART. 6, SEC. 4.
11. CONST. OF 1891, SEC. 100.

Sheriff (Next entry 298, p. 252)

Oath

The sheriff, since the first constitution, has taken an oath to support the constitution, and to perform faithfully the duties of his office; and since 1850, that he has not taken any part in duels. (12)

Bond

Since the beginning of Meade 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 thought necessary. (14)

Removal

The sheriff may be removed by impeachment, for any misdemeanor in office, by two-thirds concurrence of the House of Representatives (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. 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)

Vacancy

After 1823, when Meade County was created, the Governor, with the consent of the Senate, filled any vacancy in the office of sheriff. (18) By 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 is qualified, unless he is removed by the circuit judge. Before assuming his duties, he must take the same oath; he also receives the same fees and compensation as the sheriff. (20)

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12. CONST. OF 1799, ART. 6, SEC. 1; CONST. OF 1891, SEC. 228.
13. LITTELL, VOL. 1, 1795, PP. 580, 581; ACTS: 1906, P.154; 1934, PP. 55,56.
14. CONST. OF 1850, ART. 6, SEC. 9; CONST. OF 1891, SEC. 103.
15. CONST. OF 1799, ART. 5, SECS. 1-3; CONST. OF 1891, SECS. 66-68.
16. CONST. OF 1891, SEC. 227, AMEND. 6.
17. ACTS, 1924, PP. 72-75.
18. LITTELL: VOL. 1, 1796, P. 580; VOL. 2, 1801, P. 465.
19. ACTS, 1850-51, VOL. 1, P. 96; REV. STAT., VOL. 1, P. 44; GEN. STAT., 1873 ED., P. 386; ACTS, 1891-93, P. 146.
20. ACTS, 1891-93, PP. 228, 229.

Compensation

When Meade County was established, the sheriff was allowed 6 per cent of the tax collections which he made. (21) Since 1891, for collecting and paying over the State and county taxes, he receives 10 per cent on the first $5,000 paid into the State Treasury each year, and 4 per cent 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 legally authorized compensation paid his deputies and assistants.

The sheriff and his deputies are now required to serve as a county highway patrol. For this extra duty, the sheriff is allowed a maximum of $1,500 a year 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 acts. (24)

Functions

Law Enforcement

Legislation enacted prior to, and subsequent to 1850, and in force to-day, 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 of law violators (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 impanel a jury for their trial (31); and arrest persons disturbing public worship. (32)

The sheriff has authority to command when necessary a posse comitatus or "power of the county," to aid him in the execution of his duties of office

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21. LITTELL, VOL. 1, 1792, P. 84.
22. CONST. OF 1891, SEC 246; ACTS: 1891-93, P. 1140; 1906, PP. 171, 172.
23. ACTS, FOURTH SPECIAL SESSION, 1936 37, P. 119.
24. LITTELL, VOL. 1, 1796, P. 580; ACTS: 1891-93, PP. 555, 556; 1906, P. 157.
25. GEN. STAT., 1873 ED., P. 688; ACTS: 1906, PP. 190-192; 1916, PP. 667-672.
26. ACTS, 1908, P. 121.
27. ACTS, 1891-93, P. 550.
28. ACTS: 1912, P. 162; 1916, P. 634.
29. ACTS: 1913, P. 490; 1930, P. 9.
30. LITTELL, VOL. 3, 1802, P. 73.
31. LITTELL, VOL. 3, 1802, PP. 55, 56.
32. LITTELL, VOL. 5, 1813, PP. 48, 49.

whether civil or criminal (33); and 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 accidents 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. The sheriff or his deputies investigate at least once each month 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 in writing to the county attorney his conclusions, together with the name and address of any witness who claims knowledge of any violation of the law, or any disturbances 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)

Servant of the Court

Statutes passed before Meade 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) Up to 1865, it was his duty to make certificate 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 statutes in reaffirming the above, 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)

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33. Acts, 1891-93, p. 558.
34. Acts, 1934, p. 166.
35. Acts, 1936-37, Fourth Special Session, pp. 116-118; Baldwin's Supp., sec. 3786-3.
36. Acts, 1891-93, p. 800.
37. Littell, vol. 1, 1796, p. 585.
38. Littell, vol. 2, 1798, p. 118.
39. Littell, vol. 1, 1796, p. 584.
40. Gen. Stat., 1873 ed., p. 781; Acts, 1891-93, p. 556.
41. Gen. Stat., 1873 ed., pp. 781-786; Acts, 1891-93, pp. 556,557.

Sheriff (Next entry 208, p. 252)

It has long been the duty of the sheriff to summon grand and petit juries, and to notify the court that he had served summons 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 long 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; to execute the sentence of the court in other criminal or penal cases; to attend, keep order, and to 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 1843, the sheriff of Meade County has collected both the State taxes and the county levy. (47) Prior to the creation of treasurer, the sheriff acted in this capacity retaining custody of the county funds and paying them to the creditors of the county 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) These funds are 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 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 directs. (52)

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42. LITTELL: VOL. 1, 1796, P. 475; VOL. 4, 1811, P. 267; ACTS, 1891-93, P. 955.
43. LITTELL, VOL. 1, 1797, P. 264; ACTS: 1885-86, VOL. 1, P. 84; 1891-93, P. 553.
44. LITTELL, VOL. 1, 1796, P. 585; ACTS, 1906, P. 169.
45. GEN. STAT., 1873 ED., P. 784; ACTS: 1891-93, PP. 558,560; 1920, P. 694.
46. GEN. STAT., 1873 ED., P. 161; ACTS, 1891-93, P. 68.
47. LITTELL, VOL. 2, 1799, P. 322.
48. LITTELL, VOL. 1, 1797, PP. 680, 681.
49. ACTS, 1891-93, PP. 40-42.
50. ACTS, 1891-93, P. 525.
51. ACTS, 1906, P. 152.
52. ACTS, 1917, P. 24.

Sheriff

(Next entry 298, p. 252)

Statutes passed prior to 1873 required the sheriff to report, under oath, to the Auditor of Public Accounts, on October 1, of each year, and every 60 days thereafter, the amount of State taxes collected, 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 State 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, and kept the duplicate on file in his office. (56)

A law passed in 1799 required the sheriff to make a list of insolvent taxpayers, and a list of persons who had moved from 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 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

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53. GEN. STAT., 1873 ED., P. 733.
54. ACTS: 1906, P. 157; 1932, P. 631.
55. LITTELL, VOL. 3, 1804, P. 180; GEN. STAT., 1873 ED., P. 729.
56. GEN. STAT. 1873 ED., P. 736; ACTS, 1912, PP. 476-483.
57. LITTELL, VOL. 2, 1799, P. 321.
58. GEN. STAT., 1873 ED., P. 555; ACTS, 1891-93, PP. 87-89.
59. ACTS, 1906, P. 162.
60. ACTS: 1906, P. 150; 1928, PP. 448-450.
61. LITTELL, VOL. 1, 1796, PP. 582, 583; ACTS, 1891-93, P. 557.
62. LITTELL, VOL. 1, 1797, PP. 680, 681.

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 the sheriff makes a sworn report to the Auditor of Public Accounts, on the first day of each court session, of the money due the Commonwealth, collected from all sources except 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)

The sheriff has always delivered to the person from whom taxes, levies, or fees are to be collected, a list of every article of 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 reporting of such collections. (69)

Elections

As early as 1799 it was the sheriff's duty to advertise and conduct elections, and 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 1838, when the State was divided into 13 congressional districts, with Meade County in the sixth district, all the sheriffs in this district met at the courthouse in Grayson 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)

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63. Acts, 1837-38, p. 240.
64. Acts, 1934, p. 541; SEE CIRCUIT COURT CLERK, p. 164.
65. Acts, 1906, p. 224.
66. LITTELL, VOL. 1, 1792, p. 85; Acts, 1891-93, p. 557.
67. LITTELL, VOL. 1, 1796, p. 582; Acts, 1906, p. 161.
68. Acts, 1891-93, p. 556.
69. Acts, 1906, p. 156.
70. LITTELL, VOL. 2, 1799, PP. 339-341, 345,346; Acts, 1822-23, p. 292.
71. Acts, 1832-33, PP. 267-269.
72. Acts, 1841-42, p. 83.

(Next entry 298, p. 252)

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 was made 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, the sheriff is an ex-officio member of his county board of election commissioners established in 1900. (74) Statutes in effect since 1891 require the sheriff to provide a voting place in each precinct of the county 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 of State taxes levied in his county to the State Treasurer. (80) As detailed under the section on revenue in this essay, he makes written sworn reports to the Auditor of Public Accounts. (81) He keeps a cash book and other books in the manner specified by the State Auditor of Public Accounts. (82) In 1906, the sheriff made a report each May, June, July, August, September, October, November, and December. (83) As directed by an act of 1932 the sheriff is required to make a monthly report to the county court for each month of the year, of money collected the previous month. (84) He was instructed to furnish the fiscal court yearly, an itemized sworn

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73. GEN. STAT., 1873 ED., P. 381 FF.
74. ACTS, 1900, P. 29.
75. ACTS, 1891-93, PP. 119, 128, 129.
76. ACTS, 1900, P. 33.
77. LITTELL, VOL. 5, 1812, P. 387.
78. ACTS, 1891-93, P. 753.
79. ACTS: 1922, P. 272; 1930, P. 621.
80. LITTELL, VOL. 2, 1799, P. 322.
81. ACTS: 1906, P. 224; 1932, P. 631.
82. ACTS, 1906, P. 156.
83. ACTS, 1906, P. 159.
84. ACTS, 1932, PP. 631, 632.

financial statement which he had published 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

298. TAX BILL BOOKS, 1909--. 237 vols. (dated)
Duplicate receipts of State and county taxes collected by sheriff, original receipts being given to taxpayer upon payment of county levy, showing: name and address of taxpayer, district number, description of property, assessed value, amount of tax due, date paid, signature of sheriff, and attestation of county court clerk. Arr. numer. by dist. no. and alph. thereunder by name of taxpayer. No index. Hdw. on pr. fm. Aver. 320 pp. 14 x 7 x 3. 1909-12, 24 vols., co. judge off.; 1913-35, 185 vols., strm. 1st floor; 1936--, 48 vols., cir. ct. clk. off.

299. OMITTED LIST, 1913--. 11 vol.
Additional list of property omitted from general tax roll upon owner's failure to list property for assessment and certified to sheriff for collection by county court clerk, showing: name of property owner, location and description of property omitted from assessment rolls, assessed value as fixed by tax commissioner, amount of tax due, date assessed, and signature of county court clerk. Arr. numer. by dist. no. and alph. thereunder by name of taxpayer. Hdw. on pr. fm. Aver. 100 pp. 14 x 9 x 1. Co. ct. clk. off.

300. INHERITANCE TAX, Apr. 28, 1908. 1 vol.
Record of inheritance tax collected by sheriff, showing: name of estate, value of property divided or inherited, amount of property subject to inheritance tax, amount of tax assessed, amount paid, and remarks. No obvious arr. No index. Hdw. on pr. fm. 350 pp. 18 x 13 x 2. Co. ct. clk. off.

301. (LIST OF EXONERATIONS), Nov. 1901-Dec. 1917. 105 docs. in 2 bdls. 1852-53 in Returns of Sale of Stray Boats, entry 315; 1918-- in (General Correspondence), entry 317.
List of persons exonerated from payment of county levy by county court, showing: name of taxpayer, terms of exoneration, remarks, order book number and page reference to exoneration order, and certification of county court clerk. No obvious arr. No index. Hdw. on pr. fm. 3 x 8 x 4. Co. ct. clk. vt.

### Land Sales

302. SHERIFFS CERTIFICATES, 1932--. 75 docs. in 1 f.b.
Duplicates of certificates issued by sheriffs to purchasers of land sold for

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85. Acts: 1926, p. 287; 1928, p. 461.

non-payment of taxes, showing: name of delinquent taxpayer, amount of tax, penalty, and costs due, number of tax bill, year or years delinquent, location and description of property, date and place of sale, name of purchaser, amount and terms of sale, amount of sale bond required securing purchase money, attestation of sheriff, date certificate issued, and certification of county court clerk. Arr. chron. by date issued. No index. Hdw. on pr. fm. 4½ x 4½ x 10. Co. judge off.

303. SHERIFFS LAND SALES FOR TAXES, Dec. 11, 1880--. 3 vols.
Record of land sales by sheriffs for taxes reported to fiscal court, showing: date of sale, description and location of property, amount of taxes, cost, interest, and penalty, number of tax bill, year for which due, name of purchaser, signature of sheriff, date recorded, and certification of county court clerk. Arr. chron. by date of sale. No index. Hdw. under pr. hds. Aver. 150 pp. 13 x 10 x 2. Co. ct. clk. off.

Dog Licenses

304. DOG LICENSE REGISTER, Nov. 27, 1921-Nov. 27, 1923, Dec. 8, 1926-Mar. 22, 1928, Nov. 12, 1935--. 3 vols. Title varies: Dog License Record, 1 vol., Nov. 27, 1921-Nov. 27, 1923; Dog Licenses, 1 vol., Dec. 8, 1926-Mar. 22, 1928.
Record of dog licenses and kennel licenses issued by sheriff. Kennel licenses showing: name and address of owner, kennel number, date of license, amount of fee, and number of dogs in kennel; and dog licenses showing: date and license number, name and address of owner, description of dog, amount of fee, and date and to whom transferred if sold since last license was issued. Arr. chron. by date recorded. No index. Hdw. under pr. hds. Aver. 300 pp. 16 x 12 x 2. Nov. 27, 1921-Nov. 27, 1923, 1 vol., co. ct. clk. vt.; Dec. 8, 1926-Mar. 22, 1928, 1 vol., strm.; Nov. 12, 1935--, 1 vol., sheriff off.

305. DOG LICENSE BOOK, 1934--. 94 vols.
Duplicate of dog licenses issued by sheriffs, originals being issued to owners upon payment of license fee, showing: date issued, name and address of owner, license number, breed, sex, age, color and markings of dog, and signature of sheriff. Arr. numer. by license no. and chron. thereunder by date issued. No index. Hdw. on pr. fm. Aver. 49 pp. 6 x 4 x ¼. 1934-35, 50 vols., strm.; 1936-37, 22 vols., co. judge off.; 1938--, 22 vols., sheriff off.

306. MONTHLY REPORT OF LIVE STOCK AND DOG LICENSE, 1924--. 105 docs. in 1 f.b., 1 f.d.
Duplicate monthly reports of dog license fees collected by sheriffs and reported to commissioner of agriculture, showing: date of report, number of licenses issued and amount collected, amount remitted to commissioner of agriculture, and signature of sheriff. Arr. chron. by date of report. No index. Hdw. on pr. fm. 4½ x 4½ x 10. 1924-32, f.b., co. ct. clk. off.; 1933--, f.d., sheriff off.

307. DOG CARDS, 1929--. 100 docs. in 1 f.b.
Notices from sheriff to dog owners and their replies concerning failure of owner to obtain dog license, showing: date of notice, name and address of dog owner, and sheriff's statement of warning. Arr. chron. by date of notice. No index. Hdw. 4½ x 4½ x 10. Co. ct. clk. off.

Sheriff - Cash Book and Report; Claims and Expenditures; Strayed Animals and Boats (308-313)

## Cash Book and Report

308. SHERIFFS CASH, July 7, 1906--. 17 vols.
Record of fees and taxes collected daily by sheriff and reported monthly to fiscal court, showing: date and amount received, number of tax receipt, from whom received, distribution of taxes and type of fees received, and daily totals. Also contains: Record of Sheriff's Report, Nov. 1930--, entry 309. Arr. chron. by date received. No index. Hdw. under pr. hds. Aver. 500 pp. 14 x 12 x 2. July 7, 1906-Apr. 4, 1913, 2 vols., 2nd floor, strm. ; July 20, 1914-June 25, 1936, 12 vols., cir. ct. clk. off.; 1927-1930, 1 vol., 1st floor, strm.; Aug. 6, 1936--, 2 vols., sheriff off.

309. RECORD OF SHERIFF'S REPORT, Oct. 1, 1913-Oct. 1, 1930. 2 vols., Nov. 1930-- in Sheriffs Cash, entry 308.
Record of Sheriffs' settlements made annually with fiscal court and reports made monthly to fiscal court, showing on settlements: date of settlement, itemized list of receipts and disbursements, totals, balance, and remarks; and on reports, showing: month reported, date, amount of funds collected, date report filed and approved, and remarks. Arr. chron. by date of record. No index. Hdw. under pr. hds. Aver. 200 pp. 14 x 19 x 1½. Co. ct. clk. off.
For original settlements, see entry 24.
For original reports, see entry 27.

310. (AUDITORS' RECEIPTS), 1922-25. 24 docs. in 1 f.b. 1910-- also in (General Correspondence), entry 317.
Receipts received by sheriffs from State Auditor of Public Accounts for funds remitted by sheriff to Auditor, showing: date of receipt, name of sheriff, amount remitted, and signature of Auditor. Arr. chron. by date of receipt. No index. Hdw. on pr. fm. 4½ x 4½ x 10. Co. ct. clk. off.

## Claims and Expenditures

311. SHERIFFS CLAIM BOOK, 1926--. 1 vol.
Sheriffs' record of claims filed with fiscal court for payment of services rendered, showing: date and amount of claim, description of service rendered, and name of sheriff. Arr. chron. by date filed. No index. Hdw. 50 pp. 14 x 8 x ½. Co. judge off.

312. CASH EXPENDITURES, Sept. 22, 1939--. 1 vol.
Record of cash expenditures made by sheriff, showing: date and amount expended, name of payee, purpose of expenditure, and nature of funds expended. Arr. chron. by date expended. No index. Hdw. 250 pp. 14 x 12 x 1½.

## Strayed Animals and Boats

313. STRAYS, 1824-1906. 350 docs. in 1 bdl.,1 f.b.
Original notices filed with sheriffs by finders of strayed stock, showing: date of notice, name and address of finder, number and markings of animals found, date found, appraised value, and signatures of finder and appraiser. Arr. chron. by date of notice. No index. Hdw. 3½ x 3 x 7½. Co. ct. clk. vt.

Sheriff - Miscellaneous. (314-317)
Constables

314. STRAY BOOK, Mar. 28, 1824-Sept. 25, 1908. 1 vol.
Record of stray notices filed with sheriffs by finders of strayed stock, showing: date filed, name of finder, description and markings of stray, appraised value, name of appraiser, copy of signatures of finder and appraiser, date recorded, and certification of county court clerk. Arr. chron. by date recorded. No index. Hdw. 407 pp. 12 x 8 x 2. Co. ct. clk. off.

315. RETURNS OF SALE OF STRAY BOATS, 1832-58. 10 docs. in 1 bdl.
Original reports of stray boat sales made by finders to sheriff, showing: date and amount of sale, name of purchaser, make, markings, and description of boat, signature of finder, and acknowledgment of sheriff. Also contains: (List of Exonerations), 1852-53, entry 301. Arr. chron. by date of report. No index. Hdw. 3 x 8 x 4. Co. ct. clk. vt.

Miscellaneous

316. MISCELLANEOUS BOOK (Sheriff's Record) 1938--. 1 vol.
Record of fees earned by sheriff, schedule of tax exonerations certified by fiscal court, and school taxes collected. Summary of fee record shows: amount and nature of fee, from whom due, and date collected; summary of school taxes collected shows: date and amount received, name of taxpayer, and number of district; and schedule of exonerations shows: name and address of taxpayer, amount of exoneration, reason, and signature of sheriff. Arr. chron. by date recorded. No index. Hdw. Cond. very poor. 100 pp. 12 x 6 x $\frac{1}{2}$.

317. (GENERAL CORRESPONDENCE), 1918--. 7 f.b., 1 f.d.
General correspondence addressed to sheriff regarding matters peculiar to his office and duplicates of replies made, showing: date, names of correspondent and sheriff, and subject matter. Also contains: (List of Exonerations), entry 301; (Auditors' Receipts), entry 310. Arr. chron. by date of correspondence. No index. Hdw. and typed. 4$\frac{1}{2}$ x 4$\frac{1}{2}$ x 10.

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## IX. CONSTABLES

### Structure

Creation

Legislation in effect in 1824, when Meade County was established, provided that each county court lay off its respective county into districts, and

appoint a constable in each district to act as a ministerial officer to each justice of the peace. (1) Today this county has only one constable.

Selection and Term

After the second constitution, the county court continued to appoint a constable for each magisterial district. These officers served during good behavior. (2) William B. Stith, Samuel Brownlee, Oliver Burch, and John Roop were the first constables appointed for Meade County. (3) In 1835 the constable was appointed for a term of 2 years, and was eligible for reappointment. (4) After 1850, when the office was made elective for a 2-year term (5), statutes provided for the election of one constable for each of the six magisterial districts into which Meade County was divided. (6) In 1891, a constable was elected in each magisterial district for a term of 4 years, as he is today. He was eligible for reelection. (7)

Residence

The first appointee was required to have resided for 1 year in either Hardin or Breckinridge Counties, from which Meade was formed; subsequent appointees must have resided for a year in Meade County. (8) In 1820, a constable was required to live in the precinct assigned him. (9) 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. (10)

Age

By legislation in 1820, reaffirmed by constitutional provision in 1850, the constable was required to be at least 21 years old. (11) Since 1891, however, he must be at least 24 years of age to be a candidate for office. (12)

Oath

Before assuming his duties, the constable took an oath to support the constitution and to perform faithfully the duties of his office. (13) Later constitutional provision added the specification that he must not have taken part,

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1. LITTELL, VOL. 1, 1792, P. 101.
2. CONST. OF 1799, ART. 3, SEC. 9; LITTELL, VOL. 2, 1799, P. 294.
3. ORDERS COUNTY COURT, VOL. A, PP. 6, 47, SEE ENTRY 220.
4. ACTS, 1834-35, P. 61.
5. CONST. OF 1850, ART. 6, SEC. 5.
6. ACTS, 1850-51, PP. 4-14; GEN. STAT., 1873 ED., P. 111.
7. CONST. OF 1891, SEC. 99; ACTS, 1891-93, P. 143.
8. CONST. OF 1799, ART. 3, SEC. 9.
9. ACTS, 1820-21, P. 407.
10. CONST. OF 1850, ART. 6, SEC. 2; CONST. OF 1891, SEC. 100.
11. ACTS, 1819-20, P. 866; CONST. OF 1850, ART. 6, SEC. 2.
12. CONST. OF 1891, SEC. 100.
13. CONST. OF 1799, ART. 6, SEC. 1; LITTELL: VOL. 2, 1799, P. 294; VOL. 3, 1803, PP. 127, 128; ACTS: 1819-20, P. 866; 1891-93, P. 816.

in any way, in duels. (14)

Bond

From the creation of his office to the present, the constable has been required by successive legislation to execute a satisfactory bond. (15) In 1803, he was required to renew his bond every 2 years (16), but in 1820 he gave bond in open court for not less than $2,000. (17) In 1850, he gave bond as often as was deemed proper. (18) The present requirement is that he furnish surety bond every 2 years or oftener, with such additional security as the county court may demand. (19)

Removal

The constable has always been liable to impeachment for any misdemeanor in office, by two-thirds concurrence of the members present in the House of Representatives. (20) At present the constable is subject to indictment or prosecution for any misdemeanor in office, or for willful 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 General Assembly may provide other methods for his removal or reinstatement. (21) 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; if removed from office, he is disqualified from holding office in the State for a period of 4 years. (22)

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. (23)

Vacancy

Until 1850, whenever the office of constable became vacant, the county court filled the vacancy (24); after 1850, when the constable's office was

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14. CONST. OF 1850, ART. 8, SEC. 1; CONST. OF 1891, SEC. 228.
15. CONST. OF 1799, ART. 3, SEC. 9; LITTELL: VOL. 2, 1799, P. 294; VOL. 3, 1803, PP. 127, 128; ACTS: 1819-20, P. 866; 1891-93, P. 816.
16. LITTELL, VOL. 3, 1803, P. 131.
17. ACTS, 1819-20, P. 865.
18. CONST. OF 1850, ART. 6, SEC. 9.
19. CONST. OF 1891, SEC. 103; ACTS, 1891-93, P. 817.
20. CONST. OF 1799, ART. 5, SECS. 1-3; CONST. OF 1850, ART. 5, SECS. 1-3; CONST. OF 1891, SECS. 66-68.
21. CONST. OF 1891, SEC. 227, AMEND. 6.
22. ACTS, 1924, PP. 72-75.
23. LITTELL, VOL. 3, 1803, P. 127; ACTS: 1851-52, P. 66; 1891-93, P. 817.
24. CONST. OF 1799, ART. 3, SEC. 9; LITTELL, VOL. 2, 1799, P. 294.

made elective, the county court filled the vacancy pending an election. (25)

Compensation

The constable has always been paid on a fee basis. (26)

Deputies

The constable had the power in 1893 to appoint one or more deputies. (27) It was provided 1 year later, that such appointments be made with the consent of the judge, and that such deputies reside in the same district as the constable, by whom they were appointed. (28) Recent legislation provided for the removal of deputy constables by order of the county court, upon written direction of the constable. (29)

## Functions

Servant of Court

From the beginning of his office in Meade County, the constable was directed to execute warrants against persons breaching contracts with owners of boats (30); to execute warrants in bastardy cases (31); to levy any execution or attachment; to serve or execute warrants or other process anywhere in the county; and to endorse all warrants or other process executed by him. (32) He also summoned witnesses (33), served and made returns of notices in cases of injunctions, and gave notice of ejectment and every other notice by law, endorsing on each the time it was given. (34) 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. (35) He has never been permitted to execute a process in which he was personally interested, or to sell or levy on land. (36) He could not execute or make return of "not found" without actually visiting the home of the defendant, if known to him. (37)

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25. GEN. STAT., 1873 ED., P. 386; ACTS, 1891-93, P. 146.
26. LITTELL, VOL. 2: 1798, P. 26; 1799, PP. 299-301; ACTS, 1851-52, P. 307; GEN. STAT., 1873 ED., PP. 179, 471, 472; ACTS, 1891-93, P. 1143.
27. ACTS, 1891-93, P. 816.
28. ACTS, 1894, P. 35.
29. ACTS, 1938, P. 481; CARROLL, SEC. 425.
30. LITTELL, VOL. 1, 1794, P. 262.
31. LITTELL, VOL. 1, 1795, P. 282; ACTS, 1891-93, P. 68.
32. LITTELL, VOL. 3: 1803, P. 131; 1804, P. 239; VOL. 5, 1813, P. 28; ACTS: 1819-20, P. 865; 1891-93, PP. 819, 820.
33. LITTELL, VOL. 3, 1803, P. 130; ACTS, 1891-93, P. 818.
34. LITTELL, VOL. 4, 1808, P. 458.
35. GEN. STAT., 1873 ED., P. 240; ACTS, 1891-93, P. 818.
36. ACTS: 1820-21, P. 248; 1891-93, P. 819; CARROLL, SEC. 440.
37. LITTELL, VOL. 3, 1803, P. 126; ACTS, 1891-93, P. 819.

(Next entry 318, p. 264)

An old Virginia law in effect when Meade County was created, authorized the constable to execute warrants to search for deer skins, in order to detect violations of the hunting laws. (38) Later statutes, still in effect, require him to enforce the game and bird law. (39) The present law concerning same forbids the killing, catching, injuring, or molesting of elk or deer. (40)

Maintenance of Law and Order

The constable's early power was extended to include the execution of warrants destroying gambling devices, and he was authorized to call upon bystanders for assistance, if needed. (41) Today he has authority, not only to destroy, but also to seize, with or without warrant, any illegal gambling device. (42) From the beginning of his office he has been authorized to arrest persons engaged in riots, routs, and breaches of the peace (43); to conduct prisoners to jail and to arrest persons charged with bribery (44); and to arrest fugitives from justice and, before slavery was abolished, to whip slaves, by order of a justice of the peace. (45) The constable has the right to carry concealed weapons. (46)

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. (47) It has always been his duty to account to the court giving him an order for his own and other officers' fees placed in his hands for collection. He is also required to give additional security when demanded by the county court. (48) 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. (49)

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. (50) Today, like the sheriff,

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38. LITTELL, VOL. 2, 1738, VIRGINIA LAW, P. 555.
39. GEN. STAT., 1873 ED., P. 495; ACTS, 1916, P. 633.
40. ACTS: 1920, P. 575; 1936, P. 159; CARROLL, SEC. 1938A-16.
41. LITTELL, VOL. 3, 1804, PP. 176, 177.
42. ACTS, 1891-93, P. 743; CARROLL, SEC. 1962.
43. LITTELL, VOL. 3, 1803, P. 130.
44. LITTELL, VOL. 3, 1803, P. 130.
45. LITTELL, VOL. 3: 1805, P. 300; 1806, P. 403.
46. ACTS, 1891-93, P. 800.
47. LITTELL, VOL. 2, 1803, P. 128; ACTS, 1891-93, P. 819.
48. LITTELL, VOL. 3: 1803, P. 130; 1806, P. 329; ACTS, 1891-93, P. 819.
49. LITTELL, VOL. 3: 1803, P. 130; 1806, P. 329; ACTS, 1891-93, PP. 819, 1012, 1013.
50. LITTELL, VOL. 3: 1803, P. 127; 1806, P. 374.

the constable accounts for and makes payment of fees, fines, and forfeitures. (51)

It is the duty of the constable today, as in the past, 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. (52)

By statutory provision in 1839, the constable delivered to the sheriff all property attached by him, when the amount involved was more than $50. (53) Later acts broadened the jurisdiction of justices' courts to include cases involving as much as $100, and 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 the justices of Meade County ceased holding court. (54) These officers kept no records.

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## X. JAILER

### Structure

#### Creation; Selection and Term

In 1824 when Meade 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)

Sorajah Stratten was appointed as the first jailer of Meade 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 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 but in 1937, this

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51. Acts, 1891-93, p. 818.
52. Acts: 1819-20, p. 867; 1891-93, p. 819.
53. Acts, 1838-39, p. 261.
54. Acts, 1891-93, p. 1057.

1. Const. of 1799, art. 3, sec. 9; Littell, vol. 2, 1799, p. 294.
2. Orders County Court, vol. A, p. 237, see entry 220.
3. Const. of 1850, art. 6, sec. 1.
4. Const. of 1891, sec. 99.
5. Const. of 1891, sec. 105.

act was repealed. (6)

Residence

The jailer was required to be a resident of the county for 1 year prior to his appointment, or, as in the case of the first jailer, he must have lived in either Hardin or Breckinridge Counties, from which Meade was taken. (7) 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, and is in effect today. (8)

Age

Prior to 1850 no age was definitely specified for the jailer, but in 1850 he was required to be at least 24 years of age, as he must be today, before he could be a candidate for the office. (9)

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. (10)

Removal

By an early act the county court was authorized to remove the jailer for neglect of duty. (11) The Constitution of 1850 provided that the jailer was subject to indictment or prosecution for any misdemeanor in office or for willful neglect of official duties, in such manner as might be prescribed by law, conviction for which automatically removed him from office, although he had the right to appeal to the Court of Appeals. The Kentucky General Assembly could also provide other methods for the removal or reinstatement of this officer. (12) The legislature passed an act March 20, 1934, 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 take an appeal to the Court of Appeals within 10 days after entry of the order of removal. (13)

Vacancy

In 1812 provision was made for the sheriff to perform the duties of the jailer if the jailer himself was committed to jail. (14) Later statutes

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6. ACTS: 1934, P. 540; 1936-37, FOURTH SPECIAL SESSION, P. 120.
7. CONST. OF 1799, ART. 3, SEC. 9.
8. CONST. OF 1850, ART. 6, SEC. 2; CONST. OF 1891, SEC. 100.
9. CONST. OF 1850, ART. 6, SEC. 2; CONST. OF 1891, SEC. 100.
10. LITTELL, VOL. 2, 1799, P. 294; CONST. OF 1850: ART. 6, SEC. 9; ART. 8, SEC. 1; CONST. OF 1891, SECS. 103, 228; ACTS, 1891-93, P. 751; CARROLL, SEC. 2224.
11. LITTELL, VOL. 3, 1802, P. 89.
12. CONST. OF 1850, ART. 4, SEC. 36; CONST. OF 1891, SEC. 227, AMEND. 6.
13. ACTS, 1924, PP. 72-75.
14. LITTELL, VOL. 5, 1812, PP. 386, 387.

provided that whenever the office of jailor became vacant the sheriff should act as jailer, unless unable to do so, in which case the county judge appointed a person to act in his stead. (15) The county court now fills a vacancy in the office pending an election. (16)

Compensation

Early statutes provided that the jailer be compensated by fees. (17) In 1804 the jailer was allowed $1 per day for keeping the jail clean, furnishing fuel and candles, and ammunition to guards, and also for attending on called courts with prisoners. (18) Today, expenses of operating the jail, including the salaries of the jailor and jail employees, are paid from fees. (19)

The Meade County jailer has always been given a reasonable allowance for his attendance upon the various courts and boards (20), and today he receives from $2 to $4 for such attendance. He also receives 50 cents and $1 per day, respectively, for each county and State prisoner. (21) In addition, he receives $900 annual salary as custodian of both the courthouse and jail. (22)

Deputies

Since the beginning of his office in Meade 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, 6 Monroe (T.B.) 227. (23)

## 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. (24) In 1835 an act empowered him to execute process in the event the coroner or sheriff is unable to do so. (25) 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. (26) It was also his duty to attend

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15. Acts, 1891-93, p. 753.
16. Acts, 1891-93, p. 146.
17. Littell, vol. 3, 1802, pp. 34, 90; Acts, 1817-18, p. 449.
18. Littell, vol. 3, 1804, p. 242; Acts, 1817-18, p. 449.
19. 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.
20. Littell, vol. 3, 1805, p. 301.
21. Acts, 1891-93, pp. 857, 1140; Carroll, sec. 356-1.
22. Report of Nat. D. Sewell, Director of Post Audits, to Governor Keen Johnson and Judge W. E. Brown, December 26, 1939.
23. Gen. Stat., 1873 ed., p. 565 ff.; Acts, 1891-93, p. 753.
24. Acts, 1891-93, p. 753; see Sheriff, p. 244.
25. Acts, 1835-36, p. 96.
26. Gen. Stat., 1873 ed., pp. 301, 566, 569.

sessions of the circuit court and execute its commands. (27)

Custody of Persons

Statutes in effect prior to the creation of Meade County, later reaffirmed, directed the jailer to receive Federal prisoners. (28) Provisions under these statutes authorized him to receive and keep persons committed under ordinances of any town in the county, or by orders of the circuit court. He was also required to receive and keep prisoners transferred from another county jail for safe-keeping until they are lawfully discharged. Upon order of the circuit judge he can impress or hire guards necessary for keeping prisoners safely. In addition, he is to keep the jail clean and warm. (29)

An act of 1893, reaffirmed in 1914, required the jailer to turn over to the superintendent of the workhouse, or to the work crew, all prisoners sentenced to hard labor, reporting to the county court each month the disposition of such prisoners. (30) In 1910 he was required to cause persons under sentence of death to be conveyed to the penitentiary. (31)

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. (32)

Custody of County Property

Statutes already in effect, gave the jailer supervision of the county buildings. (33) Later legislation, reaffirmed in 1880 and 1908, extended this duty to include supervision of the public square. (34) He has always had power to sue for any damage to property under his supervision. (35)

Since the beginning of his office the jailer has been exempt from jury duty and militia service. (36) In 1835, the jailer was required to reside in or near the jail. (37) Later provisions, in force today, require him to reside not more than 400 yards from the jail. (38)

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27. LITTELL, VOL. 3, 1802, P. 89.
28. LITTELL, VOL. 2: 1798, P. 57; 1800, P. 369; GEN. STAT., 1873 ED., PP. 566-569; ACTS, 1891-93, PP. 752-755.
29. LITTELL, VOL. 3, 1802, P. 189; GEN. STAT., 1873 ED., 566-569; ACTS, 1891-93, PP. 752-755.
30. ACTS: 1891-93, P. 813; 1914, PP. 467, 468.
31. ACTS, 1910, P. 111.
32. GEN. STAT., 1873 ED., PP. 566-569; ACTS, 1891-93, PP. 752-755.
33. ACTS, 1820-21, P. 48.
34. GEN. STAT., 1873 ED., P. 703; ACTS: 1879, VOL. 1, PP. 194, 195; 1908, P. 117.
35. ACTS, 1820-21, P. 48; GEN. STAT., 1873 ED., P. 703; ACTS: 1879, VOL. 1, PP. 194,195; 1908, P. 117.
36. LITTELL, VOL. 3, 1802, P. 89.
37. ACTS, 1835, P. 192.
38. ACTS, 1891-93, P. 752.

### 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 all official papers of commitment or liberation. (39)

The jailer of Meade County keeps his records at his home.

318. JAIL REGISTER, 1920--. 1 vol.
Register of prisoners committed to jail, showing: name of prisoner, type of charge, court committing, dates of commitment and release, by whose order released, and distribution of maintenance cost. Arr. chron. by date committed. Alph. index, direct by first letter of surname of prisoner, showing p. no. where recorded. Hdw. under pr. hds. 500 pp. 15 x 12 x 2½.

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## 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 Meade County in 1824, when Jesse Shacklette presented to the county court his commission from Governor John Adair, and qualified before the court as the county's first coroner. (2)

#### Selection and Term

From 1824 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)

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39. ACTS, 1891-93, PP. 752, 753.
1. CONST. OF 1792, ART. 6, SEC. 1.
2. ORDERS COUNTY COURT, VOL. A, P. 6, SEE ENTRY 220.
3. CONST. OF 1799, ART. 4, SECS. 8, 9.
4. CONST. OF 1850, ART. 6, SEC. 1; CONST. OF 1891, SEC. 99.

Coroner

(Next entry 319, p. 280)

Residence

Statutes in effect in 1824, provided that the coroner must be a resident of the county for 1 year prior to his appointment. Since the county had not been existence that long, the coroner was required to have been a resident of one of the counties from which the new county was taken. (5) Since 1850, however, he was 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. (6)

Age

Prior to 1850 there was no age requirement for the coroner. Since that time he must be at least 24 years of age, at the time of his election. (7)

Oath

The coroner has always been required to take oath 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. (8)

Bond

Legislation prior to 1824 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. (9)

Removal

The coroner has always been liable to impeachment for misdemeanor in office, by two-thirds concurrence of the House of Representatives. (10) 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, to appeal to the Court of Appeals. (11) Later legislation provided that if a coroner is found guilty of gross misconduct, bribery, or gross neglect of duty, he may be

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5. CONST. OF 1799, ART. 3, SEC. 9.
6. CONST. OF 1850, ART. 6, SEC. 2; CONST. OF 1891, SEC. 100.
7. CONST. OF 1850, ART. 6, SEC. 2; CONST. OF 1891, SEC. 100.
8. CONST. OF 1799, ART. 6, SEC. 1; CONST. OF 1850, ART. 8, SEC. 1; CONST. OF 1891, SEC.228.
9. LITTELL, VOL. 2, 1799, P. 69; CONST. OF 1850, ART. 6, SEC. 9; GEN. STAT., 1873 ED., P. 262; CONST. OF 1891, SEC. 103; ACTS, 1891-93, P. 369; CARROLL, SEC. 527.
10. CONST. OF 1799, ART. 5, SECS. 1-3; CONST. OF 1850, ART. 5, SECS. 1-3; CONST. OF 1891, SECS. 66-68.
11. CONST. OF 1891, SEC. 227, AMEND. 5.

removed from office by the Governor; however, he has the right to 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. (12)

Vacancy

In 1824, 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. (13) 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. (14) 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. (15)

Compensation

Since the beginning of his office, the coroner has been compensated for his services on a fee basis, regulated by law. (16) 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. (17)

The coroner, in 1852, was allowed a fee of $6 for holding an inquest, including burial, which 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. (18) 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. (19)

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12. Acts, 1924, pp. 72-75.
13. Const. of 1799, art. 4, sec. 8.
14. Acts, 1850-51, vol. 1, p. 96; Gen. Stat., 1873 ed., p. 386; Acts, 1891-93, p. 146; Carroll, sec. 1526.
15. Littell, vol. 2, 1796, p. 72; Const. of 1850, art. 8, sec. 11; Const. of 1891, sec. 234; Acts, 1891-93, p. 913.
16. Littell, vol. 1, 1792, p. 167; Acts, 1851-52, p. 307; Gen. Stat., 1873 ed., p. 472; Acts, 1891-93, p. 1145; Carroll, sec. 1739.
17. Acts, 1851-52, p. 10; Gen. Stat., 1873 ed., 311; Acts, 1891-93, p. 371; Carroll, sec. 535.
18. Acts, 1851-52, p. 307; Rev. Stat., vol. 1, p. 523.
19. Acts, 1924, p. 77; Carroll, sec. 1739.

(Next entry 319, p. 280)

Deputies

If the coroner is ill or unable to attend to his duties himself, 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. (20)

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. (21)

When necessary, the coroner had authority to search any sink or vault for a dead body. (22) 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 dead body upon the request of any responsible citizen. (23) When death resulted from an act of violence or an accident, within 90 days from the date of such occurrence, the coroner held an inquest in the same manner as if death had occurred immediately. These laws govern the present procedure in the holding of inquests. (24)

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. (25) Formerly a jury composed of 12 persons was required in all cases of probable homicide (26), 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. (27)

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

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20. Acts, 1936, p. 271; Carroll, sec. 535.
21. Littell, vol. 2, 1798, pp. 69, 70; Rev. Stat., vol. 2, p. 349; Acts, 1859-60, vol. 1, p. 49; Gen. Stat., 1873 ed., p. 263; Acts, 1891-93, p. 369; Carroll, secs. 528, 533.
22. Acts, 1891-93, p. 371; Carroll, sec. 534.
23. Acts, 1936, pp. 269,270; Carroll, sec. 528.
24. Acts, 1936, p. 270; Carroll, sec. 528.
25. Littell, vol. 2, 1798, p. 69; Rev. Stat., vol. 2, pp. 349,350; Acts, 1891-93, pp.369-371; Carroll, secs. 528, 533.
26. Littell, vol. 2, 1798, p. 69.
27. Acts, 1859-60, vol. 1, p. 49; Gen. Stat., 1873 ed., p. 263; Acts: 1891-93, p. 369; 1936, p. 270; Carroll, sec. 533.

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 return the recognizances, with the testimony taken at the inquest to the circuit court clerk's office. (28) 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, he could summon aid, pursue, and arrest him, whenever he was found in the State; or at inquests, in case of indictment of accused persons, he had power to bind witnesses to appear before the circuit court. (29)

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 limited to certain counties; however, an act of 1858 extended it to all counties. (30)

Unless requested by an authorized person, or unless he had 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. (31)

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. (32) Statutory provision in 1892, still in effect, 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, and the remainder, if not claimed by persons legally entitled thereto, was paid into the county treasury. (33) Recent legislative enactment required immediate notification of the coroner 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

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28. REV. STAT., VOL. 2, P. 350; GEN. STAT., 1873 ED., P. 263; ACTS, 1891-93, P. 370; CARROLL, SECS. 529, 530.
29. ACTS, 1891-93, PP. 369, 370.
30. ACTS: 1851-52, P. 10; 1857-58, VOL. 1, P. 6; GEN. STAT., 1873 ED., P. 311; ACTS: 1891-93, P. 371; 1936, P. 271; CARROLL, SEC. 535; SEE JUSTICES' COURTS, P. 237.
31. STRIEPE V. LIBERTY MUTUAL INSURANCE COMPANY, 243 KY. 15, (1932)
32. LITTELL, VOL. 2, 1798, P. 69; REV. STAT., VOL. 2, P. 350; GEN. STAT., 1873 ED., P. 263; ACTS, 1891-93, P. 370.
33. ACTS, 1891-93, P. 370; CARROLL, SEC. 531.

case today. (34) 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. (35) Statutes of 1892 added that the coroner could 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. (36) 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. (37)

The coroner and the person employed by him, immediately after the inquest proceedings had been concluded, were required to make out, and file with the county court clerk, a concisely-written and sworn report of their findings. (38)

Peace Officer Functions

The coroner had the power to execute process in all criminal, penal, and civil cases; execute warrants in bastardy proceedings in cases in which the sheriff was charged; 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; 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. (39)

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 investigation to the sheriff or police, where they were available. (40)

Recordation

For record of coroner's inquests, see entry 165.

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34. Acts, 1936, p. 270; Carroll, sec. 528.
35. Acts, 1859-60, vol. 1, p. 106.
36. Acts, 1891-93, p. 370; Carroll, sec. 537a.
37. Acts, 1912, p. 217; Carroll, sec. 537a.
38. Acts, 1912, pp. 217,218; Carroll, sec. 537a.
39. Littell: vol. 1, 1795, p. 282; vol. 2, 1798, pp. 64,72; vol. 3, 1805, p. 292; Acts, 1820-21, p. 117; Gen. Stat., 1873 ed., p. 263; Acts, 1891-93, p. 371.
40. Littell, vol. 2, 1798, p. 69; Acts, 1859-60, vol. 1, p. 49; Gen. Stat., 1873 ed., p. 263; Rev. Stat., vol. 2, p. 349.

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## XII. TAX COMMISSIONER

### Structure

#### Creation

Upon the establishment of Meade County, the county court on Monday, April 26, 1824, "ordered that William B. Stith be and he is hereby appointed commissioner of the revenue tax and county levy for the present year (1824) in the court of the county and that he make return thereof as required by law." (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)

The Kentucky General Assembly by 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)

By constitutional provision the office of county assessor was created 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

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1. LITTELL, VOL. 4, 1810, PP. 159-163; ORDERS COUNTY COURT, VOL. A, P. 12, SEE ENTRY 220.
2. Acts, 1818-19, p. 652.
3. Acts, 1825-26, pp. 84-87.
4. Acts, 1831-32, p. 173.
5. Acts, 1833-34, pp. 342, 343.
6. Acts, 1843-44, pp. 78-80.
7. Const. of 1850, art. 6, sec. 11; Acts, 1850-51, vol. 1, p. 378; Gen. Stat., 1873 ed., pp. 718, 719.

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of 1891 provided that the Kentucky 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)

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 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 (13); however, by recent legislation the tax commissioner may now be a candidate for reelection. (14)

Age and Experience

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. Today he must be 24 years of age. (15)

Oath

From the establishment of the office in Meade 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 oath 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. (16)

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 (17);

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8. CONST. OF 1891, SEC. 104.
9. ACTS, 1918, P. 32; CARROLL, SEC. 4042A-1.
10. CONST. OF 1850, ART. 6, SEC. 11.
11. ACTS, 1873-74, P. 49.
12. ACTS, 1877-78, VOL. 1, PP. 13-15.
13. CONST. OF 1891, SEC. 104.
14. ACTS, 1918, P. 32; CARROLL, SEC. 4042A-2.
15. ACTS, 1839-40, P. 224; CONST. OF 1850, ART. 6, SEC. 2; CONST. OF 1891, SEC. 100.
16. CONST. OF 1799, ART. 6, SEC. 1; ACTS: 1825-26, P. 84; 1827-28, P. 37; CONST. OF 1850, ART. 8, SEC. 1; GEN. STAT., 1873 ED., PP. 718,719; CONST. OF 1891, SEC. 228; ACTS, 1918, PP. 32,33; CARROLL, SEC. 4042A-3.
17. LITTELL, VOL. 2, 1799, P. 316.

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however, a later act stipulated for the first time that each commissioner of the tax give bond in the amount of $500, with security approved by the county court. (18) Constitutional provision in 1850 and later legislation, required the assessor to give bond with good surety. (19) 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 faithful conduct of the commissioner and his deputies. (20)

Removal

From the beginning of the office in Meade County until the present, the county tax commissioner and prior assessing officials have 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. (21) 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. (22)

Vacancy

From the creation of Meade County to 1850, a vacancy in the office of commissioner of the tax was filled by appointment by the Governor. (23)

Since 1850, when the assessor succeeded the commissioner of the tax, a vacancy has been filled by the county court until a successor could be elected and qualified. (24)

Compensation

Early enactment provided that each commissioner of the tax be allowed 6 shillings for every day he served (25); however, later legislation repealed all previous laws with regard to compensation for commissioners of the tax, (26) Between 1825 and 1827, commissioners in many counties failed or refused to function because no compensation was allowed them. To remedy this situ-

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18. Acts, 1828-29, p. 149.
19. Const. of 1850, art. 6, sec. 9; Acts, 1850-51, vol. 1, p. 275; Gen. Stat., 1873 ed., p. 719; Const. of 1891, sec. 103.
20. Acts, 1918, p. 33; Carroll, sec. 4042a-4.
21. Const. of 1799, art. 5, secs. 1-3; Const. of 1850, art. 5, secs. 1-3.
22. Const. of 1891, sec. 227, amendment 6; Acts, 1918, p. 34; Carroll, sec. 4042a-7.
23. Acts: 1818-19, pp. 652-660; 1825-26, p. 84; 1831-32, p. 173; 1833-34, p. 342.
24. Const. of 1850, art. 6, sec. 11; Gen. Stat., 1873 ed., p. 806; Acts, 1918, p. 33; Carroll, sec. 4042a-6.
25. Acts, 1818-19, p. 658.
26. Acts, 1825-26, pp. 84-87.

ation, an act of 1827 provided $1 per day for each day worked as their remuneration. (27) In 1829, 5 cents for each list of taxable property turned in by a commissioner was allowed, 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. (28) In 1850, the rate per list of taxable property was increased to 8 cents (29); and still later, to 15 cents. (30) In 1924, the county tax commissioner was allowed 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. (31)

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 necessary. These deputy assessors could be removed at the will of the assessor. (32) The act of 1918 authorized the commissioner 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. (33)

Requirements and Exemptions

Early enactment exempted commissioners of the tax from military duty, highway work, and jury service. (34) In 1918, the county tax commissioner was required to keep his office open at all reasonable times from July 1 to October 31. (35) 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. (36) 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. (37)

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27. Acts, 1826-27, pp. 28, 29.
28. Acts, 1828-29, p. 149.
29. Acts, 1850-51, vol. 1, p. 276; Rev. Stat., vol. 2, p. 252.
30. Gen. Stat., 1873 ed., p. 720.
31. Acts: 1924, pp. 319, 320; 1938, pp. 356-358.
32. Const. of 1850, art. 6, sec. 11; Gen. Stat., 1873 ed., pp. 386, 718, 719.
33. Acts, 1918, p. 32; Carroll, sec. 4042a-3.
34. Acts: 1818-19, p. 658; 1825-26, p. 86.
35. Acts, 1918, p. 39; Carroll, sec. 4042a-12.
36. Acts, 1918, p. 558; Carroll, sec. 4114i-12.
37. Acts, 1918, pp. 36-39; Carroll, sec. 4042a-11.

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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.

Assessment

When Meade County was created it was the duty of the tax commissioner to call on every person in his district subject to taxation, every August, and obtain a written list of taxables, and make a return on his own property, on oath, to another commissioner. (38) 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. (39) Each commissioner kept one list; another copy, with the original lists taken from individuals in the district, went to the county court clerk; a third copy, after being certified by the clerk, was delivered to the sheriff as his guide in collecting the taxes; and the fourth was transmitted by the commissioner to the Auditor of Public Accounts. All lists were delivered to the above-mentioned persons on or before October 3. (40) 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 Auditor of Public Accounts. 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 Auditor of Public Accounts, a list of all fines and additional taxes, and a list of all taxpayers who had moved to other counties. (41) 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. All property belonging to such persons was subject to a triple tax, recoverable in the county court. (42)

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. (43) By an

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38. LITTELL, VOL. I, 1792, PP. 65, 66.
39. LITTELL, VOL. I, 1792, P. 67.
40. LITTELL, VOL. I, 1792, P. 67.
41. LITTELL, VOL. I, 1792, P. 69.
42. LITTELL, VOL. I, 1792, P. 67.
43. LITTELL, VOL. I, 1793, P. 215.

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. (44) An act of February 8, 1915, provided penalties for failure to make tax returns and authorized the commissioner in such instances, on the best information obtainable from any source and upon his judgment, to impose a penalty. (45) 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 or those giving in false returns. He placed a value on such unlisted property, which, together with other competent evidence, was used by the court in determining the valuation upon which the triple tax was based. (46)

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, and 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. (47) This system of taxation whereby a commissioner functioned within the confines of his military company was abolished in 1828 (48), and 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. (49)

An act effective October 1, 1874, directed that each voting precinct constitute a revenue district; that the commissioner order 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. (50)

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44. LITTELL, VOL. 1, 1794, P. 268.
45. LITTELL, VOL. 5, 1815, P. 289.
46. ACTS: 1818-19, PP. 654-660; 1825-26, P. 86.
47. ACTS, 1825-26, PP. 84-86.
48. ACTS, 1827-28, P. 37.
49. LEE V. COMMONWEALTH, 6 DANA 311; ACTS, 1906, P. 112; CARROLL, SEC. 4065.
50. ACTS, 1873-74, PP. 47-49.

Tax Commissioner (Next entry 319, p. 280)

Prior to 1874, the taxable property of Negroes, mulattoes, and Indians was listed in a separate book, but this provision was repealed by an act approved February 23, 1874, which required the commissioner to assess all taxpayers regardless of color in the same book. (51) A later act directed the commissioner to make out and file with the county court clerk a complete list of property exempt from taxation. (52) Later statutes required the commissioner to assess his county by justices' districts, keeping the assessment of each district in a separate book, and by December 15 of each year to complete his list and return his tax books to the county court clerk, together with the statement of property transfers furnished him before September 15, by that clerk. (53)

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. (54)

In 1892, provision 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. (55)

By an act approved November 11, 1892, the commissioner was provided with blank tax schedules prepared by the 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. It was then, the duty of the commissioner to give the board a list of all such taxpayers. (56) 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. (57)

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51. ACTS, 1873-74, PP. 47-49.
52. ACTS, 1881-82, VOL. I, PP. 8, 9.
53. ACTS, 1885-86, VOL. I, P. 162.
54. ACTS, 1889-90, VOL. I, PP. 52-54.
55. ACTS: 1891-93, P. 283; 1918, P. 33.
56. ACTS, 1891-93, PP. 287-297.
57. NEGLEY V. HENDERSON BRIDGE COMPANY, 107 KY. 414; ACTS, 1906, P. 100; CARROLL, SEC. 4053.

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In 1906, legislation changed the assessment date from September 15, to September 1 (58); and later to July 1, the present assessment date. (59)

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 a schedule, and to secure the assessment of 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, 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. (60) It is also the duty of the commissioner to meet with the county board of supervisors to furnish necessary information in regard to assessment. (61)

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. (62) Later provisions required a value to be placed on imported, but not domestic merchandise (63); but still later provisions required merchants to list both imported and domestic wares. (64)

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, or 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. (65)

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

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58. Acts, 1906, p. 99.
59. Acts, 1918, pp. 33, 39, 40; Carroll, secs. 4042a-5, 4042a-12, 4042a-13.
60. Acts: 1918, p. 39; 1920, p. 186; Carroll, sec. 4042a-12.
61. Acts, 1918, pp. 39, 40, 41; Carroll, sec. 4042a-15.
62. Littell, vol. 5, 1814, pp. 110-116.
63. Acts, 1825-26, pp. 84-86.
64. Acts, 1830-31, pp. 173-178.
65. Acts, 1836-37, p. 313.

owner or the beneficial holder of the same. He then returned the statements to the clerk for the use of the tax supervisors. (66)

Legislation in 1865 required the commissioner to list the number of dogs, over two, owned by each household, which list the sheriff used in collecting the dog tax of $1 per dog. (67) 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. (68)

Before the abolition of slavery, the tax commissioner was required to list the number of free Negroes in the county in a separate column. (69) Since the Emancipation Proclamation, however, all men over 21 years old have been considered tithable, and in 1863 the poll was raised from a maximum of $1.50 to a maximum of $3 per person per year. Slaves were dropped from the tax lists; and the taxable property of Negroes, mulattoes, and Indians was required to be listed in a separate book. (70)

Census and Statistics

From 1821 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. (71) Since 1934, this school census has been maintained by the district school attendance officer. (72)

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. (73) A similar list of blind children under 21 years of age, was also returned on the backs of the tax books, from 1852 to 1934. (74) In 1934 legislation provided that deaf, dumb, and blind children between 7 and 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. (75) By an act of 1852 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. (76)

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66. Acts, 1906, pp. 88, 90, 217; Carroll, secs. 4051A, 4051B.
67. Acts, 1865, vol. 1, p. 16.
68. Acts: 1918, p. 489; 1920, pp. 676-678; Carroll, 68B-16.
69. Rev. Stat., vol. 2, p. 693.
70. Gen. Stat., 1873 ed., pp. 269, 270, 718.
71. Acts: 1821-22, p. 353; 1885-86, vol. 1, p. 171.
72. Acts, 1934, p. 291; Carroll, sec. 4434-21, 4434-25.
73. Acts, 1850-51, vol. 1, p. 26.
74. Acts, 1851-52, p. 361.
75. Acts, 1934, p. 279; Carroll, sec. 4434-3.
76. Acts, 1851-52, p. 359.

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. (77) Since 1910, the county court clerk has kept a list of the marriages within the county. (78) Since 1892, he has been required to furnish the Commissioner of Agriculture with crop statistics. (79)

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. (80)

In 1828 an annual census of voters was compiled by districts instead of by militia precinct. (81)

In 1835, this annual census of voters was replaced by a quadrennial census. (82) In 1851 and thereafter, an octennial census of the qualified voters of the entire county was required, 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. (83) By acts of 1878 and 1880, the commissioner was required to list, in a special column in the text book, the names of all citizens who were entitled to vote for Representatives in the Kentucky General Assembly in 1879 and 1881. (84) In 1886, an act restored the annual census of voters, but it did not require such a census for the years 1886 and 1887. (85)

## Recordation

An act of 1795 required the commissioner to make entries of land assessments in a separate book. (86) Upon returning his tax book to the county court clerk, the commissioner made a written report to the county court of

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77. Acts: 1873-74, pp. 13, 14; 1910, p. 96; Carroll, sec. 2062a-1.
78. See County Court Clerk, p. 127.
79. Acts, 1891-93, p. 20.
80. Acts, 1825-26, p. 86.
81. Acts, 1827-28, p. 37.
82. Acts, 1830-31, p. 177.
83. Rev. Stat., vol. 2, p. 255.
84. Acts: 1877-78, vol. 1, p. 4; 1879, vol. 1, pp. 4, 5.
85. Acts: 1885-86, p. 162; 1906, p. 101; Carroll, sec. 4055.
86. Littell, vol. 1, 1795, p. 321.

the names of persons who had failed to give in a tax return or had made a false return. (87) Later statutes required him to list annually the enrolled militia. (88) 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. (89) 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. (90)

The records of this office are housed in the office of the tax commissioner, unless otherwise specified.

319. TAX COMMISSIONERS RECORDS, 1933--. 4500 docs. in 450 bdls. Original schedules of real and personal property assessed for taxation, showing: name and address of taxpayer, number of district, itemized schedule of property assessed, assessed value, amount of taxes, date filed, signature of taxpayer, and attestation of commissioner. Arr. chron. by date of schedule. No index. Hdw. on pr. fm. 12 x 14 x 1½. Co. ct. clk. vt.

320. ASSESSORS BOOKS, 1824-1918, 1934--. 192 vols. Record of assessment lists of real and personal property subject to taxation, showing: tax bill number, name and address of taxpayer, name of nearest resident, itemized descriptive list of taxable property, total tax value 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. under pr. hds. Aver. 600 pp. 18 x 20 x 1½. 1824-1918, 181 vols., strm. 2nd floor; 1934--, 11 vols., co. ct. clk. off.

321. RECAPITULATION OF ASSESSMENT, 1889, 1896, 1902-13, 1915--. 47 booklets. Recapitulation record of tax assessments in each district of county, showing: district number, total acres of land in each district, value of timber land, real property, improvements, stores, personal goods, stock, passenger automobiles and trucks, and total value of all property in district. Arr. numer. by dist. no. No index. Hdw. under pr. hds. Aver. 25 pp. 17 x 17 x ¼. 1889, 1896, 1902-13, 1915-22, 24 booklets, strm. 2nd floor; 1923--, 23 booklets, co. ct. clk. vt.

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87. Acts: 1810-19, pp. 654-660; 1825-26, p. 86.
88. Acts, 1865, vol. 1, p. 98.
89. Acts: 1875-76, vol. 1, p. 119; 1916, p. 477.
90. Acts, 1881-82, pp. 8, 9.

322. ASSESSMENT OF STREET TAX AND CENSUS OF CITIZENS ON SUBJECT OF LEVY, 1839, 1845. 3 docs. in 1 bdl.
List of real property on which taxes were assessed for the improvement of streets and citizens' opinion concerning such tax levy, showing: description of assessed property, name of owner, assessed value, and amount of tax. No obvious arr. No index. Hdw. on pr. fm. 3 x 8 x 1. Co. ct. clk. vt.

323. MEADE COUNTY ASSESSMENTS, 1824-31, 1833, 1835, 1837, 1840-71. 38 vols.
Old assessment lists of real and personal property filed with Kentucky Historical Society for preservation, showing: name of taxpayer, description of property, valuation, date and amount 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.

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## XIII. BOARD OF TAX SUPERVISORS

### Structure

#### Creation

From Meade County's establishment in 1824 until 1851, the county court had general supervision over the collection of taxes. (1) In 1851, however, a statute directed that the county judge and the county court clerk should constitute a county board of tax supervisors. (2)

#### Selection and Term

In 1858, legislation authorized the county court 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 taxpaying citizen from each voting precinct. (4) Later legislation provided that a tax board composed of five housekeepers, residents of different sections of the county, should be appointed

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1. LITTELL, VOL. 1, 1792, PP. 64, 67, 89.
2. Acts, 1850-51, VOL. 1, PP. 279, 280.
3. Acts, 1857-58, VOL. 1, P. 57.
4. Acts, 1873-74, P. 49.

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, and today in Meade County six members compose the board. (7)

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 Kentucky General Assembly 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. (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)

Functions

The county court was early authorized to examine the tax books and to certify their correctness to the Auditor of Public Accounts. (13) From 1851 to 1858, the county judge and the county court clerk constituted the board of tax supervisors, and annually met at the county court clerk's office and examined the tax books, corrected any errors made by the assessor and determined the facts in relation to the valuation of the property listed.

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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.
8. 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, vol. 1, p. 57; Gen. Stat., 1873 ed., p. 724.
11. Acts, 1891-93, p. 316.
12. Acts: 1906, p. 151; 1917, Special Session p. 20.
13. Acts, 1831-32, p. 173.

If they thought the property had been incorrectly valued, they fixed a proper value. (14) 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 (15) and later statutes specified that this board was subject to the same regulations as formerly. (16) 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 they found no owner. (17) The board had authority to compel attendance and conduct the examination of witnesses before them (18), 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 Auditor of Public Accounts its approval of the tax book. (19) 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 (20), and summon and swear witnesses. (21)

A previous act passed by the legislature made decisions of the board final (22), but legislation in 1906 gave the taxpayer the right of appeal to the quarterly court from the decision of the board. (23)

## 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. (24) 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. (25) 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. (26)

The records of the board are housed in the office and vault of the county court clerk.

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14. REV. STAT., VOL. 2, P. 257.
15. ACTS, 1857-58, VOL. 1, P. 57.
16. GEN. STAT., 1877 ED., P. 979.
17. ACTS: 1891-93, PP. 313-316; 1917, SPECIAL SESSION, P. 19; CARROLL SEC. 4120.
18. REV. STAT., VOL. 2, P. 257.
19. REV. STAT., VOL. 2, P. 257.
20. ACTS: 1906, PP. 112, 151; 1922, PP. 350, 351.
21. ACTS, 1906, P. 151.
22. ACTS, 1891-93, P. 315.
23. ACTS: 1906, PP. 151, 152; 1917, SPECIAL SESSION, P. 32; CARROLL, SEC. 4128.
24. ACTS, 1891-93, PP. 313-316.
25. ACTS: 1891-93, PP. 313-316; 1917, SPECIAL SESSION, P. 21.
26. ACTS: 1906, P. 151; 1917, SPECIAL SESSION, P. 21.

324. OLD SUPERVISORS REPORT, Apr. 15, 1886-Oct. 24, 1892, Apr. 15, 1914--. 24 docs. in 1 bdl., 1 f.b. Title varies: Report of Board of Tax Supervisors, 1 bdl., Apr. 15, 1886-Oct. 24, 1892. Reports of board of tax supervisors of revised assessments of real and personal property, showing: date of report, district number, name of taxpayer, location and description of real and personal property, assessed value of property, amount of increase or decrease in valuation, amount of tax, and signature of tax supervisor. Arr. chron. by date of report. No index. Hdw. and typed. bdl., 4½ x 9 x 2½; f.b., 4½ x 4½ x 10. Co. ct. clk. off.

325. SUPERVISORS PROCEEDINGS, Mar. 13, 1922--. 1 vol. Record of revised assessments by board of tax supervisors of real and personal property, showing: district number, name and address of property owner, location and description of property, assessed valuation, amount of increase or decrease in valuation, amount of taxes, and date assessed. Arr. chron. by date assessed. Alph. index, direct by first letter of surname of property owner. Hdw. under pr. hds. 280 pp. 18 x 12 x 2½. Co. ct. clk. vt.

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## XIV. COUNTY BUDGET COMMISSION

### Structure

#### Creation

Since 1892 the fiscal affairs of the various counties of Kentucky have been managed by their respective fiscal courts, and before that time the claims and levy sessions of the county courts administered such matters.[1] (1) As previous laws did not specify a uniform procedure, these affairs were conducted in a random and unscientific 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.[2] (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.[3]

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1. Acts, 1851-52, p. 96; Rev. Stat., 1852 ed., p. 234.
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 526, p. 286)

Selection, Term, Qualifications

The appointive member of the budget commission must be a resident taxpayer of the county. He must not have held any public office for 2 years prior to his appointment, and he must be at least 30 years old. His term is 4 years and runs concurrently with that of the fiscal court. He is eligible for reappointment. The fiscal court fills a vacancy in the office. (4)

Functions

Under a uniform budget system, the fiscal court conducts all county financial affairs with the exception of those pertaining to education. Counties are 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. (5)

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. (6)

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. (7) 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 Inspector. (8) All proposed county budgets adopted by the county budget commission and by the State Inspector and Examiner must be submitted to the fiscal court for approval or rejection, not later than July 1 of each year. (9) In order that the expenditures of the county may be kept within budgetary limits, the county

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4. Acts, 1934, p. 63; Carroll, sec.185Ic-2.
5. Acts, 1934, p. 63; Carroll, sec.185Ic-1.
6. Acts, 1934, p. 64; Carroll, sec.185Ic-3.
7. Acts, 1934, p. 65; Carroll, sec.185Ic-4.
8. Acts, 1934, p. 65.
9. Acts, 1934, pp. 65, 66.

treasurer is required to file with the clerk of the fiscal court a monthly statement of the county's financial condition. (10)

Debt Service

The bonded indebtedness of the county is paid out of the "Sinking Fund Principal Account," to which a sum equal to the proportional yearly amount required to retire the bonds at maturity is annually allocated. To the "Sinking Fund Interest Account," another fund of the county budget, is assigned each year a sum sufficient to pay the interest on the bonded indebtedness maturing during the current year. (11) Funds set aside in the county budget unit are accounted for separately, and constitute a separate budget fund to be appropriated. (12)

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. (13)

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. (14)

The report of the budget commission is housed in the county court clerk's office.

326. BUDGET REPORT, 1935--. 1 vol.
Summary of budget requests made by budget commission to fiscal court for each fiscal year, showing: general expenditure fund, salaries, fees, office

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10. Acts, 1934, p. 69; SEE TREASURER, P.287.
11. Acts, 1934, pp. 66, 67; CARROLL, SEC. 1856c-6.
12. Acts, 1934, p. 64; CARROLL, SEC. 1851c-4.
13. Acts, 1934, p. 69.
14. Acts, 1934, pp. 67-69.

expense, miscellaneous expense, comparative income statement, and general expense fund; names of officials, salaries and per diem allowance to officials; date budget submitted, names of budget commission, and acknowledgment of county court clerk. Arr. chron. by date of request. No index. Typed on pr. fm. 400 pp. 14 x 14 x 2.

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## XV. TREASURER

### Structure

Creation

Before statutory provision established the treasurer as a regular county official in 1893, and prior to special legislation which authorized the appointment of a person to serve as county treasurer from time to time, the sheriff of Meade County collected the levy and paid it out to creditors of the county certified to him by the county court clerk. (1) By a special act approved January 15, 1886, W. H. Gough was appointed to serve as the first treasurer of Meade County. (2) On November 12, 1888, R. H. Novitt was appointed treasurer to serve a term of 2 years. (3) Various treasurers were appointed from time to time by special legislation, until an act approved February 27, 1893, created the regular county office of treasurer. (4)

Selection and Term

The county treasurer was appointed by the fiscal court for a term of 2 years, a majority of the justices concurring. (5) In 1912, the term of office was changed to 4 years. (6) From 1893 through 1932 by statutes then in effect, a member of the fiscal court was prohibited from holding the office of county treasurer. (7)

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1. LITTELL, VOL. I, 1797, PP. 679-681.
2. Acts, 1885-86, P. 300.
3. ORDERS COUNTY COURT, VOL. M, P. 46, SEE ENTRY 220.
4. Acts, 1891-93, P. 522.
5. Acts, 1891-93, P. 522; SEE FISCAL COURT, P. 106.
6. Acts: 1912, P. 298; 1932, P. 145.
7. Acts: 1891-93, P. 523; 1912, P. 298; 1920, P. 662.

Treasurer (Next entry 327, p. 291)

Residence

The treasurer was required to have resided in the county 4 years prior to his appointment. (8) An act of 1932 changed the residential qualifications to 2 years. (9)

Age

In 1893 the county treasurer was required to be at least 30 years of age. (10) An amendment approved in 1894 provided that at the time of his appointment the treasurer must be at least 25 years of age. (11)

Oath, Bond, and Surety

The treasurer, upon entering office, took oath before the fiscal court and executed bond with at least two sureties. (12) In Meade County, the treasurer executed bond in the sum of $10,000 approved by the county judge. (13)

Removal

The fiscal court has always had the power to remove the county treasurer at any time for cause. (14)

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. (15)

Compensation

The act of 1893, 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. (16) By legislation in 1932 the maximum compensation of the treasurer was increased to not more than $2,000 per year. (17) In 1939 the treasurer of Meade County received an annual salary of $420. (18)

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8. Acts: 1891-93, p. 523; 1912, p. 298.
9. Acts, 1932, p. 145.
10. Acts, 1891-93, p. 523.
11. Acts: 1894, pp. 43, 44; 1932, p. 145.
12. Acts: 1891-93, p. 523; 1932, p. 146.
13. Orders County Court, Vol. M, p. 46, see entry 220.
14. Acts: 1891-93, p. 523; 1912, p. 298; 1932, p. 146.
15. Acts: 1891-93, p. 523; 1912, p. 298; 1932, p. 146.
16. Acts, 1891-93, p. 525.
17. Acts, 1932, p. 146.
18. Report of Nat. B. Sewell, Director of Post Audits, to Governor Keen Johnson and Judge W. E. Brown, December 26, 1939.

## 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. 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 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 was held subject to the order of the fiscal court and could not be used except for the purposes for which it was received. (19)

An act of 1926 authorized the treasurer to assume the office of treasurer for the county board of education, 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, where the treasurer was required to deposit all county funds on which the interest rate could not be less than 2 per cent. 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)

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19. Acts, 1891-93, p. 523 ff.
20. Acts: 1926, p. 813; 1928, pp. 219, 220.
21. 1928, O.A.G. No. 422.
22. Acts, 1891-93, p. 523.
23. Acts, 1932, p. 148.
24. Acts, 1891-93, p. 523.
25. Acts, 1932, pp. 135, 136.

Treasurer (Next entry 327, p. 291)

On or before April 1, after the close of each fiscal year, the treasurer makes a financial statement, as of December 31 of the preceding year, 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 1934 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

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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. 680.
28. Acts, 1891-93, p. 524.
29. Acts, 1891-93, p. 525.
30. Acts, 1891-93, p. 525.
31. Acts, 1891-93, pp. 524-526.
32. Acts, 1891-93, p. 524.
33. Acts, 1891-93, p. 524.
34. Acts, 1891-93, p. 524.
35. Acts, 1932, pp. 135, 136.

within the budget appropriation. If those requirements are not complied with, each warrant or contract will be considered null and void. (36) 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 a complete statement yearly, showing all receipts and disbursements. (37) When vacating office the county treasurer must make a complete and final settlement of his accounts with the fiscal court. (38) He is also required to deliver all his books, papers, and other records to his successor. (39)

The treasurer's settlements are in the county court clerk's office.

327. TREASURERS' SETTLEMENTS, Sept. 6, 1913--. 2 vols.
Record of reports made monthly and settlements made annually by county treasurer with fiscal court, showing on reports: date of report, schedule of receipts and disbursements, nature, amount, and source of receipts, amount and purpose of disbursements, balance, name of treasurer, and acknowledgment of county court clerk; and showing on settlements: date of settlement, name of treasurer, period covered, itemized list of receipts and disbursements, totals and balance, sworn statement of treasurer, date settlement approved, fiscal court order book number and page reference to approval order, and acknowledgment of county court clerk. Arr. chron. by date recorded. No index. Hdw. Aver. 600 pp. 18 x 12 x 3.
For original reports, see entry 28.
For original settlements, see entry 25.

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## XVI. COUNTY BOARD OF ELECTION COMMISSIONERS

### Structure

#### Creation

In 1898 the Kentucky General Assembly authorized the establishment, in each county, of a county board of election commissioners. In accordance with the provisions of this act and a later amendment, Meade County established its first county board of election commissioners. (1)

#### Selection and Term

An early election law gave the county court power to appoint, annually, two of its body to act as judges of the election, and a competent person to act as clerk. (2) On June 28, 1824, William Ditto and William Garnett were appointed as election judges, and Robert Washington was appointed to serve as election clerk. In 1837, the county court was given authority to

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36. Acts, 1934, p. 69; see County Budget Commission, p. 284.
37. Acts: 1926, pp. 287, 288; 1928, pp. 460-462.
38. Acts, 1891-93, p. 526.
39. Acts, 1891-93, p. 526.
1. Acts: 1898, p. 43 ff.; 1900, Special Session, p. 27 ff.
2. Littell, vol. 2, 1799, pp. 340, 341.

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 judge of the election. (3) Statutory provision in 1843 provided 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. (4)

An act of 1852 names the county judge, the county court clerk, and the sheriff as a board to examine the poll books. 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, for 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. (5) An act passed in 1892 provided that the county court appoint, annually, in each election, two judges, a clerk, and a sheriff of the election, to serve until these commissioners were appointed and qualified. (6) In 1898 the Kentucky General Assembly established a State Board of Election Commissioners, and by that body two electors were appointed 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. (7) 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 political parties polling the largest vote in the last preceding election. (8)

Residence

Election officials have always been required to be citizens of the county. These officers were usually either members of the county court, or others holding county offices, who were required to be residents of the county they served. (9) 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, in the capacity of election officials and be candidates for office at that election. The two members of the county board of election commissioners must be citizens

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3. ACTS, 1836-37, P. 23.
4. ACTS, 1841-42, P. 85.
5. REV. STAT., VOL. 1, P. 432 FF.; ACTS, 1851-52, P. 124 FF.
6. ACTS, 1891-93, P. 109.
7. ACTS: 1898, P. 43 FF; 1900, SPECIAL SESSION, P. 27 FF.
8. ACTS, 1900, SPECIAL SESSION, PP. 28, 29.
9. LITTELL, VOL. 2, 1799, PP. 340, 341; ACTS: 1836-37, P. 23; 1841-42, P. 85; REV. STAT., VOL. 1, P. 432 FF.; ACTS, 1851-52, P. 124 FF.

and electors of their county, and are designated for appointment by the county executive committees of the two major political parties of the State, as members of the Board. (10)

Age

Election officials, whether serving on examining boards or as precinct officials, have always been required to be at least 21 years of age. (11) The two appointive members of the county board of election commissioners must be at least 25 years of age at the time of their appointment. (12)

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. (13) 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. (14)

Removal

In 1852, power was given the county court to appoint or remove any member of the election board or any precinct official. (15) 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. (16)

Vacancy

Prior to the creation of the State and county boards of election commissioners, the county court filled all vacancies that occurred. (17) At the present time, vacancies on the county board of election commissioners are filled by the State board from names supplied to the board by the county

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10. Acts: 1891-93, p. 109; 1900, Special Session, p. 28.
11. Littell, vol. 2, 1799, pp. 340, 341; Acts: 1836-37, p. 23; 1841-42, p. 85; Rev. Stat., vol. 1, p. 432 ff.; Acts: 1851-52, p. 124 ff.; 1891-93, p. 109; 1900 Special Session, p. 30.
12. Acts, 1900, Special Session, p. 28.
13. Acts: 1851-52, p. 124; 1891-93, p. 110.
14. Acts, 1900, Special Session, p. 29.
15. Acts, 1851-52, p. 124.
16. Acts: 1898, p. 43 ff.; 1900, Special Session, pp. 30, 31.
17. Acts: 1851-52, p. 124; 1891-93, p. 110.

executive committees of the 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 major political parties in the county. (18) 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 act in his stead. (19)

Compensation

By an act passed prior to 1824, the county court was directed to compensate the precinct officers at a rate not exceeding $1 per day. (20) In accordance with this act the Meade County Court on October 25, 1824, ordered the payment of $3 each, to William Garnett and William Ditto, judges, and Robert W. Washington, clerk of the election for 3 days services. (21)

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 Senator or Representative, the sheriff was paid $2 a day, and $1.50 for each 25 miles of travel in the performance of his duty. (22) An act of 1892 allowed the precinct officials each $2 a day, and the sheriff an extra allowance of 8 cents a mile for traveling duty. (23) 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 year, could not exceed $20. (24) In 1928, the precinct officers each received $3 a day. The sheriff and the judge accompanying him were allowed 8 cents a mile for returning the ballot boxes to the county seat. (25) 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 was in session. (26)

Functions

Appointment of Local Election Officials

The county board of election commissioners annually appointed for each election precinct, two judges, a clerk, a sheriff of elections, all of whom must have been voters of the precinct for which they were appointed. If, how-

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18. Acts, 1900, Special Session, pp. 29, 30.
19. Acts, 1851-52, p. 124; Rev. Stat., vol. 1, p. 432; Acts: 1891-93, p. 110; 1900 Special Session, p. 30.
20. Littell, 1799, IV, 341.
21. Orders County Court, vol. A, p. 59, see entry 220.
22. Acts, 1851-52 p. 135.
23. Acts, 1891-93, p. 153.
24. Acts, 1900, Special Session, p. 41.
25. Acts, 1928, p. 401.
26. Carroll, sec. 1596A-14.

over, 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. (27)

Canvass of Election Returns

In 1824, the county courthouse was the only voting place in the county. At this time the presiding officer 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. (28) Later, when election precincts had been established in the county, the sheriff appointed a deputy to attend to 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. (29) 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. (30)

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 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. (31) In 1898 and 1900, 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. (32)

The election law of 1900 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 and other election material to the

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27. ACTS, 1900, SPECIAL SESSION, PP. 30-32.
28. LITTELL, VOL. 2, 1799, PP. 340, 341.
29. ACTS, 1836-37, P. 23.
30. REV. STAT., VOL. 1, P. 436; ACTS, 1851-52, P. 127.
31. ACTS, 1891-93, P. 127.
32. ACTS: 1898, PP. 43-47; 1900, SPECIAL SESSION, P. 27 FF.

office of the county court clerk. (33) 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 gave 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 being retained by the county court clerk, another being given to the sheriff, and one, in the case of a municipal or district election, to the city council or the governing authority of the district, as the case may have been. The board was authorized to employ at county expense the necessary clerical help to count the votes. (34)

Enforcement of the Election Laws

It 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. (35) 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 out of 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 nor more than $1,000, and to imprisonment of not more than 60 days. (36)

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. (37)

Unless otherwise specified, the records of the board may be found in the county court clerk's office.

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33. Acts: 1900, Special Session, p. 27 ff.; 1914, pp. 417, 418; 1930, pp. 147, 148; 1936, p. 143 ff.
34. Acts: 1891-93, p. 127; 1900, Special Session, p. 32 ff.; 1936, p. 143 ff.
35. Acts, 1891-93, p. 172.
36. Acts: 1891-93, p. 172; 1900, Special Session, p. 42.
37. Acts, 1900, Special Session, pp. 28, 29.

## Petitions and Registrations

328. PETITION OF CANDIDATES, 1929--. 75 docs. in 1 f.b.
Candidates' declarations of intent to seek office filed with county court clerk, showing: name, address, qualifications, and party affiliation of candidate, title of office sought, date declaration filed, signature of candidate, and acknowledgment of county court clerk. Arr. chron. by date filed. No index. Hdw. on pr. fm. 4½ x 4½ x 10.

329. REGISTER OF CANDIDATES FOR NOMINATION IN PRIMARY ELECTIONS, July 3, 1912--. 2 vols.
Register of candidates seeking nomination for public office in primary elections, showing: title of office sought, name and address of candidate, party affiliation, and date petition filed. Arr. chron. by date recorded. No index. Hdw. under pr. hds. Aver. 200 pp. 18 x 12½ x 1½.

330. REGISTRATION BOOKS (Office Record), 1904--. 12 vols. (Labeled by precinct name or number).
Original registration record of voters, showing: registration number, precinct and ward numbers, name and address of voter, age, occupation, sex, and color of voter, date last ballot cast, party affiliation, signature of voter, and certification of county court clerk. Arr. numer. by precinct no. and alph. thereunder by first letter of surname of voter. No index. Hdw. on pr. fm. Aver. 75 pp. 18 x 15 x ¼.

331. REGISTRATION BOOKS (Precinct Record), 1904--. 12 vols. (Labeled by precinct name or number).
Duplicate record of registrations of voters, showing: registration number, precinct and ward numbers, name and address of voter, age, occupation, sex, and color of voter, date last ballot cast, party affiliation, present status of voter's eligibility, and certification of county court clerk. Arr. numer. by precinct no. and alph. thereunder by first letter of surname of voter. Hdw. on pr. fm. Aver. 75 pp. 18 x 15 x ¼.

332. VOTERS AFFIDAVITS FOR REGISTRATION, Oct. 13, 1904--. 2 vols.
Original affidavits furnished county court clerk by persons who failed to register as qualified voters, showing: name of affiant, reason for failure to register, signatures of affiant and witnesses, precinct number, age, date born, height, color of eyes and hair, weight, occupation of affiant, and attestation of county court clerk. Arr. chron. by date recorded. Alph. index, direct by first letter of surname of affiant. Hdw. on pr. fm. Aver. 375 pp. 14 x 12 x 2½. Co. ct. clk. vt.

333. AFFIDAVITS TO PROCURE DUPLICATE CERTIFICATE OF REGISTRATION, Nov. 8, 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 1½. Co. ct. clk. vt.

## Tabulation of Votes

334. POLL BOOKS, 1836-1879. 230 docs. in 23 bdls.
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. Arr. chron. by date of election. No index. Hdw. on pr. fm. 12 x 4 x 4. Co. ct. clk. vt.

For subsequent records, see entry 335.

335. ELECTION COM'RS (Commissioners) RECORD (Minutes), Aug. 9, 1883--. 3 vols. Title varies: Record of Election Certificates, 1 vol., Aug. 9, 1883-Nov. 5, 1897; Record, 1 vol., Oct. 4, 1898-Aug. 1, 1917.
Record of proceedings of board of election commissioners in sessions assembled, showing: date of meeting, names of members present, number of votes cast for each candidate seeking election to various county, state, and national offices, date of election, and signatures of board members. Arr. chron. by date of session. No index. Hdw. Aver. 622 pp. 18 x 12 x 3.

## Certifications

336. CERTIFICATES OF NOMINATIONS FOR COUNTY OFFICES FILED, 1921--. 120 docs. in 3 f.b. Title varies: Nominations, Declarations of Citizenship, and Petitions, 1 f.b., 1921-22.
Nomination certificates issued by board of election commissioners to candidates nominated in primary elections, showing: name of candidate, title of office to which nominated, date of primary election, date of general election, and signature of county court clerk. Arr. chron. by date issued. No index. Hdw. on pr. fm. and plain paper and typed. $4\frac{1}{2}$ x $4\frac{1}{2}$ x 10.

337. PETITIONS AND CERTIFICATES OF ELECTION, 1892--. 120 docs. in 1 bdl., 2 f.b.
Certificates of election issued by board of election commissioners to successful candidates for public office, showing: name of candidate, title of office, date of general election, party affiliation, and signatures of county judge, county court clerk, and sheriff. Arr. chron. by date issued. No index. Hdw. on pr. fm. and plain paper. Cond. poor. Bdls., 3 x 8 x 4; f.b., $4\frac{1}{2}$ x $4\frac{1}{2}$ x 10. Co. ct. clk. vt.

338. ELECTION COM'RS (Commissioners) CERTIFICATES, Aug. 9, 1932--. 1 vol.
Record of election certificates issued by county board of election commissioners to successful candidates for county offices, showing: date of election, names of commissioners, name of candidate, office sought, party affiliation, and signatures of commissioners. Arr. chron. by date of election. No index. Hdw. 300 pp. 14 x 18 x $1\frac{1}{2}$.

County Board of Election Commissioners - Campaign Expenses; Miscellaneous. County Board of Registration and Purgation (339-340)

Campaign Expenses

339. (STATEMENTS OF CAMPAIGN EXPENDITURES), 1917--. 260 docs. in 4 f.b. Statement of campaign expenditures filed with county court clerk by candidates seeking election to public office, showing: date of statement, name of candidate, title of office sought, date of election, itemized statement of receipts and expenditures, signature of candidate, date filed, and acknowledgment of county court clerk. Arr. chron. by date filed. No index. Hdw. on pr. fm. 4½ x 4⅝ x 10.

Miscellaneous

340. RECEIPTS FOR ELECTION SUPPLIES, 1930--. 100 docs. in 1 f.b. Original receipts for polling booth supplies furnished county board of election commissioners by precinct election officials, showing: date, number of precinct, itemized list of supplies covered, and signature of precinct official. Arr. chron. by date of receipt. No index. Hdw. on pr. fm. 4⅛ x 4⅝ x 10.

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## 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)

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1. CONST. OF 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.
4. ACTS: 1924, P. 153; 1936, P. 131.

County Board of Registration and Purgation

(Next entry 341, p. 312)

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, and in 1938 registration was made a general requirement throughout the State. (5)

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. (6)

Selection and Term

The board consists of three members appointed by the State Board of Registration and Purgation on January 1 of each year. (7)

Qualifications

The three members of the county board of registration and purgation are chosen as follows: One from each of the two dominant political parties; and the third a citizen of the county selected by the State Board; all three must be residents of the county, possess all the qualifications of legal voters, and be at least 21 years of age. (8)

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. (9)

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. (10)

Compensation

In Meade County, the members of the board receive no compensation for their services, since only in counties containing cities of the first class

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5. Acts: 1936, P. 114 ff.; 1938, P. 576 ff.; Carroll, secs. 1486ss-1 to 1486ss-24.
6. Acts, 1938, P. 576 ff.
7. Acts, 1938, P. 580.
8. Acts, 1938, P. 580.
9. Acts, 1938, P. 581.
10. Acts, 1938, P. 580.

are they paid a salary of $1,200 a year, in monthly installments allowed by the fiscal court. (11)

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 meetings. (12)

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. (13)

## 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; it may adopt reasonable rules for the performance of its duties; but no rule may be adopted by the board until it has been submitted in writing and approved by the State Board of Registration and Purgation. (14)

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

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11. Acts, 1938, pp. 583, 584.
12. Acts, 1938, pp. 581, 584.
13. Acts, 1938, p. 597.
14. Acts: 1936, pp. 114-145; 1938, pp. 581, 582.

(Next entry 341, p. 312)

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. (15) Process servers of such notices are paid fees fixed by law, such payments to be made by the fiscal court upon proper qualification. (16)

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. (17)

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 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 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. (18)

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

15. Acts, 1938, pp. 582, 583.
16. Acts, 1938, p. 585.
17. Acts, 1938, pp. 590, 591.
18. Acts, 1938, pp. 591-595.

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. (19)

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 name of the challenged voter is found to be legally registered, no further action is necessary. (20)

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. (21)

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 on sworn statements certified by the chairman and secretary of the board that such costs are reasonable and necessary. (22)

This board keeps no records.

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## XVIII. COUNTY BOARD OF EDUCATION

### Introduction

In 1823 when Meade County was formed, the educational development of the State as a whole had not progressed very rapidly. Aside from "old-field schools," erected on waste and unappropriated land, and certain privately-owned schools where the more prosperous citizens educated their

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19. Acts, 1938, pp. 593, 594.
20. Ibid., p. 594.
21. Ibid., p. 595.
22. Ibid., p. 584.

children, Meade County had little to offer in educational facilities until 1830 when the General Assembly provided for the establishment and financial support of a uniform system of public schools. The act creating this system of education authorized the election of three school commissioners, who were a body corporate. (1) This corporate body was the first attempt to have the educational policies of the county regulated by a central governing body and was a forerunner of the present county board of education.

## Structure

### Creation

The State Board of Education, created in 1838, was authorized to establish in each county a five-member board of school commissioners. (2) Its membership was reduced to three by an amendment approved in 1839 (3), and later legislation reduced it to one commissioner. (4)

### Selection and Term

The first board of school commissioners was appointed in 1839 by the State Board of Education for a term of 1 year. (5) The authority to appoint the county board was later given to the State Superintendent of Public Instruction, but he acted only upon the advice and consent of the State Board of Education. (6) This power was subsequently given to the county court (7); and later statutes extended the term of the members of this board to 2 years. (8)

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. (9) 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. (10) This arrangement was soon altered, however, by an act of 1922 which provided that the county

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1. Acts, 1829-30, pp. 272-281.
2. Acts, 1837-38, pp. 276, 277, 281.
3. Acts, 1838-39, pp. 381, 382.
4. Acts, 1855-56, vol. 1, pp. 103-105.
5. Acts, 1837-38, pp. 276, 277, 281.
6. Acts, 1844-45, pp. 47-51.
7. Acts, 1849-50, pp. 29-31.
8. Acts: 1855-56, vol. 1, pp. 103-105; 1861-63, p. 132.
9. Acts, 1908, pp. 138-142.
10. Acts, 1920, pp. 148-153.

be divided into five districts, with each district electing one member of the board for a term of 2 years. (11) 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. The general school code adopted in 1934 continued the five-member board elected for 4 years, but the district method of election was discontinued and all members were made elective from the county at large. (12)

Qualifications

No particular qualifications were required of the early county school commissioners; however, in 1920 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. (13) Today, a board member must be at least 24 years old, and must have been a citizen of Kentucky for at least 3 years preceding his election. Since 1922, he must also have had at least a common school education. (14) He is prohibited from holding any other civil or political office while serving on the board and from voting on the employment of a relative; no person is eligible for membership on the board if previously removed for cause. (15)

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. (16) Under present statutes the State Board of Education is empowered 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. (17)

Vacancy

Formerly 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. (18) Later legislation authorized the county

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11. Acts, 1922, pp. 150-153.
12. Acts: 1924, p. 81; 1928, pp. 215-217; 1934, pp. 242, 247.
13. Acts, 1920, p. 149.
14. Acts: 1922, p. 151; 1924, p. 79; 1934, p. 245.
15. Acts: 1934, p. 245; 1938, pp. 134-136.
16. Acts, 1844-45, pp. 47-51.
17. Acts, 1934, pp. 217, 252.
18. Acts, 1844-45, pp. 47-51.

judge, sitting alone, to fill such a vacancy, his appointee to hold office until the next session of the court of claims. (19) 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. (20)

Compensation

In 1838 the county school commissioners received $1 for each day engaged in school duties. (21) This amount was later increased to $2 per day, not exceeding 50 days a year. (22) In 1869, each commissioner received over and above his annual allowance up to $100, 1 per cent of all money received and disbursed by him and $3 for each of his districts in which school was taught. (23) Members of the county board of education in 1908 were paid $3 a day each, not to exceed 12 days in any year. (24) Each member received $5 a day for his services in 1922, plus necessary expenses incurred in attendance upon board meetings, to be paid from county school funds. (25) In 1934 members were not paid salaries but were allowed the expenses which they incurred in performing their duties. (26) At present each member of the board receives $5 per diem for each regular or special meeting attended, and the necessary expenses incurred, but the total amount paid each member of the board must not exceed $100 a year. (27)

## Functions

General Administration

The Kentucky General Assembly 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 fund entrusted to its care. (28) 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 (29); fill vacancies in the office

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19. Acts, 1861-63, p. 132.
20. Acts: 1920, p. 150; 1922, p. 152; 1924, p. 80; 1934, p. 262.
21. Acts, 1838-39, pp. 381, 382.
22. Acts, 1855-56, vol. 1, pp. 103-105.
23. Acts, 1869-70, p. 123.
24. Acts, 1908, p. 142.
25. Acts, 1922, pp. 150-153.
26. Acts, 1934, pp. 247, 251-253.
27. Acts, 1938, p. 151.
28. Acts, 1837-38, pp. 276, 277, 281.
29. Acts: 1837-38, pp. 277, 278; 1841-42, pp. 81, 82.

of subdistrict trustee until the next election (30); and to appoint three Negro trustees for each Negro school district. (31)

The county board of education created in 1908 assumed the general administrative functions formerly exercised by the board of school commissioners, and 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. (32) In 1920 it was authorized to call meetings of teachers for instruction in their work; 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. (33) 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. (34) Later, the board was given authority to appoint an assistant school superintendent, when necessary, and also an attendance officer and assistants, when nominated by the superintendent. (35)

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. (36) It is also the board's duty to provide sanitary facilities for each school (37); supply educational facilities for home-bound but mentally fit, handicapped children (38); and to summon and force the attendance of witnesses in any investigation or proceeding before it. (39)

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 governing 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, and repair school sites, buildings and furnishings; condemn property for school purposes; and employ and fix salaries of teachers in the high schools established. (40) The present 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. (41) An act of 1938 provides that the board furnish

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30. Acts, 1855-56, pp. 103-105.
31. Acts, 1873-74, pp. 63-66.
32. Acts, 1912, pp. 401, 402.
33. Acts, 1920, pp. 148-152, 158.
34. Acts, 1932, pp. 357-359; Robertson v. Hopkins County, 247 Ky. 129 (1933)
35. Acts, 1934, pp. 265, 283, 288.
36. Acts, 1934, p. 264.
37. Acts, 1920, p. 154.
38. Acts, 1934, p. 279.
39. Acts, 1934, pp. 274, 275.
40. Acts, 1908, pp. 135-142.
41. Acts, 1934, pp. 228, 229.

high school facilities within the county, and, if the number of such children is insufficient to warrant a high school, transportation must be given these children to another district, and board and room furnished within reasonable walking distance of the school, provided the expenses for such accommodation do not exceed $100 a year for each pupil. (42)

In 1934, Meade County 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, 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 costs of school construction under Federal grants. (43)

Financial Administration

In 1830 when the legislature established the county public school system, 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. (44) Those counties failing to adopt the common school system 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. (45)

The county board of education has complete control of the county school funds, and without being so ordered by a majority of the board, no amount for school purposes can be appropriated from the school treasury. (46) Adding to their power to appoint a treasurer, the board was authorized to appoint a bank or trust company as depository for school funds, and when the annual receipts exceeded $100,000, to appoint two such depositories (47); and also, when it was found necessary, to borrow money and 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. (48) The board was given authority to take possession of, sell, convey property in the district that had reverted to the State, and to convert to the general fund the income derived from any invested money which it owned. (49)

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42. Acts, 1938, First Special Session, pp. 1039, 1040.
43. Acts, 1934, Special Session, pp. 119, 120.
44. Acts, 1829-30, pp. 272-281.
45. Acts, 1842-43, pp. 72-75.
46. Acts: 1908, pp. 138-143; 1920, p. 153; 1922, p. 154.
47. Acts, 1934, pp. 266, 267.
48. Acts, 1934, pp. 268-272.
49. Acts, 1934, p. 276.

County Board of Education (Next entry 341, p. 312)

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. (50)

In the beginning of the public educational system of Kentucky, 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. (51) This method of raising revenue by district taxation ceased in 1845, and raising money by private subscription was substituted. (52) A later act gave the board authority 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. (53) The power to raise school revenue locally was broadened by an act which authorized the district trustees, after the district voters had approved, to levy an annual ad valorem tax not to exceed 70 cents on the $100 valuation, and a poll tax not to exceed $2; and the power to issue bonds for the erection of school buildings was also granted. (54) In 1920 the board was required to request the fiscal court to levy a minimum tax of 25 cents on each $100 of property, and more if necessary, to provide funds to pay teachers a minimum salary of $75 per month. (55)

In 1926 the county board of education was authorized to submit to the voters of the county of any subdistrict the question of levying an annual tax in addition to the regular annual levy for specified school purposes, not to exceed 75 cents on each $100 of taxable property (56); and in 1934 the board was required to submit to the voters of the subdistricts, upon written petition of 40 per cent of the voters therein, such additional levy up to 75 cents per $100 assessed valuation, or a bond issue, to raise revenue to be used for such specified school purposes within the subdistrict. (57)

In 1843 the office of county school treasurer was created, the incumbent to be appointed by the county court (58); but later, the appointive

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50. Acts, 1837-38, pp. 276-279.
51. Acts, 1837-38, pp. 276, 277.
52. Acts, 1844-45, pp. 53, 54.
53. Acts, 1883-84, pp. 135, 136.
54. Acts, 1887-88, pp. 194-200.
55. Acts, 1920, pp. 8, 9.
56. Acts, 1926, p. 282.
57. Acts, 1934, pp. 237-240.
58. Acts, 1842-43, p. 72.

power was given the county board of school commissioners. (59) 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. (60) In 1892 the school trustees appointed a district treasurer to handle all school funds of the school district (61), or, as was later provided, if the trustees considered it preferable, the sheriff could act as treasurer. (62) In 1922 all moneys and securities belonging to the county board of education were deposited with a treasurer elected by the board. This was reaffirmed by the general school code adopted in 1934. (63)

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." (64) 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 an itemized estimate of the expense, and also an estimate of the anticipated revenue based on the State per capita allotment and on the levy set by the board which could not be less than 25 cents nor more than 50 cents on each $100 valuation and a capitation tax not exceeding $1. (65) 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 a capitation tax of $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." (66)

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. (67) The board, in 1842, was empowered to appoint three examiners

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59. Acts, 1844-45, p. 50.
60. Acts, 1849-50, pp. 29-31.
61. Acts, 1891-93, pp. 1455-1457.
62. Acts, 1898, pp. 29-33.
63. Acts: 1922, pp. 153, 154; 1934, pp. 264, 265.
64. Acts, 1908, p. 139.
65. Acts, 1920, p. 155.
66. Acts, 1934, pp. 260-262.
67. Acts, 1837-38 pp. 277, 288.

who were required to be professional teachers, to examine and certify applicants for employment as teachers. (68) 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 State Board of Examiners. (69) 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." (70) Students of such normal schools, however, could also take the regular examination for teachers' certificates. (71) The method of certification by examinations was continued and revised by subsequent acts (72); 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. (73)

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. (74) 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. (75) 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 (76); but in 1934 the board was authorized to elect teachers upon the nomination of the subdistrict trustees. (77)

Reports

An act of 1830 required the board of school commissioners to report annually all school funds received and disbursed. (78) In 1838 it was further required 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,

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68. Acts, 1841-42, pp. 81, 82.
69. Acts, 1883-84, p. 139.
70. Acts, 1906, p. 397.
71. Acts, 1908, p. 163.
72. Acts, 1920, pp. 172-185.
73. Acts, 1924, pp. 126-136.
74. Acts, 1829-30, pp. 272-281; 1837-38, pp. 279-282.
75. Acts, 1908, p. 142.
76. Acts, 1920, p. 154.
77. Acts, 1934, pp. 235-237.
78. Acts, 1829-30, pp. 272-281.

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. (79) Later statutes required the county school commissioners to make, or cause to be made on or before December 1, annually, such school reports as were required by law to the State Superintendent of Public Instruction or the State Board of Education. (80)

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, on 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. (81) 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, which was to be used by the State Auditor in determining what proportion of the income from the common school fund was due the county. (82) Under present legislation the board of education must report to the State Board of Education all 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. (83) Unless otherwise specified, the records of the board of education are housed in the county school superintendent's office.

## Business Administration

### Financial Records

341. BUDGET, 1929--. 1 f.d.
Budget estimate furnished county board of education by county school superintendent showing: date, code number, revenue receipts received during previous year, budget estimate for coming year, balance due as per budget estimate, total revenue receipts, current expense, amount spent during year, total budget appropriation, recapitulation, signature of county school superintendent, and date of budget estimate. Also contains: Schedules (Teachers' Salaries), 1936--, entry 344; (Bonds of Free Textbook Custodians), 1929-33, entry 356. Arr. chron. by date of record. No index. Hdw. and typed. 14 x 12 x 10.

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79. Acts, 1837-38, pp. 276-279.
80. Acts, 1842-43, pp. 72-74.
81. Acts, 1844-45, pp. 47-51.
82. Acts, 1855-56, vol. 1, pp. 103-105.
83. Acts, 1934, p. 274.

County Board of Education - Business Administration

342. FINANCIAL RECORD MEADE COUNTY BOARD OF EDUCATION, July 1, 1923--. 5 vols.
Record of funds received and expended by county board of education for school purposes, showing: date, amount, and source of receipts, date and amount expended, number of warrant, name of payee, purpose of payment, and number of school district. Arr. chron. by dates received and expended. No index. Hdw. Aver. 340 pp. 16 x 14 x 2.

343. PER-CAPITA (Assessment Rates), 1930--. 1 f.d.
Assessment rates for school tax levy furnished county board of education by State tax commission, showing: data on revenue tax, rates, assessments, name of county, year covered, assessed valuation of local property, tax rate, local funds, State per capita, total funds, school census, total funds, and amount per capita. Arr. chron. by date of list. No index. Typed. 14 x 12 x 10.

344. SCHEDULES (Teachers' Salaries), Aug. 29, 1930-Oct. 21, 1935. 1 f.d. 1936-- in Budget, entry 341.
Schedule of salaries to be paid teachers approved by county board of education, showing: school term, basic salary of teachers, standard salary, additional salary allowed, date of schedule, and signature of county school superintendent. Arr. chron. by date of schedule. No index. Hdw. on pr. fm 14 x 12 x 10.

345. PAYROLLS, 1934--. 1 f.d.
Monthly payroll record of teachers and other employees of board of education, showing: period covered, name and address of employee, amount due, type of service rendered, date paid, number of order, number of check, and certification of chairman of board. Arr. chron. by date of payroll. No index. Hdw. under pr. hds. 14 x 12 x 10.

346. REPORTS, Jan. 8, 1934--. 1 f.d.
Original reports made by county school superintendent to county board of education, including:

i. Annual reports on free textbooks, 1934--, showing: date of report, number of pupils enrolled in schools by grades, title and number of books distributed to pupils, and signatures of school superintendent, chairman and secretary of board of education;
ii. Statistical reports, 1935--, showing: membership by grades and types of organization, enrollment and attendance of types of organization and size of schools, transportation facilities, and signature of county school superintendent;
iii. Official tabulation sheets, 1937--, showing: name of school, district enrollment, pupil's code, attendance, number of teachers, total salaries of teachers, and number of eighth grade graduates;
iv. Organization reports, 1935--, showing: number of white and colored pupils in elementary and high schools in each district, number of teachers, name of each school and names of teachers in each school, and signature of county school superintendent;

v. Annual high school reports, 1935--, showing: name of school, address, name of principal, number of pupils enrolled, laboratory equipment, names of teachers, subjects taught by each teacher, and signature of county school superintendent.

Arr. chron. by date of report. No index. Hdw. and typed on pr. fm. 14 x 12 x 10.

347. TEXTBOOK STATISTICS, 1934--. 1 f.d.

Miscellaneous records pertaining to textbooks purchased by board of education for distribution to children enrolled in county schools, including:

i. Purchase orders, showing: date of order, shipping point, name and address of publisher, title of books, price of each, total cost, and signature of county school superintendent;

ii. Annual report on free textbooks, 1938--, showing: enrollment of pupils by grades, estimated enrollment, title of textbooks, number of textbooks received and number removed from depository, enrollment and registration for free textbooks, and signatures of county school superintendent and chairman of board of education;

iii. Free textbook memoranda, 1938--, showing: title of book, total number of copies received to date, number of usable copies on hand, estimated enrollment, additional copies needed, and signature of county school superintendent;

iv. Invoices for textbooks, 1935--, showing: name of publishing company, date of invoice, names of articles shipped, how shipped, price of each article, and terms of payment;

v. Teachers' receipts for free textbooks, 1938--, showing: title of books, number of copies returned and number of copies lost, name of school, signatures of teacher and principal of school;

vi. Sale of textbooks for private use, 1935--, showing: name of pupil, date, book number, school district, title of book, cost of book and sale price, and signature of county school superintendent.

Arr. chron. by date of order. No index. Hdw. and typed on pr. fm. 14 x 12 x 10.

348. CLAIMS, Sept. 17, 1934--. 1 f.b.

Original claims for material and labor furnished county board of education, showing: date and amount of claim, name of claimant, identification of school to which charged, nature of work performed or description of material furnished, certification of claimant, date approved, and signature of official approving. Arr. chron. by date approved. No index. Hdw. and typed. 14 x 12 x 10.

349. SHERIFF'S SETTLEMENTS, Apr. 16, 1921-Nov. 21, 1934. 1 f.d.

Original reports of school fund settlements with sheriff made to county board of education by committees appointed by fiscal court, showing: date of settlement, amount of taxes due board, amount of exonerations and other credits, and signatures of sheriff and committee. Arr. chron. by date of settlement. No index. Typed. 14 x 12 x 10.

350. N. Y. A. (National Youth Administration) RECORDS, Sept. 16, 1938--. 1 f.d.
Notices of approval of school aid given to applicants in county by National Youth Administration, showing: date, location of school, name of principal, list of students approved for participation in National Youth Administration school aid, and program schedule. Arr. chron. by date of notice. No index. Typed on pr. fm. 14 x 12 x 10.

Contracts

351. BUILDING CONTRACTS, 1925--. 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, shows: 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, shows: 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, 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. 14 x 12 x 10.

352. BUS CONTRACTS, 1936--. 1 f.d.
Contracts made between county board of education and bus operators for transportation of school children, showing: date, name of bus driver, name of school and subdistrict number, amount of surety bond required, name of surety, signatures of bus driver, surety, and county school superintendent, and attestation of county court clerk. Arr. chron. by date of contract. No index. Typed on pr. fm. 14 x 12 x 10.

353. TEACHERS CONTRACTS, 1938--. 1 f.d.
Original contracts executed by public school teachers with county board of education, showing: date executed, name and address of teacher, type and grade of certificate, salary schedule, opening and closing dates of term, date approved, signatures of teacher, board chairman, and secretary. Arr. chron. by date of contract. No index. Hdw. on pr. fm. 14 x 12 x 10.

354. MISCELLANEOUS CONTRACTS, Aug. 21, 1934--. 1 f.d.
Original contracts for services and school supplies executed by county board of education with: County School Superintendents; Textbook Distributors, Aug. 11, 1938--; Merchants, Oct. 15, 1937--; Attendance Officers, Aug. 10, 1937--; and Vocational Teachers, June 30, 1936--; summary of each shows: date and terms of contract, names and signatures of parties to contract, and approval of county school superintendent. Arr. chron. by date of instrument. No index. Hdw. on pr. fm. 14 x 12 x 10.

Bonds

355. BONDS MISCELLANEOUS (School Treasurer), 1934--. 1 f.d.
Original surety bonds executed by county school treasurers to county board of education as a covenant with Commonwealth for faithful performance of duties, showing: date and amount of bond, names of principal and surety, signatures of principal and surety, approval of county board of education, and certification of board's secretary. Also contains: (Bonds of Free Textbook Custodians), entry 356. Arr. chron. by date of bond. No index. Typed. 14 x 12 x 10.

356. (BONDS OF FREE TEXTBOOK CUSTODIANS), 1929--. 1929-33 in Budget, entry 341; 1934-- in Bonds Miscellaneous (School Treasurers), entry 355.
Original surety bonds executed by custodians of free school text books as a covenant with Commonwealth for faithful performance of duties, showing: date and amount of bond, names of principal and surety, affidavit of surety, signatures of principal and surety, approval of county board of education, and certification of board's secretary.

General Administration

Teachers' Applications

357. APPLICATIONS FOR TEACHING POSITIONS, June 23, 1938--. 1 f.d.
Letters of application submitted to board of education by persons desiring positions as teachers, showing: name and address of applicant, qualifications, subjects prepared to teach, experience, references, and signature of applicant. Arr. chron. by date filed. No index. Hdw. and typed. 14 x 12 x 10.

358. PETITIONS, Jan. 24, 1937--. 1 f.d.
Petitions from county citizens to board of education asking that named persons be employed as teachers, showing: date, school district, name of teacher, and signatures of petitioners. Arr. chron. by date filed. No index. Hdw. under pr. hds. 14 x 12 x 10.

Oaths

359. OATHS OF EXAMINERS FOR TEACHERS, 1900--. 15 docs. in 1 f.b.
Oaths administered to applicants for State diplomas, State certificates, and county certificates by teachers' examiners, showing: name and address of applicant, age, date of birth, date of oath, sworn statement of applicant that he or she has not had access to questions to be used in examination, signature of applicant, and date and signatures of county school superintendent and examiners. Also contains: (Oaths of School Officials), entry 360. Arr. chron. by date of oath. No index. Hdw. on pr. fm. 4½ x 4½ x 10. Co. ct. clk. off.

360. (OATHS OF SCHOOL OFFICIALS), 1851-65, 1900--. 1851-65 in Boundaries of School Districts and Oaths, entry 361; 1900-- in Oaths of Examiners for Teachers, entry 359.
Oaths of trustees, teachers, and examiners of teachers to support the constitution of the United States and be true and faithful to the Commonwealth, showing: date, name of principal, title of office, sworn statement and signature of principal, and attestation of county court clerk.

Boundary Records

361. BOUNDARIES OF SCHOOL DISTRICTS AND OATHS, Feb. 1, 1851-June 24, 1865. 25 docs. in 1 bdl.
Original divisions of county into school districts submitted by common school commissioners to county board of education, showing: date of report, number of district, described outline of boundaries, and signatures of commissioners. Also contains: (Oaths of School Officials), 1851-65, entry 360. Arr. chron. by date of report. No index. Hdw. 3 x 8 x 1. Co. ct. clk. vt.

362. CONSOLIDATED SCHOOL BOUNDARIES, 1931--. 1 f.d.
Common school commissioners' outlines of boundaries of consolidated school districts, showing: date of report, description of boundary of each consolidated school district, and signatures of commissioners. Arr. chron. by date filed. No index. Typed. 14 x 12 x 10.

Miscellaneous

363. RECORD OF PROCEEDINGS, 1921--. 12 vols.
Record of proceedings of county board of education sessions recorded by county school superintendent, showing: date and place of meeting, names of members present, plans discussed, nature of business transacted, and signature of county school superintendent. Also contains:

i. Record of subdistrict trustees, showing: names and addresses of trustees elected, date elected, date sworn into office, and date of removal or resignation;
ii. Record of payments of salaries to teachers, showing: name of teacher, date of payment, total funds due from State and county, and signature of teacher;
iii. Record of applicants for common school diplomas, showing: name and address of applicant, educational district, subdistrict, age and grade of applicant, award on each subject, average grade, date of examination, and date diploma issued;
iv. Record of applicants for teachers' certificates, showing: name, age, address of applicant, experience, grade of certificate, grades awarded on each subject, whether passed or failed, date of examination, date certificate issued, and date of expiration;
v. Record of receipts and expenditures of county board of education, showing: date of receipts, educational division, subdistrict, amount received, from whom received, to whom paid, for what paid, and amount of expenditure;
vi. Record of monthly report of county board treasurer, showing: date of report, balance of cash on hand at close of preceding month, total receipts during month, warrants issued and unpaid at close

of month, balance of cash on hand at close of month, and name of treasurer;

vii. Record of State certificates issued to teachers in county, showing: date presented for registration, name and address of holder, by what authority issued, date issued, expiration date, and remarks;

viii. Record of teachers' reports, showing: subdistrict number, name of teacher, grade of certificate, number of pupils, number enrolled during term, average attendance, date school began, and remarks;

ix. Boundary records, 1916, showing: district, educational division, subdistrict number, description of boundary, date of record, and signature of county school superintendent.

Arr. chron. by date of record. No index. Hdw. Aver. 200 pp. 14 x 10 x 1½.

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## XIX. COUNTY SCHOOL SUPERINTENDENT

### Structure

#### Creation

In Meade County the general powers of administering the public school system, formerly exercised by the county board of school commissioners or other similar agency (see County Board of Education, p. 303 ), were given to the county school superintendent upon the creation of this office in 1884. An act of 1908 gave these general administrative powers to the board of education created by this act, and the superintendent thereby became the administrative agent of the board. (1)

#### Selection and Term

The first superintendent was elected for a 2-year term, which was later increased to 4 years. (2) At the present time his term of office may be 1, 2, 3, or 4 years, according to the decision of the county board of education. (3) This office continued to be elective until 1920, when the

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1. Acts: 1883-84, vol. 1, p. 127; 1891-93, p. 1426 ff.; 1908, pp. 140, 142.
2. Acts: 1883-84, vol. 1, pp. 121-128; 1887-88, vol. 1, p. 163; 1920, p. 158.
3. Acts, 1934, p. 253.

county board was authorized to appoint the county school superintendent. (4) In 1932 the office was again made 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 nullified by decision of the Court of Appeals in the case of Robertson et al v. Hopkins County, et al. (5) 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. (6)

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. (7) Later statutes provided that he must be 24 years of age and hold a diploma or certificate from the State Board of Examiners. He must also have resided 2 years in the State, and 1 year in the county in which he is a candidate. (8) An act of 1932 provided that the county school superintendent must 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. (9)

Oath and Bond

Since 1884 the county school superintendent has taken the oath of office, and until 1934, he furnished bond in the amount required by the county court. (10) Later statutes 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. (11) At present, the superintendent takes the oath of office but is not required to give bond, since he no longer has any financial functions. (12)

Removal

The county school superintendent has always been subject to removal by the county court for inability or habitual neglect of duty, and 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,

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4. Acts, 1920, p. 158.
5. Const. of 1891, sec. 6; Acts, 1932, pp. 357-359; 247 Ky. 129 (1933).
6. Acts, 1934, p. 253.
7. Acts: 1883-84, vol. 1, p. 121; 1887-88, vol. 1, p. 163; 1891-93, p. 1426.
8. Acts: 1887-88, vol. 1, p. 163; 1891-93, p. 1426; 1912, p. 399.
9. Acts: 1932, p. 365; 1934, p. 253.
10. Acts, 1883-84, vol. 1, p. 121; Const. of 1891, sec. 228; Acts: 1891-93, p. 1429; 1908, p. 140; 1934, p. 253.
11. Acts: 1912, p. 401; 1916, pp. 184, 185; 1920, p. 161.
12. Acts, 1934, p. 253.

fined, and imprisoned. (13) Under statutes in force at present, the county board of education has the authority to remove him for cause. (14)

Vacancy

Prior to 1920, a vacancy in this office was filled by the county court. Legislation enacted in that year, and in effect today, provided that the county board of education be authorized to fill such vacancy. (15)

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. (16) 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 nor more than 20 cents for each pupil child, and in no case more than $1,500 annually. (17) 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. (18) An act passed in 1912 authorized the fiscal court to pay him not less than $600 or more than $2,500 a year (19); 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. (20) Under the law as it exists today, the county board of education determines the salary of the county school superintendent, the minimum amount of which is $1,200 per annum. (21)

## 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, as follows to inspect the trustees' record books; to

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13. Acts: 1883-84, vol. 1, p. 121 ff.; 1891-93, pp. 1433, 1434, 1438; 1916, pp. 196, 197.
14. Acts: 1920, p. 154; 1934, p. 254.
15. Acts: 1883-84, vol. 1, p. 121 ff.; 1891-93, p. 1438; 1920, p. 159; 1934, p. 253.
16. Acts, 1883-84, vol. 1, p. 127.
17. Acts, 1887-88, pp. 170, 171.
18. Acts, 1891-93, pp. 1437, 1438.
19. Acts, 1912, pp. 401, 402.
20. Acts, 1916, p. 185.
21. Acts, 1934, p. 254.

advise them and see that they discharged 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 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; but he was forbidden to act as textbook agent. (22) 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, the duration of which should be not less than 3 days or more than 5 days. The proceedings at such institutes were published in the county papers. (23) 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 (24); and to exercise jurisdiction over the supervisors provided by the county board. (25)

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 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 administer 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. (26)

Financial Administration

Under provisions of an act of 1884, the county school superintendent received the school tax which was collected and paid over to him on, or before, December 1 (27); it was then his duty to pay the teachers' salaries upon receipt of certificates from the district board of trustees. (28)

A railroad tax, levied for school purposes, was authorized in 1892 by the Kentucky General Assembly. This tax was collected by the sheriff and deposited with the county school superintendent, who distributed it pro

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22. Acts: 1883-84, vol. 1, p. 121 ff.; 1887-88, vol. 1, p. 165 ff.; 1891-93, p. 1455 ff.; 1934, pp. 236, 255, 256.
23. Acts, 1891-93, p. 1484.
24. Acts, 1908, pp. 140, 143.
25. Acts, 1912, p. 402.
26. Acts: 1920, p. 153; 1924, p. 62; 1934, pp. 253, 254, 306.
27. Acts: 1883-84, vol. 1, pp. 114, 115; 1908, p. 140.
28. Acts, 1887-88, vol. 1, pp. 167, 169, 170.

rata to the district school treasurers. (29) 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. (30) Today, he prepares all budgets and salary schedules required of his board by the State Board of Education. (31) By an act of 1920, amended in 1922 and reaffirmed in 1934, the county school superintentent 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. (32)

Appointments

Since the creation of his office the county school superintendent has been authorized to fill vacancies of district trustees by written appointment. (33) At the present time he may appoint members to any free library board that may be established (34); 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. (35) In 1928 the superintendent of county schools, and the county judge were authorized to recommend to the Kentucky Children's Bureau, from three to five persons for membership on the county children's bureau. To date, Meade County has no such bureau. (36)

Ex-officio Functions

At the beginning of his office, the superintendent was made a member of the commission to re-form and to define new school districts; he was also a member of the county teachers' examining board, which issued certificates of qualification. (37) Later he became a member of the library committee and was required to keep a teachers' library in his office. (38) He also served as a member of the county textbook commission from its origin in 1904 until it was abolished. (39) Legislation of 1908 defined each county

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29. Acts, 1891-93, p. 1456.
30. Acts: 1906, p. 142; 1916, p. 198.
31. Acts, 1934, p. 256.
32. Acts: 1920, p. 153; 1922, p. 153; 1934, p. 254.
33. Acts, 1883-84, vol. I, pp. 131-139.
34. Acts, 1920, p. 644.
35. Acts, 1934, pp. 236, 253, 283, 284.
36. Acts, 1928, p. 135.
37. Acts, 1883-84, vol. I, pp. 128, 129, 139.
38. Acts, 1891-93, p. 1488.
39. Acts, 1904, p. 13.

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 one trustee for a 2-year term, 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. (40)

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. (41) Later, he was required to keep an account of receipts and disbursements, and to present reports to the county board of education and to the fiscal court, as often as those bodies deemed it necessary. (42)

In 1934, the superintendent was required to present all claims to the county board of education which passed upon them; if 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 also sent 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. This is the present procedure. (43)

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

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40. Acts, 1908, pp. 133, 134, 136, 140.
41. Acts, 1887-88, vol. 1, pp. 167, 169, 170.
42. Acts, 1908, pp. 140, 142.
43. Acts, 1934, pp. 211, 256, 264, 265.

indigent children. (44) 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. (45)

Unless otherwise specified, all records are found in the county school superintendent's office.

## Census Records

364. MONTHLY CENSUS REPORT, 1906-35. 1 f.d. 1936-- in Monthly Report of Attendance, entry 371.
Duplicates of monthly census reports furnished State Department of Education, division of census and attendance, by county school superintendents, showing: total census at beginning of month, number of children becoming 6 years of age during the month, number received by transfer during month, number found without transfer during month, number moving out of school district during month, number becoming 18 years of age during month, number of deaths during the month, net census at close of month, sworn statement of county school superintendent, and date of report. Arr. numer. by dist. no. and chron. thereunder by date of report. No index. Hdw. on pr. fm. 14 x 12 x 10.

365. CENSUS OF SCHOOL CHILDREN, 1924--. 1 f.d.
Census cards of children of school age in county filed by 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 school district and date gone to what school outside this district, physical disability, nativity, American or foreign born, and remarks. Arr. numer. by school district no. and alph. thereunder by surname of child. No index. Hdw. on pr. fm. 14 x 12 x 10.

366. PRE-SCHOOL CENSUS, 1923--. 1 f.d.
Census record of children under school age enumerated in order to determine approximate number of children who will be enrolled during the next school year, showing: name, race, and sex of child, date of birth, name of father or guardian, name of mother, district number, date of census, school child will attend, address, and remarks. Arr. numer. by dist. no. and chron. thereunder by date of census. No index. Hdw. on pr. fm. 14 x 12 x 10.

367. CENSUS OF SCHOOL CHILDREN, 1888, 1895-1922. 2100 docs. in 33 bdls., 1 f.b. Title varies: Census Report of Schools, 3 bdls., 1888, 1899, 1920.
Annual census reports furnished county school superintendent by district

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44. Acts: 1887-88, pp. 167, 169, 170; 1934, pp. 253-256.
45. Acts: 1891-93, p. 1456; 1908, p. 140.

trustees, showing: names of parents, guardians, or persons having charge of child of school age, name of child, date of birth and age, sworn statement of trustee or enumerator, number of white and colored males and females, total for district, and approval of county school superintendent. Arr. chron. by date filed. No index. Hdw. on pr. fm. Bdls., 3 x 8 x 4; f.b., 4½ x 4½ x 10. 1888, 1899, 1920, 3 bdls., co. ct. clk. vt.; 1895-1922, 30 bdls., 1 f.b., co. ct. clk. off.

## Enrollment

368. ENROLLMENT RECORDS, 1922--. 1 f.d.
Enrollment cards of children attending public schools in county, showing: school district, census district, name of child, race, sex, school attending, grade, date of entrance, address of parent or guardian, address where pupil lives, date of birth, authority for birth date, last school attended, location, state, name of parent or guardian, occupation, first name of mother, whether living or dead, name of person child lives with, relationship, school transferred to if any, date of transfer, signature of teacher, and names and ages bf brothers, sisters, and any others under 18 living in family. Arr. numer. by school dist. no. and alph. thereunder by name of child. No index. Hdw. on pr. fm. 14 x 12 x 10.

369. REPORT OF WITHDRAWAL, 1931--. 1 f.d.
Reports from teachers to attendance officers of pupils withdrawing from schools, showing: district number, school, name and address of child, grade, date of birth, names of parents, and reason for withdrawal. Arr. chron. by date of report. No index. Hdw. 14 x 12 x 10.

370. TRANSFER NOTICES, 1928--. 1 f.d.
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 attend, date of withdrawal, signature of principal of school withdrawing from, date entered new school, and signature of principal of school child enters. Arr. alph. by name of child. No index. Hdw. on pr. fm. 14 x 12 x 10.

## Attendance

371. MONTHLY REPORT OF ATTENDANCE OFFICER, Sept. 28, 1936--. 1 f.d.
Monthly attendance reports and census reports furnished county school superintendent by attendance officer; attendance reports show: school district, date of report, number of absences reported and investigated, number of visits to homes, schools, business firms, courts, and other agencies, total visits, number transfers sent and received, phone calls made, letters written, form letters mailed, teachers meetings attended, final notices served, number children provided with food, clothing, and medical attention, number of days spent in office, number of days in field, and signature of attendance

officer, and approval of county school superintendent. Also contains: Monthly Census Report, entry 364. Arr. chron. by date filed. No index. Hdw. on pr. fm. 14 x 12 x 10.

372. TEACHERS ATTENDANCE REPORTS, 1934--. 1 f.d.
Public school enrollment and attendance reports submitted monthly to county school superintendents by school principals, showing: name of school, month covered by report, name of teacher, grades reported, days taught, number and sex of first entry enrollees, analysis of re-entries and losses, total enrolled, aggregate attendance and absences, aggregate days membership and average membership, average daily attendance, percentage attending, number of tardy cases, and signature of principal. Arr. chron. by date of report. No index. Hdw. on pr. fm. 14 x 12 x 10.

373. COMMON SCHOOL REGISTER, n.d. 1 vol.
Daily record of student attendance in common school, showing: names of school and teacher, term of school year, name and age of pupil, days attended and absent from school, total days absent and present, deportment and times tardy. Arr. chron. by date of school term. No index. Hdw. 50 pp. 14 x 8 x ½. Co. judge off.

Grades

374. REPORT CARDS, May 30, 1914--. 2 f.d.
Carded report of high school students scholastic and deportment records, showing: name of high school, name of pupil, date of birth, date entered high school, name and address of parents, occupation and nationality of parents, grade entered in, subjects studying, grade attained in each subject, number of days absent and tardy, deportment and signature of teacher. Arr. alph. by first letter of surname of student. No index. Hdw. on pr. fm. 14 x 12 x 10.

375. HIGH SCHOOL RECORD, 1910--. 1 vol.
Record of high school students scholarship, attendance, and deportment attainments, showing: name of student, date of birth, age, date entered school, names, residence, occupation, and nationality of parents or guardians, date of graduation, years and semesters attended, number of days present and absent, times tardy, deportment, condition of health, and subjects studied during each school year. Arr. numer. by school dist. no. and alph. thereunder by name of pupil. No index. Hdw. on pr. fm. 300 pp. 14 x 7 x 2.

Correspondence

376. CORRESPONDENCE, Mar. 25, 1934--. 4 f.d.
Original letters written to county school superintendent and copies of letters written by county school superintendent regarding county school matters, showing: date of letter, to whom addressed, nature of contents, and on original letters signature of sender. Arr. by subject matter and chron. thereunder by date of letter. No index. Hdw. and typed. 14 x 12 x 10.

(Next entry 377, p. 330)

# XX. COUNTY HEALTH UNIT

## County Board of Health - Structure

### Creation

In cases of emergencies which concerned the general health of the people, the county court has always had authority to appoint physicians to check the spread of contagious diseases. For such services they were paid from the county levy. (1)

Pursuant to an act of 1893, which established the State Board of Health and authorized that body to appoint county boards of health (2), Meade County established its first board of health on April 17, 1917, composed of Doctors J. L. Allen and A. A. Baxter, who qualified as members. (3) On March 19, 1931, the county established the county board of health as "a permanent and full-time health service." (4) For futher details of the early provisions for public health, see the essay on Governmental Organization and Records System, p. 19.

### Selection and Term

By legislation passed in 1904, amending an earlier act of 1893, the 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. (5)

### Residence

The members of the county board of health were required to be residents of Meade County. (6)

### Removal

The members of the county board of health could be removed for cause at any time by the State Board of Health. (7)

### Compensation

By legislation passed before the Meade County Health Unit was established, the General Assembly provided that the members of the local board of

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1. LITTELL, VOL. 3, 1803, P. 133; REV. STAT., 1873 ED., P. 790.
2. ACTS, 1891-93, P. 824.
3. ORDERS COUNTY COURT, VOL. S, PP. 67, 69, 99, SEE ENTRY 220.
4. FISCAL COURT ORDERS, VOL. 6, P. 58, SEE ENTRY 2.
5. ACTS, 1904, P. 107; CARROLL, SEC. 2055.
6. ACTS, 1904, P. 107; CARROLL, SEC. 2055.
7. ACTS: 1891-93, P. 838; 1918, P. 352.

health should receive no compensation, and this provision remains in force today. (8)

## 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 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 may 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. (9) These functions are exercised by this board today. (10)

The county board of health, since its creation, has been authorized to appoint a competent physician to serve as health officer for the county. It may also employ an assistant health officer. (11)

## 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. (12) During 1939 the fiscal court appropriated $750 for the work of the county health unit. (13)

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8. Acts, 1904, p. 108.
9. Acts: 1891-93, p. 825; 1904, pp. 107, 108.
10. Acts, 1918, p. 300 ff.
11. Acts: 1891-93, p. 826; 1904, p. 108; 1918, pp. 300, 301.
12. Acts: 1891-93, p. 825; 1904, p. 108.
13. Fiscal Court Orders, vol. 6, p. 497, see entry 2; Appropriation Ledger, p. 17, see entry 23.

County Health Office - Structure

Creation

On January 1, 1917, Dr. J. R. Dink, the first health officer of Meade County, took the oath of office. (14)

Selection and Term

An act of 1904, amending earlier legislation, provided that the health officer hold office at the pleasure of the board. (15) By legislation passed in 1918, a majority of the board was empowered to elect a health officer for a term of 4 years. (16)

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. (17) In 1918, however, he was required to be a graduate in medicine and surgery from a recognized medical college, and must have had at least 6 months special training in preventive medicine and public health work in some school or college approved by the State Board of Health. (18)

Removal

The county health officer could be removed at any time by the county board of health. (19)

Compensation

An act of 1904 provided that the salary of the health officer be fixed by the fiscal court. (20) 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. (21) The present monthly salary of the county health officer of Meade is $225. (22)

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14. ORDERS COUNTY COURT, VOL. S, P. 67, SEE ENTRY 220.
15. Acts, 1904, p. 108.
16. Acts, 1918, p. 301.
17. Acts: 1891-93, p. 826; 1904, p. 108.
18. Acts, 1918, p. 300.
19. Acts: 1891-93, p. 828; 1918, pp. 291, 301.
20. Acts, 1904, p. 108.
21. Acts, 1918, pp. 291, 300, 301.
22. INTERVIEW BETWEEN MR. R. P. ARNOLD AND CLERK OF THE MEADE COUNTY HEALTH UNIT, FEBRUARY 23, 1940.

Assistant

An assistant to the health officer, if one should be necessary, could be appointed by the local board. (23)

Functions

Provision of an act passed in 1904, and in force today, authorized the county health officer to serve as secretary of the county board of health (24), and in a book provided for the purpose he must keep full minutes of its proceedings. (25) 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. (26)

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. (27) The county receives State aid in providing compensation for the nurse. Such compensation allowed by the State equals one-third of the money actually paid to the nurse, and in no case can the amount be more than $25 per month. (28) Meade County employs a full-time nurse in the operation of its well-organized health department. (29)

All records are located in the county health office.

Vital Statistics

377. NOTIFICATION OF BIRTH REGISTRATION, 1931--. 1 f.d.
Duplicate copies of certificates of notification issued to parents declaring birth of child has been officially recorded by the State Department of Public Health, showing: date of notice, statement of recording of birth, and signature of county health officer. Arr. alph. by surname of parent. No index. Hdw. on pr. fm. 5 x 8 x 24.

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23. Acts, 1918, p. 301.
24. Acts: 1904, pp. 106-108; 1918, p. 300.
25. Acts, 1918, p. 300.
26. Acts, 1918, p. 300.
27. Acts, 1918, p. 149.
28. Acts, 1918, p. 150.
29. Interview between Mr. R. P. Arnold and clerk of the Meade County Health Unit, February 23, 1940.

378. SUMMARY CARD BIRTH, 1931--. 5 f.b. (A-C, D-F, G-O, P-S, T-Z)
Card record of births reported to the county health department, showing: name and address of infant, date of birth, sex and color, whether legitimate or illegitimate, liveborn or stillborn, names of father and mother, place of birth, name of hospital, name of registrar, and signature of attendant. Arr. alph. by first letter of surname of child. No index. Hdw. on pr. fm. 5 x 8 x 10.

379. (SUMMARY OF DEATHS), 1931--. 3 f.b.
Card record of deaths in county reported by attending physicians to county health department, showing: name and address of deceased, date of death, sex, color, age at time of death, if less than one year old, names of parents, place of birth, place of death, names and addresses of reporting physicians and undertaker, cause of death, and contributory causes of death. Arr. alph. by name of deceased. No index. Hdw. on pr. fm. 5 x 8 x 10.

## Health Records

380. T. B. (Tuberculosis) RECORDS, VENEREAL DISEASES, CRIPPLE CHILDREN, 1931--. 1 f.d.
Clinical and follow-up records of tuberculosis cases treated at clinics held in county, clinical record shows: name and address of patient, age, color, sex, and occupation, means of support, monthly income or property, necessities, names, ages, sex, and occupations of former and present members of household, and name of family physician; follow-up record shows: name and address of patient, date of birth, sex, color, diagnosis of examining physician, case number, name and address of family physician, sputum test results, attending physician's remarks, and purpose, explanation, and definition of record. Also contains:

i. Crippled childrens' service record, showing: case number, name and address of child, sex, color, date of birth, names of parents or guardian, address, school attending and grade, economic status, father or mother employed, number of children in family, any other crippled children in family, brief description of home surroundings, name and address of family physician, whether hospitalization charges can be paid or not, date becoming crippled, what age, what part of body deformed, cause of condition, whether injury, infantile paralysis, or other, condition of general health and mentality, final diagnosis, names of other physicians who have examined or treated patient, dates confined to hospital if any, name of hospital, and notes on clinic, office, or field visits;

ii. Physicians' confidential reports of venereal disease, showing: date of report, name and address of patient, age, sex, color, and occupation, source of infection, and signature of physician;

iii. Syphilis clinic record, showing: name and address of patient, date of birth, economic status, occupation, sex and color of patient, name of referring physician, other clinics attended, and contacts within and without family;

iv. Syphilis treatment continuation record, showing: name of patient, case number, date of visit, name of drug and amount administered, progress of treatment, complications, new laboratory data, date next visit required, amount paid, amount due, and name of physician.

Arr. alph. by first letter of surname of patient. No index. Hdw. on pr. fm. 5 x 8 x 24.

381. PRENATALS, 1931--. 1 f.d.

Annual antepartum and postpartum summary record of prenatal clinics held in county, showing: number of clinics held during year, number of admittances, clinic visits, nursing visits to homes or offices from which cases were referred, and deliveries made in cases under supervision of clinic; and purpose, explanation, and definition of record. Arr. alph. by first letter of surname of patient. No index. Hdw. on pr. fm. 5 x 8 x 24.

382. COMMUNICABLE D. (Disease) RECORDS, LABORATORY RECORDS, 1931--. 1 f.d.

Basic record of health condition of children in county, showing: name and address of child, date of birth, sex, color, names of parents, type of record, history of case, date case opened and closed. Also contains:

i. Chronological record of communicable diseases contracted by county citizens, showing: name of patient, name of disease, and date contracted;

ii. Epidemical records maintained to provide information for the study of source of communicable diseases and for planning administration procedure in bringing spread of such epidemics under control, showing: name and address of patient contracting communicable disease, name and address of attending physician, type of disease, names of parents, occupation, possible source of infection, sanitation of home surroundings, contacts outside of household, and signature of attending physician;

iii. Gonorrhea clinic record, showing: name and address of patient, date of birth, sex, occupation, name of doctor referring patient to clinic, contacts within and outside family, past history, type of disease, and name of physician in charge of case;

iv. Gonorrhea treatment continuation record, showing: name of patient, case number, date of treatment, name of medicine and quantity administered, progress and complications of case, date next visit due, amount paid, amount due, and name of physician;

v. Laboratory report of examinations, showing: name and address of patient, laboratory number of examination, type of specimen, what examined for, results, date received, date reported, and signature of United States health doctor making examination;

vi. Laboratory specimen service, showing: name and address of patient, type of specimen examined by laboratory, laboratory number of specimen, examination desired, date received, date reported, address and phone number of examining laboratory, and signature of medical officer making examination.

Arr. alph. by first letter of surname of patient. No index. Hdw. on pr. fm. 3 x 5 x 24.

383. PRE-SCHOOL RECORDS, 1931--. 1 f.b.

Record of medical examinations of infants and children of pre-school age made by county health officers and inspections made by nurses, showing: name, sex, and color of child, names and address of parents, date and place of birth, name of attendant at birth, immunity status, date of first four examinations and name of examining physician, physician's recommendation, field visits made by nurses and their recommendations for care and protection of child, remarks of illness, hospital care, or change of residence, and purpose of record. Arr. alph. by first letter of surname of child. No index. Hdw. on pr. fm. 5 x 8 x 10.

384. SCHOOL RECORDS, 1931--. 1 f.d.

Record of health examinations of school children made by health officers and nurses, showing: date of examination, names of school and teacher, name, age, height, and weight of pupil, average weight, posture, condition of eyes, teeth, throat glands, hearing, scalp, skin, and heart, other defects, and vaccinations. Arr. alph. by name of school and alph. thereunder by name of pupil. No index. Hdw. on pr. fm. 10 x 15 x 20.

385. EPIDEM (Epidemic) RECORDS, SUMMARIES, CLINIC RECORDS, DAILY AND MONTHLY REPORTS, CORRESPONDENCE, 1931--. 1 f.d.

Records, summaries, reports, and correspondence relating to health conditions, general sanitation, immunization, health examinations, vital statistics, and results of laboratory tests, including:

i. Child's health record, showing: name and address of child, age, height, weight, average weight, physical findings of physician, recommendations, remarks, signature of physician, requests to parents to have child immunized against scarlet fever, smallpox, diphtheria, and typhoid fever, correctable defects of child, names and address of parents, name and address of family physician, and medical service rendered by staff of county health department;

ii. Dairy farm sanitation inspections and laboratory analysis of milk and cream, showing: results of inspection or test, recommendation of health officer, and signature of sanitation inspector;

iii. General sanitation inspections of schools, outside toilets, tourist camp comfort stations, and property against which complaints have been registered, showing: date of inspection, findings, recommendations, and signature of inspection officer;

iv. Outlines of information to be used in publication of newspaper items, showing: annual statistics on births and infant mortality, tabulation of births each month, and recommendations for obstetrical care;

v. Physical examination records of food handlers, showing: name and address of person examined, date of birth, age, sex, description, physical characteristics and general appearance, date of examination, weight and height, occupation, history of diseases contracted, remarks, and date receiving permit to handle food for public consumption;

vi. Social investigations of reported venereal disease cases, showing: name and address of person investigated, sex, color, date of birth, occupation, reason for investigation, social problems, and contacts outside and within family;

vii. Tabulation and summary of persons immunized against smallpox, scarlet fever, typhoid fever, and diphtheria;

viii. Vital statistics, including monthly reports, tabulations, and summaries of births and deaths in county, showing: monthly total of births and deaths, summary of deaths by age groups, death rate per 100,000 population, infant mortality rate, puerperal deaths and cause, puerperal death rate per 100,000 births, and total deaths in county.

Arr. alph. by subject and chron. thereunder by date of record. No index. Hdw. on pr. fm. $4\frac{1}{2}$ x $4\frac{1}{2}$ x 10.

386. REGISTER CARDS, 1931--. 5 f.d.

Record of health patients registered by county health department, including:

i. General medical office record, showing: name and address of patient, date of birth, sex, color, name and address of family physician, and date and type of service rendered;

ii. Immunization records, showing: name and address of person inoculated, sex, color, date of inoculation, and remarks;

iii. Maternity field visits, showing: name and address of patient, date of field visit, name of health officer making visit, prenatal history and progress notes, laboratory record of tests, final results of case, results of neonatal and postpartum examinations, and comments;

iv. Prenatal record of non-clinic patients, showing: name and address of patient, district number, age, color, names and addresses of person reporting case and attending physician, history of pregnancy, economic status, instructions given to patient, and postpartum medical service rendered;

v. Record of persons contracting communicable diseases, showing: type of disease, date contracted, name and address of patient, age, sex, school or occupation, source of milk supply, date of notice to dairy to stop distribution of products, and date of release notice allowing resumption of distribution;

vi. Tuberculosis tests, showing: name and address of patient, age, amount of cost for treatment, results of case, remarks, X-ray report, and name and address of family physician.

Arr. alph. by name of patient. No index. Hdw. on pr. fm. 5 x 8 x 24.

(Next entry 387, p. 344)

## XXI. COUNTY LIVESTOCK INSPECTOR

### Structure

Creation: Selection

The office of county livestock inspector was created by authority of an act passed in the 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 who 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) By authority of this act, on August 3, 1910, the county judge of Meade County appointed F. H. Frymire as county livestock inspector.(2) 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. (3)

Qualifications

No specific qualifications for the office of county livestock inspector were mentioned in 1910, but an act of 1918 provided that this officer 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) His salary for 1939 was $50. (6)

### Functions

The county livestock inspector is 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 is his duty to report the number of animals that have died, the number diseased, and the number exposed to disease. He is 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; order any quarantine of animals or premises as circumstances may

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1. Acts, 1910, pp. 192, 197.
2. Orders County Court, vol. Q, p. 621, see entry 220.
3. Acts, 1918, p. 375.
4. Acts, 1918, p. 375.
5. Acts: 1910, p. 197; 1918, p. 376.
6. Report of Nat. B. Sewell, Director of Post Audits, to Governor Keen Johnson and Judge W. E. Brown, December 26, 1939.

warrant; and see that quarantine restrictions are observed until released by order of the State Board of Agriculture. The county livestock inspector is 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 is cause for removal from office at the direction of the State Livestock Sanitary Board. (7) The present livestock inspector, W. R. Heavrin, is also the coroner for Meade County. (8)

The county livestock inspector, as the local agent and representative of the State Livestock Sanitary Board, whose functions were transferred in 1936 to the State Board of Agriculture, enforced the laws, rules, and regulations of this body, under the direction of the State Veterinarian. (9)

No records for this office were found in the county.

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## XXII. COUNTY SURVEYOR

### Structure

#### Creation

When Kentucky was admitted into the Union in 1792, the legislature then in session at Lexington, provided that the Governor, with the approval of the Senate, appoint a well-qualified surveyor for each county, to hold office during good behavior. (1)

#### Selection and Term

In 1799, the county court recommended two qualified persons to the Governor, one of whom he appointed as county surveyor, to hold office during good behavior. (2) In 1850, the method of selection changed when constitutional provision made the office an elective one (3), and stipulated that the term of office be for 4 years, as it is today. (4) He was

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7. ACTS, 1918, PP. 375- 377.
8. STATEMENT MADE BY W. E. BROWN, COUNTY JUDGE OF MEADE COUNTY, TO MR. ROBERT P. ARNOLD, EDITOR, HISTORICAL RECORDS SURVEY, FEBRUARY 23, 1940.
9. ACTS: 1910, PP. 192-196; 1918, PP. 361-376; 1936, FIRST EXTRA SESSION, P. 5.
1. LITTELL, VOL. 1, 1792, PP. 61, 62.
2. CONST. OF 1799, ART. 4, SEC. 8; LITTELL, VOL. 3, 1806, P. 405.
3. CONST. OF 1850, ART. 6, SEC. 1.
4. CONST. OF 1850, ART. 6, SECS. 1, 3, 9; CONST. OF 1891, SEC. 99.

not permitted to hold any other office while acting as county surveyor. (5) On Monday, March 22, 1824, Nathan Raitt and Robert Stout were recommended to the Governor by the county court, as being fit persons to fill the office, and on Monday, April 26, 1824, Governor John Adair appointed and commissioned Nathan Raitt as the first county surveyor of Meade County. (6)

Residence

To qualify for this appointment the county surveyor must have been a resident of his county for 1 year; but since Meade County had not been in existence that long, then he must have lived for 1 year in one of the counties from which the new county was taken. (7) In 1850 and again in 1891, the surveyor was 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)

Age

Prior to 1850, no age limitation was placed on 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 1799, 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 required in addition, that "he must not have participated in any way in duels." (11)

Bond

As required by an act of 1792, the newly-appointed surveyor presented his credentials to the court and furnished bond of $3,000 to the Governor. (12) Later statutes exacted bond and security as often as the General Assembly deemed necessary. (13) The county surveyor forfeited a sum of $500 if he failed to furnish bond and security in the county court before June 1, 1807. (14) Commencing in 1810, and every fifth year thereafter, surveyors were required to renew their bonds, with two or more sureties

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5. Acts, 1891-93, pp. 912, 913.
6. Orders County Court, vol. A, p. 40, see entry 220.
7. Const. of 1779, art. 3, sec. 9.
8. Const. of 1850, art. 6, sec. 2; Const. of 1891, sec. 100.
9. Const. of 1850, art. 6, sec. 2; Const. of 1891, sec. 100.
10. Const. of 1799, art. 6, sec. 1; Littell, vol. 3, 1806, p. 405.
11. Const. of 1850, art. 8, sec. 1; Const. of 1891, sec. 228.
12. Littell: vol. 1, 1792, pp. 61, 62; vol. 3, 1806, p. 405.
13. Const. of 1850, art. 6, sec. 9; Const. of 1891, sec. 103.
14. Littell, vol. 3, 1806, pp. 405, 406.

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. (15)

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. (16) He is also subject to indictment 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. (17)

Vacancy

After 1799, when the term of office lasted during good behavior, the Governor filled a vacancy in the regular manner. (18) A statute passed in 1891 directed that, when a vacancy occurred in the office of county surveyor, the county judge issued a writ of election to fill the office. In the judge's absence from the county, the county court clerk issued such writs. (19)

Compensation

Today, as formerly, the county surveyor retains the fees which he charges in the performance of his duties, as remuneration for his services. These fees are fixed by law and collected by the sheriff. (20)

Deputies

Upon recommendation of the county surveyor, the county court appointed one or more deputy surveyors, for whose conduct the county surveyor was responsible. (21) In all orders of the court the county surveyor, in 1804, was permitted to select his chainmen and other needed workers. (22) In 1841, he was given authority to administer oaths to his chainmen. (23)

Functions

An act of 1800 specifically instructed the county surveyor to receive orders directly from the county court. (24) Statutory provisions passed after 1850 required the surveyor to execute promptly and faithfully every

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15. LITTELL, VOL. 4, 1810, PP. 123-125.
16. CONST. OF 1799, ART. 5, SECS. 1-3; CONST. OF 1850, ART. 5, SECS. 1-3; CONST. OF 1891, SECS. 66-68.
17. CONST. OF 1891, SEC. 227; CARROLL, SEC. 3748.
18. CONST. OF 1799, ART. 4, SEC. 8.
19. ACTS, 1891-93, P. 143.
20. LITTELL: VOL. 1, 1796, PP. 588, 589; VOL. 2, 1801, P. 435; VOL. 5, 1814, PP. 147, 267; ACTS: 1851-52, PP. 301, 302; 1891-93, PP. 1148, 1149.
21. REV. STAT., VOL. 2, P. 402.
22. LITTELL, VOL. 3, 1804, P. 263.
23. ACTS, 1840-41, P. 27.
24. LITTELL, VOL. 2, 1800, P. 403.

order of survey issued by the court, and to make and return a true plat of each survey. (25) Unless orders of court ruled otherwise, statutes enacted after 1891 required that surveying or civil engineering work ordered to be performed by the court, 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. (26) His functions were increased in 1904 when he was made a member of committees or served with a group of commissioners to locate, inspect, care for, and report on bridges and other public improvements. While so serving, he had authority to administer oaths to his fellow commissioners, acting himself upon his oath of office. (27) 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. (28) In addition to his specific duties connected with surveying, locating, and superintending the construction of roads, canals, levees, and ditches financed by taxation, the surveyor had other duties which comprised the processing 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)

The county surveyor was authorized by early legislation 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 the duties were assigned to the Auditor of Public Accounts. (31)

In order to prevent illegal surveys, the county surveyor was prohibited from making entry for land, or from receiving or issuing 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 or certificate of survey, the date of the survey. (32) For the prevention of fraudulent appropriation of lands under cover of treasury warrants, the General Assembly early made it a misdemeanor and malfeasance in office for any surveyor to issue, illegally, certificates of survey on Virginia land office treasurer warrants or 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)

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25. GEN. STAT., 1873 ED., PP. 800, 801.
26. ACTS, 1904, P. 263.
27. ACTS, 1904, P. 263.
28. ACTS, 1883-84, VOL. I, PP. 128, 129.
29. ACTS, 1904, P. 263 FF.
30. LITTELL, VOL. 5, 1814, P. 92.
31. ACTS, 1898, P. 41.
32. LITTELL, VOL. 1, 1792, P. 165.
33. LITTELL, VOL. 4, 1809, PP. 71-73.

### 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 the public, all surveyors possessing books of original land entries were required to transcribe such entries in a fair, legible hand, in good calf-bound books, 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) The present surveyor also serves as county road engineer. (38)

The archives of Meade County revealed no record of surveys or plats kept by this officer.

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## XXIII. COUNTY ROAD ENGINEER

### Introductory

From 1824 to 1892, the county court exercised supervision of county roads and bridges; 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 duty 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, has been the sole member of the court. (2) From 1799 until 1894, the technical

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34. LITTELL, VOL. 1, 1794, P. 233.
35. LITTELL, VOL. 2, 1799, P. 302.
36. ACTS, 1881-82, PP. 11, 12.
37. ACTS, 1904, P. 264.
38. SEE COUNTY ROAD ENGINEER, P. 340.
1. LITTELL, VOL. 1, 1797, P. 634; GEN. STAT., 1873 ED., P. 759; ACTS, 1891-93, PP. 1194, 1195.
2. SEE COUNTY COURT, P. 193.

duties of constructing and maintaining 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 direction of the fiscal court, the road overseers continuing their individual jobs in their assigned precincts. (3)

## Structure

### Creation

The offices of road overseer and road supervisor were abolished by an act approved March 18, 1912, and all the duties, powers, and qualifications pertaining to these offices were assumed by the county road engineer whose office was created by this act. (4) The office of the county road engineer was created by the General Assembly 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. (5) 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. (6) The provisions of acts of 1914 and 1918 in respect to road engineers, surveyors, and overseers, are in effect today. (7)

In October 1912, W. D. Smith was appointed the first road engineer of Meade County. (8)

### Selection and Term

An act of 1914, which superseded the act of 1912, provided for the appointment of a county road engineer by the county judge, with the approval of the fiscal court. His term of office was for 2 years. (9) If the court failed to appoint a road engineer, his duties were performed by the county surveyor, or a road commissioner appointed by the county court, compensation to be the same as that given commissioners for dividing land. (10) In Meade County the office of county road engineer was abolished on October

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3. Acts, 1894, p. 79.
4. Acts, 1912, pp. 329, 330.
5. Ibid., p. 329.
6. Ibid., pp. 96-100.
7. Acts, 1918, pp. 66-68.
8. Orders County Court, vol. R, p. 230, see entry 220.
9. Acts, 1914, pp. 357-359.
10. Ibid.

16, 1914 (11), and was again established on May 11, 1937, when Albert Shacklett was appointed to this office. (12)

Qualifications

The road engineer must be either a reputable civil engineer 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. (13) The county surveyor may receive appointment as county road engineer, provided he be competent. (14) The surveyor for Meade County is also the road engineer. (15)

Oath and Bond

Constitutional provision requires the road engineer to take the oath of office. (16) He must also make bond to the county court within 10 days after receiving notice of his appointment. (17)

Removal

The county road engineer may be removed from office at any time by the county judge for adequate cause. (18)

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. (19)

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 a year, to be fixed by the fiscal court. (20) Mr. Shacklett, the present incumbent, receives a salary of $120 per month. (21)

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11. FISCAL COURT ORDERS, VOL. 4, P. 202, SEE ENTRY 2.
12. IBID., VOL. 6, P. 361, SEE ENTRY 2.
13. ACTS, 1914, PP. 357, 358.
14. IBID., P. 358.
15. SEE COUNTY SURVEYOR, P. 336.
16. CONST. OF 1891, SEC. 228.
17. ACTS, 1914, P. 358.
18. IBID., P. 359.
19. IBID., PP. 357, 358.
20. ACTS: 1912, P. 330; 1914, P. 358.
21. FISCAL COURT ORDERS, VOL. 6, P. 497, SEE ENTRY 2; REPORT OF NAT. B. SEWELL, DIRECTOR OF POST AUDITS, TO GOVERNOR KEEN JOHNSON AND JUDGE W. E. BROWN, DECEMBER 26, 1939.

Penalty

Should the county road engineer neglect or refuse to perform his duty, he shall be penalized, upon conviction, by a fine of not more than $100. (22)

Functions

As provided by an act of 1914, now effective, the duties which the county road engineer performs are as follows: To post on the courthouse door a printed notice for bids on contracts to build or repair roads and bridges; to exercise general charge 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; 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 by him by order of the fiscal court; 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; 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, considers various 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; 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; to certify to the fiscal court that construction on roads and bridges is being carried on according to contract, and, when it is not, 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 guide boards, and place footbridges 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 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. (23) The fiscal court may warn in hands to work

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22. Acts, 1914, pp. 359, 360.
23. Acts: 1912, p. 337; 1914, pp. 344-367.

on public roads in the county, when they decide to use man power instead of machinery. (24) The county road engineer is assisted by overseers who under his supervision, superintend work in their respective road precincts. (25)

Recordation

It is the duty of the county road engineer to make reports as directed by the county judge and fiscal court. (26) At the expiration of his term he is required to turn over his books to his successor. (27)

387. LETTERS TO COUNTY ROAD ENGINEER, 1934--. 300 docs. in 1 f.d. Copies of letters written by county judge to county road engineer directing stated repairs to named roads, showing: date, name of road engineer, location and name of road, nature of repairs, name and address of person requesting repairs, and signature of county judge. Also contains:

i. Letters to Work Projects Administration from county judge concerning roads built by relief labor, 1938--, showing: date, to whom addressed, nature of contents, and signature of county judge;
ii. List of county roads to be graded by State Highway Commission, 1936--, showing: name and location of road, district number, and date to be graded;
iii. Price lists of road material, 1938--, showing: description of material, quantity price, list price, delivered price, and discounts;
iv. Bills of sale of motor vehicles purchased by county, showing: make of vehicle, year model, load capacity, style of body, motive power, motor number, chassis number, from whom purchased, price, terms of sale, and signature of county judge;
v. Claim orders issued for payment of work done on county owned motor vehicles, 1938--, showing: name of payee, amount paid for labor and parts, total, car upon which claimant worked, and signature of county judge.

Arr. by subject matter and chron. thereunder by date of document. No index. Hdw. and typed. 12 x 10 x 4½. Co. judge off.

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## XXIV. COUNTY AGRICULTURAL AGENT

Although the office of county agricultural agent is not specifically provided for by law, acts of Congress passed in 1914, 1923, and 1930,

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24. Acts, 1914, p. 379.
25. Acts, 1914, p. 379.
26. Acts, 1914, p. 360.
27. Acts, 1914, p. 378.

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 provisions of an act of Congress providing for cooperative agricultural extension work between the Federal Government and the agricultural colleges in the several states which received the benefit of an act of Congress approved July 2, 1861. (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)

The office of county agricultural agent was not established in Meade County until February 18, 1922, when C. L. Morgan was appointed to serve in that capacity. (5) On October 9, 1923, this office was discontinued, after complaints were made by farmers that they were not receiving practical benefits and assistance from the agent. On March 22, 1927, however, the office of agricultural agent was reestablished and has continued to the present. (6) For the year of 1938, $900 was appropriated for the county agricultural agent's work. (7)

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

388. CORN-HOG CONTRACTS, 1933--. 4 f.d.
Miscellaneous documents pertaining to corn and hog contracts made between farmers and Agricultural Conservation Program, including:

i. Check sheets, showing: name of producer, acres of corn grown, yield, comparison with previous year, reason for difference in yield, amount sold and purchased, and signature of producer;

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1. U.S. CODE, TITLE 7, SEC. 341, ET SEQ.
2. U.S. CODE OF LAWS, 1934 ED., TITLE 2, P. 135; ACTS, 1861-63, PP.335,336; SEE GOVERNMENTAL ORGANIZATION AND RECORDS SYSTEM, SECTION ON EDUCATIONAL ADMINISTRATION, P. 71.
3. ACTS, 1916, P. 156; U.S. CODE, TITLE 7, SEC. 341, ET SEQ.
4. U.S. CODE, TITLE 7, SEC. 341, ET SEQ.; ACTS, 1930, PP. 37, 38; CARROLL, SECS. 4636F-9, 4636H-1.
5. ORDERS COUNTY COURT, VOL. S, P. 525, SEE ENTRY 220.
6. FISCAL COURT ORDERS, VOL. 5, P. 239, SEE ENTRY 2.
7. APPROPRIATION LEDGER, 1935--, VOL. 1, P. 17, SEE ENTRY 23.

ii. Community committee certification, showing: name of producer, district number, number of acres of corn planted, estimated yield per acre, estimated production, general comment, signature of community committeeman, and date filed;
iii. Corn-hog reduction contracts, showing: name and address of producer, location of farm, number of acres in farm, corn acreage, other crop acreage, amount of corn harvested, number of hogs on farm, number sold for slaughter, amount for home consumption, feeders, and breeders, signatures of producer and witness, and date filed;
iv. Determination of corn acreage, showing: name of producer, address, location of farm, corn acreage to be harvested, date planted, date land surveyed, and signatures of producer, supervisor, and witnesses;
v. Preliminary work sheets for corn and hog contracts, showing: name and address of producer, farm acreage, amount of corn grown, other crop acreage, number of acres used for pasturage, woods, and roads, number of crop acres, number of hogs owned, number sold for slaughter, used for stockers, feeders, and breeders, and killed for own use, and number ready for market;
vi. Producers' statements of supporting evidence, showing: name and address of producer, date hogs sold, number sold, weight, to whom sold, number of feeders purchased during year, from whom purchased, signatures of producer and witnesses, and date filed;
vii. Proof of compliance for final payment, showing: name and address of producer, number of acres of corn producer is permitted to grow, amount to be cut for silage, number of contracted acres, number of hogs producer is permitted to produce for marketing, number to be used for home consumption, average number of stock hogs purchased, signatures of producer, witness, and supervisor, and date filed.

Arr. alph. by name of producer. No index. Hdw. and typed on pr. fm. 24 x 24 x 42.

389. TOBACCO CONTRACTS, 1935--. 5 f.d.

Miscellaneous documents pertaining to tobacco contracts made between growers and Agricultural Conservation Program, including:

i. Certification of compliance, showing: name of producer, number of acres in base, tobacco acreage, rental acreage, number of allotted acres, signatures of producer, county committeeman, and witnesses, and date filed;
ii. Community committee's certification of tobacco adjustment contracts, showing: name of producer, address, kind of tobacco to be grown, acreage and pounds allotted, signature of committeeman, and date filed;
iii. Contracting producers' receipts for allotment, showing: card number, total number of pounds producer permitted to sell, signature of producer, and date filed;

iv. Memorandum of tobacco program to producer, showing: name of producer, code and serial numbers, base tobacco acreage and production, tobacco average allotment, number of rented acres, and rental payment;

v. Outline and measurement of each field, showing: name of producer, farm number, outline of each field, number of acres and feet, method used for measuring land, signature of person measuring land, and date filed;

vi. Record of sales under allotment, showing: state, county, code number, contract serial number, number of pounds of tobacco sold, gross sale price, net sale price, name of producer, date of sale, name of warehouse where sold, and signature of warehouse representative;

vii. Supervisors' reports of compliance, showing: name of producer, kind of tobacco grown, number of acres of tobacco base, rented acreage, supervisor's measurement of tobacco acreage, signature of supervisor, and date filed;

viii. Tobacco adjustment contracts, showing: name and address of producer, number of acres in farm, acreage in cultivation, location and description of farm, signatures of supervisor and producer, and date filed;

ix. Tobacco allotments, showing: name of producer, state, and county, serial number, tobacco acreage, allotted number of pounds, and signature of county agent;

x. Tobacco allotment cards, showing: name of producer, date card issued, card number, signatures of county agent and producer, number of pounds of tobacco sold, and number of pounds unsold;

xi. Tobacco marketing cards, showing: name and address of producer, allotment card number, pounds allotted on each card, date, and signatures of producer, witnesses, and committeeman.

Arr. alph. by name of producer. No index. Hdw. and typed on pr. fm. 24 x 24 x 42.

## Reports

390. (FARM REPORTS AND FARM DATA), 1936--. 13 f.d.

Farm reports, correspondence, and general farm data filed by county agricultural agent, including:

i. Acreage calculating sheets, showing: name of farmer, number of farm, reading differences in acreage, gross deduction, net acres, serial number, and signature of supervisor;

ii. Applications for payment, showing: name and address of applicant, kind of crop, division of soil building practices, gross payment, superphosphate furnished, and signatures of applicant and witnesses;

iii. Assignments, showing: state, county, code number, name of assignor, address, name of assignee, address, date, and signatures of assignor and witnesses;

iv. Burley tobacco data sheet, showing: name of farmer, code number, names of laborers working regularly, number of barns for curing tobacco, description of each barn, acreage, yield, marketing of tobacco, and signature of field supervisor;

v. Burley tobacco marketing cards, showing: card number, pounds quota, name of producer, date, and signatures of operator and field supervisor;

vi. Correspondence from farmers regarding acreage allotments, showing: date, to whom addressed, acres of wheat harvested, number of bushels marketed, names and amount of crops farmer plans to grow the following year, and signature of farmer;

vii. Data for payment, showing: code and serial numbers, yield of crops, rate per acre, acreage allotment, acreage for payment, and signatures of applicant and county committeeman;

viii. Farm summaries, showing: kind of crops, date harvested, acreage, base acres, usual acreage, allotments, rate per acre, maximum payment, name and address of operator, and group and code numbers;

ix. Maximum farm payment, showing: name of operator, address, community, kind of crops, allotted acreage, yield, payment, acre rate, maximum payment, total number of acres of pasture, signature of field supervisor, and date checked;

x. Notices of tobacco acreage allotments, showing: date, county, name of operator, serial number, number of acres of allotment, and signatures of chairman and secretary of county committee;

xi. Plats of farms, showing: name of owner, address, number of acres in each plat, whether in crops, orchard, woodland or pastures, and date of plat;

xii. Release of assignments, showing: name of assignor, address, date assignment released, and signatures of assignee and witnesses;

xiii. Reports of soil building practices to be carried out, showing: name of operator, address, practice, extent practice to be carried out, per cent furnished by soil conservation service, units of credit for practice, description of practice, remarks, date of report, and signature of representative of soil conservation service;

xiv. Representations of assignees, showing: name of assignor, address, amount of assignment, amount paid, amount due, signatures of assignee and witnesses, and date filed;

xv. Sales record sheet of burley tobacco, 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;

xvi. Soil building goal, showing: name of operator, address, number of acres in farm, maximum payment, units of practice in soil building goal, soil building practice, amount, number of units, signature of operator, and date filed;

xvii. Soil depleting acreage allotments, showing: name of operator, address, number of acres in farm, maximum payment, number of acres in soil depleting allotment, total number of acres, signature of operator, and date filed;

xviii. State supervisors' summary of performance checks, showing: county, total number of supervisors employed, number of supervisors whose work has been checked, number of supervisors included in report, number of supervisors discontinued and their names, number of farm work sheets in county, number of farms spot-checked, date checked, and signature of supervisor;

xix. Summary of acreages, production, and adjustments, showing: serial number, harvested acreage, total marketing, increase or decrease in yield, adjustments for abnormal conditions, net adjustments for land, labor, and equipment, and date filed;

xx. Summary of supervisors' farm reports, showing: name of farmer, state, code and serial numbers, kind of depleting crops, number of acres, kind of non-depleting crops, number of acres, total acres in crop land, orchards, pasturage, and non-crop land, and date of report;

xxi. Supervisors' farm reports, showing: name and address of operator, field number, total acreage of field, crop, or land use, soil building practices, description of practices, material used, location and description of land, and signature of supervisor;

xxii. Supervisors' reports to county office, showing: name of county, date, number of farm reports completed each day of the week, serial number of farm, hour began work and hour finished, total hours worked, date, and signature of farm supervisor;

xxiii. Work sheets, showing: kind of crop, acreage, yield, name and address of operator, description and location of farm, base acreage, yield, and signature of person filling out work sheet.

Arr. by subject matter and alph. thereunder by name of operator. No index. Hdw. and typed on pr. fm. and plain sheets. 24 x 24 x 42.

391. 4-H CLUB RECORD BOOKS, 1933--. 2 f.d.

4-H club records and project reports filed with county agricultural agent, showing: names of member and parent, project work selected, program made, club a member of, names of club's officers, crops planted, acreage, yield per acre, and remarks. No obvious arr. No index. Hdw. on pr. fm. 24 x 24 x 42.

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# BIBLIOGRAPHY

## Primary Sources

Baldwin, William Edward, ed., Baldwin's Kentucky Statutes Service April 1939, Supplementing Carroll's Official Kentucky Statutes, 8th ed., 1936. Banks-Baldwin Co., Cleveland, 1939.

Bullitt, J. and Feland, J., The General Statutes of Kentucky. Major, Johnson, and Barrett, Frankfort, 1877.

Bullock, E. I. and Johnson, Wm., The General Statutes of the Commonwealth of Kentucky. S. I. M. Major, Frankfort, 1873.

Carroll, John D., Kentucky Civil Code of Practice. The Baldwin Law Publishing Co., Cleveland, 1932.

_____, Kentucky Criminal Code. The Baldwin Law Publishing Co., 1932.

_____, The Kentucky Statutes, 8th ed. Banks-Baldwin Co., Cleveland, 1936.

Code of Practice in Civil and Criminal Cases for the State of Kentucky, prepared by M. C. Johnson, James Harlan, and J. W. Stevenson, Commissioners. A. G. Hodges, Frankfort, 1854.

Constitution of Kentucky, 1792, 1799, 1850, in Bullock and Johnson The General Statutes . . . of Kentucky, 1873 ed., pp. 56-134.

Constitution of Kentucky, 1891, in Carroll's Kentucky Statutes 1936 ed., pp. 34-167.

Department of Education, "Kentucky Public School Directory," Educational Bulletin. Frankfort, 1937.

_____, "Biennial Report of the Superintendent of Public Instruction of the Commonwealth of Kentucky for the Biennium ended June 30, 1937," Educational Bulletin. Frankfort, 1937.

Grogan, Starke M., Financial Statistics of State and Local Governments: 1932. Government Printing Office, Washington, 1935.

Honing, William Waller, compiler, The Statutes at Large . . . Laws of Virginia . . . (1619-1792). 13 vols. Printers and places of publication vary, 1819-23.

Kentucky, Acts of the General Assembly.
For acts from 1792 to 1817, see Littell, William, The Statute Law of Kentucky, 5 vols., listed below.

Bibliography

Acts of the General Assembly of the Commonwealth of Kentucky (titles vary), 1817--. Various printers, Frankfort and Louisville, 1818--.

Kentucky Court Calendar, 1938-39. The Bradley and Gilbert Co., Louisville, 1939.

Kentucky Reports.
Reports of Civil and Criminal Cases decided by the Court of Appeals of Kentucky (titles and names of reporters vary), 1785--. 278 vols. Printers and places of publication vary, 1898--.

Littell, William, The Statute Law of Kentucky with Notes, Praelections, and Observations on the Public Acts (1792-1816). 5 vols. Vol. I, 1792-97, William Hunter, Frankfort, 1809. Vol. II, 1798-1801, Johnston and Pleasants, Frankfort, 1810. Vol. III, 1802-7, Johnston and Pleasants, Frankfort, 1811. Vol. IV, 1808-11, Robert Johnston, Frankfort, 1814. Vol. V, 1812-16, Butler and Wood, Frankfort, 1819.

Loughborough, Preston S., A Digest of the Statute Laws of Kentucky. A. G. Hodges, Frankfort, 1842.

Opinions of the Attorney General of Kentucky . . . 1929-30.
The State Journal Co., Frankfort, 1931. Publication of the opinions of the Attorney General have been few but Carroll's Kentucky Statutes includes annotations of O. A. G.

Seiller, Edward F., compiler, Kentucky Natural Resources, Industrial Statistics, Industrial Directory, Description by Counties, Bulletin 34. Frankfort, 1929.

Stanton, Richard H., The Revised Statutes of Kentucky. 2 vols. Robert Clarke and Co., Cincinnati, 1860.

The Code of the Laws of the United States of America of a General and Permanent Character in Force January 3, 1935. Government Printing Office, Washington, 1935.

The Government of Kentucky, Report of the Efficiency Committee. 2 vols. The State Journal Co., Frankfort, 1924.

The Public Statutes at Large of the United States . . . 1789-1873. 17 vols. Little and Brown (in 1854, Little, Brown, and Co.), Boston, 1845-73.

The Statutes at Large of the United States . . . 1873--. 36 vols. Vol. XVIII and following vols. Government Printing Office, Washington, 1875--.

U. S. Bureau of the Census, Compendium of the Enumeration of the Inhabitants and Statistics of the United States, as obtained . . . from the Returns of the Sixth Census. Thomas Allen, Washington, 1841.

Bibliography

_____, Statistics of the Population of the United States . . . compiled from the Original Returns of the Ninth Census (June 1, 1870). 3 vols. I, Government Printing Office, Washington, 1872.

_____, Report on Manufacturing Industries in the United States at the Eleventh Census: 1890. Government Printing Office, Washington, 1895.

_____, Twelfth Census of the United States: 1900, Population. 2 vols. Government Printing Office, Washington, 1901-2.

_____, Twelfth Census of the United States . . . 1900, Agriculture. 2 vols. United States Census Office, Washington, 1902.

_____, Religious Bodies: 1926. 2 vols. I, Government Printing Office, Washington, 1930.

_____, Fifteenth Census of the United States, 1930 . . ., Population. 6 vols. Vol. III, Part 1, Reports by States . . . Alabama - Missouri. Government Printing Office, Washington, 1932.

_____, Fifteenth Census of the United States, 1930, Agriculture. 4 vols. Vol. II, Part 2, The Southern States. Government Printing Office, Washington, 1932.

U. S. Department of Labor, Directory of Courts Having Jurisdiction in Naturalization Proceedings, 5th ed. Government Printing Office, Washington, 1932.

Wealth, Public Debt, and Taxation: 1922, Public Debt. Government Printing Office, Washington, 1924.

Lexington Herald

Louisville Courier-Journal

Louisville Post

Louisville Times

Secondary Sources

Collins, Richard H., History of Kentucky. 2 vols. Reprint ed. John P. Morton and Co., Louisville, 1924.

Connelley, W. E. and Coulter, E. M., History of Kentucky, edited by Judge Charles Kerr. 5 vols. The American Historical Society, Chicago and New York, 1922.

Bibliography

Duke, Basil W., History of the Bank of Kentucky, 1792-1895. John P. Morton and Co., Louisville, 1895.

Fairlie, John A. and Kneier, Charles Mayard, County Government and Administration. The Century Co., New York, 1930.

Hamlett, Barksdale, History of Education in Kentucky. State Journal Co., Frankfort, 1914.

Jillson, Willard R., Natural Gas in Western Kentucky. The Kentucky Geological Survey, Series 6, Vol. XXXVIII, Frankfort, 1931.

Lewis, A. F., History of Higher Education in Kentucky. Government Printing Office, Washington, 1899.

Meade County, Kentucky: Resources, Attractions, Opportunities, Kentucky Opportunities Department of Associated Industries of Kentucky, Inc. Louisville, 1928.

Monroe, Paul, ed., A Cyclopedia of Education. 5 vols. The MacMillan Co., New York, 1911-13.

Perrin, W. H., Battle, J. H., and Kniffin, G. C., Kentucky: A History of the State. F. A. Battey and Co., Louisville and Chicago, 1888.

Pusey, William Allen, "Grahamton and the Early Textile Mills of Kentucky," The Filson Club History Quarterly (July 1931), vol. 5, no. 3. A separate was issued.

Ranck, George W., History of Lexington, Kentucky. Its Early Annals and Recent Progress. Robert Clarke and Co., Cincinnati, 1872.

Ridenour, George L., Early Times in Meade County, Kentucky. Western Recorder, Louisville, 1929.

Smith, Z. F., History of Kentucky, 4th ed. Prentice Press, Louisville, 1901.

Speed, James, Grand and Petit Jurors. John P. Morton and Co., Louisville, 1873.

Spencer, J. H., A History of Kentucky Baptists. 2 vols. Privately printed, Cincinnati, 1886.

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## PUBLICATIONS

Prepared by the
Kentucky Historical Records Survey Project
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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.

4. Duties and Functions of Kentucky County Government, February 1938. mim. (i-ii) 1-59.

5. Inventory of the County Archives of Kentucky, No. 20, Carlisle County (Bardwell), June 1938. mim. (i-iv) v, 1-166.

6. Inventory of the County Archives of Kentucky, No. 63, Laurel County (London), December 1938. mim. (a-c) (i) ii, 1-244.

7. Inventory of the County Archives of Kentucky, No. 57, Jessamine County (Nicholasville), February 1940. mim. (a-c) (i) ii-vi, 1-331.

8. Inventory of the County Archives of Kentucky, No. 14, Breckinridge County (Hardinsburg), September 1940. mim. (i-v) vi, 1-391.

ublications

. Inventory of Federal Archives in the States, No. 16, Kentucky, The Department of Justice, Series V. 1938. mim. (i) ii-iii (iv) 1-13.

. Inventory of Federal Archives in the States, No. 16, Kentucky, The Farm Credit Administration, Series XVI. 1938. mim. (i) ii-iii, 1-17.

. Inventory of Federal Archives in the States, No. 16, Kentucky, The Department of the Navy, Series VII. 1938. mim. (i) ii-iii, 1-6.

. Inventory of Federal Archives in the States, No. 16, Kentucky, The Department of Labor, Series XI. 1939. mim. (i) ii-iv, 1-19.

. Inventory of Federal Archives in the States, No. 16, Kentucky, The Department of the Treasury, Series III. 1939. mim. (i) ii-v, (1) 2-126.

. Inventory of Federal Archives in the States, No. 16, Kentucky, The Federal Courts, Series II. 1939. mim. (i-ii) iii-viii, 1-81.

. American Imprints Inventory, The Historical Records Survey, No. 5 Check List of Kentucky Imprints, 1787-1810. mim. 1939. (i-iv) v-xxvii, 1-205.

. American Imprints Inventory, The Historical Records Survey, No. 6 Check List of Kentucky Imprints, 1811-1820. mim. 1940. (i-iv) v-xiii, 1-235.

. Inventory of Federal Archives in the States, No. 16, Kentucky, The Department of Agriculture, Series IX. 1940. mim. (i) ii-vi, (1) 2-119.