

UNIVERSITY OF KENTUCKY



INVENTORY OF  
THE COUNTY ARCHIVES  
OF KENTUCKY

NO. 74  
McCREARY COUNTY  
(WHITLEY CITY)

THE HISTORICAL RECORDS SURVEY  
WORKS PROGRESS ADMINISTRATION

INVENTORY OF THE COUNTY ARCHIVES  
OF KENTUCKY

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

NO. 74. McCREARY COUNTY (WHITLEY CITY)

\*\*\*\*\*  
Louisville, Kentucky  
The Historical Records Survey  
February 1938

The Historical Records Survey

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## FOREWORD

The Inventory of County Archives of Kentucky is one of a number of bibliographies of historical materials prepared throughout the United States by workers on the Historical Records Survey of the Works Progress Administration. The publication herewith presented, an inventory of the archives of McCreary County, is number 74 of the Kentucky series.

The Historical Records Survey 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carrying out this objective, the project was organized to compile inventories of historical materials, particularly the unpublished government documents and records which are basic in the administration of local government, and which provide invaluable data for students of political,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, business men 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 attempt to do more than give merely a list of records - they attempt further to sketch in the historical background of the county or other unit of government, and to describe precisely and in detail the organization and functions of the government agencies whose records they list. The county, town, and other local inventories for the entire county will, when completed, constitute an encyclopedia of local government as well as a bibliography of local archives.

The successful conclusion of the work of the Historical Records Survey, 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 was organized and has been directed by Luther H. Evans, and operates as a nation-wide project in the Division of Women's and Professional Projects, of which Mrs. Ellen S. Woodward, Assistant Administrator, is in charge.

HARRY L. HOPKINS  
Administrator

## PREFACE

The Historical Records Survey of Kentucky was inaugurated in January of 1936 as a part of the Federal Writers' Project of the Works Progress Administration. Since December 1936, the Survey has operated as an independent unit of the nation-wide project under the technical supervision of Dr. Luther H. Evans, National Director, Historical Records Survey, and under the administrative supervision of the Division of Women's and Professional Projects of the Works Progress Administration of Kentucky.

Nation-wide uniformity of work has resulted from the use, by the field workers, of standard forms, together with specific instructions from the National Office of the Survey.

Work of the Survey in McCreary County, Kentucky, was begun December 21, 1936, and completed April 10, 1937. A thorough recheck against the actual records of McCreary County has been made, to assure the trustworthiness of the inventory.

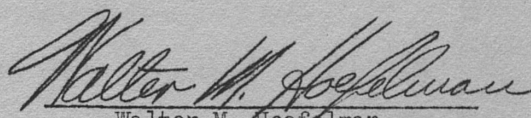
The statute creating the county is cited in the historical sketch. Included is a map of the county reproduced by courtesy of the State Planning Board. The discussion of governmental organization includes a chart exemplifying the governmental set-up in the county. A separate essay concerning each office, including its history, functions, and records, precedes the entries of the present county offices. Recommendations for improvement in the arrangement and care of the county archives have been incorporated in the section on "Housing, Care, and Accessibility of the Records", and have been made after unbiased study.

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

The listing and collecting of data pertaining to the county records was done by Miss Lucy A. Kelly, under the direction of Mrs. Prentice W. Hurst, District Supervisor, who with her office staff consisting of Misses Addie P. Demaree, Sara Davenport, and Nellie Lou Robards, prepared the preliminary inventory. Abraham Freeman compiled the legal data for the individual office essays. Harry P. Hoskins, historian, prepared the historical sketch from original manuscripts located in the Filson Club in Louisville, Kentucky, and records located in the various county depositories. The inventory was prepared in final form by the state office staff. The inventory entries were edited in final form by Mr. William Turner. Miss Mildred Shapinsky, Assistant State Supervisor, aided by Mrs. Elizabeth Johnston, was responsible for the editorial work, including the individual office essays and the section on governmental organization and record system. J. H. Raymer, Assistant State Director, aided by Miss Thelma Bryant, classified and arranged the entries according to the respective offices, making cross references where necessary. William Remington typed the inventory.

Preface

I wish to express appreciation to the officials of the Works Progress Administration in Kentucky, the University of Kentucky, Lexington, the Federal Law Library, Louisville, and the Filson Club, Louisville, for their cooperation and assistance in preparing this inventory. The officials of McCreary County were particularly helpful in assisting our workers and in uncovering records which had been misplaced and were difficult to locate.



Walter M. Hoefelman  
State Director

The Historical Records Survey

Louisville, Kentucky  
February 25, 1938

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### 1. HISTORICAL SKETCH

McCreary County, the last of the 120 counties of Kentucky to be created, was formed in 1912 from parts of Pulaski, Wayne, and Whitley counties, and named in honor of James B. McCreary, governor of the state at that time (Acts, 1912, ch. 46, p. 184; Carroll, ch. 34, p. 435, sec. 906m-1).

At the beginning of the twentieth century 1000 people inhabited three towns in the southeastern part of the state: Whitley City, Pine Knot, and Stearns, which were located in two counties, Pulaski and Whitley. These towns were about twenty-five miles from the nearest county seat, and because of poorly constructed roads and inadequate transportation, this situation presented a serious problem. In 1900 a petition was filed in the state courts, asking that a new county be created. A bill to this effect was introduced and passed the house of representatives and the senate, but was vetoed by J. C. W. Beckham, governor of the state at the time it was presented.

No further attempt was made toward the creation of the county until 1912, when the new county was organized with its boundaries so drawn that they would run not less than ten miles from the county seat of any adjoining county, at the same time, however, giving the new county an area of not less than four hundred square miles (Cont. of 1891, sec. 63).

McCreary County is bounded on the north by Wayne and Pulaski counties; on the east by Whitley County; on the south by the state of Tennessee; and on the west by Wayne County.

A commission composed of three county residents was appointed by the governor to select a temporary county seat. This committee chose Pine Knot, and the first governmental transactions were carried on in a church building. (Acts, 1912, ch. 46, pp. 188, 189.).

Pine Knot remained the county seat until November 1914, when, by vote of the people, Whitley City, a town nearer the center of the county, was chosen. The first courthouse was a frame building erected in December 1914. The building was destroyed by fire in 1927 and with it the greater part of the county records. In 1928 the court authorized the construction of a two-story, fireproof, brick building at a cost of \$50,000. The county jail, located at the right rear of the courthouse, is a two-story building of brick and cement construction, erected in 1915. (Fiscal Court Orders, entry 1.).

McCreary County offers sharp contrast between narrow winding valleys and steep forested ridges, and the peculiar formations of hard rock, shale, and sandstone in this region result in great cliffs such as those which produce the famed Cumberland Falls. Bituminous coal is the most important mineral resource of the county, and small amounts of oil and gas have been developed also. Limestone suitable for building purposes is found in certain sections around the valley of the South Fork of the Cumberland River.

Coal mining and timbering are the chief industries, McCreary being one of the outstanding exporting counties in the eastern Kentucky coal field. The forested sections give rise to heavy lumber industry, the center of which

is Stearns, an unincorporated town owned by the Stearns Coal and Lumber Company. Because the topography is steep and the soil thin, McCreary has the smallest percentage of land devoted to farming of any county in Kentucky.

McCreary County abounds in scenic and historic attractions. At the eastern edge of the county in the Cumberland River, which separates Whitley and McCreary counties, is the Cumberland Falls, which is a constant attraction to tourists. Natural rock formations, such as "Indian Head Rock" and a natural bridge eighty feet high, caves, falls, and springs afford interest and scenic beauty for visitors.

The entire county is included in the area designated as the Cumberland National Purchase. This area the government proposes eventually to purchase, retire from cultivation and other uses, and develop into a forest preserve.

Whitley City lies 1,317 feet above sea level, being the highest altitude of any county seat in Kentucky. It is situated on the dividing ridge between the Main and South forks of the Cumberland River. (Kentucky: Resources, Attractions, Opportunities.)

According to the 1930 U. S. Census, Whitley City has a population of 495, but is not an incorporated town. McCreary County, according to the same census, has a total population of 14,627.

The county is served by both bus and railroad lines. U. S. Highway No. 27, known as the Cincinnati-Lookout Mountain Road, crosses the county from north to south.

#### Bibliography

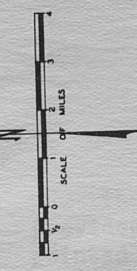
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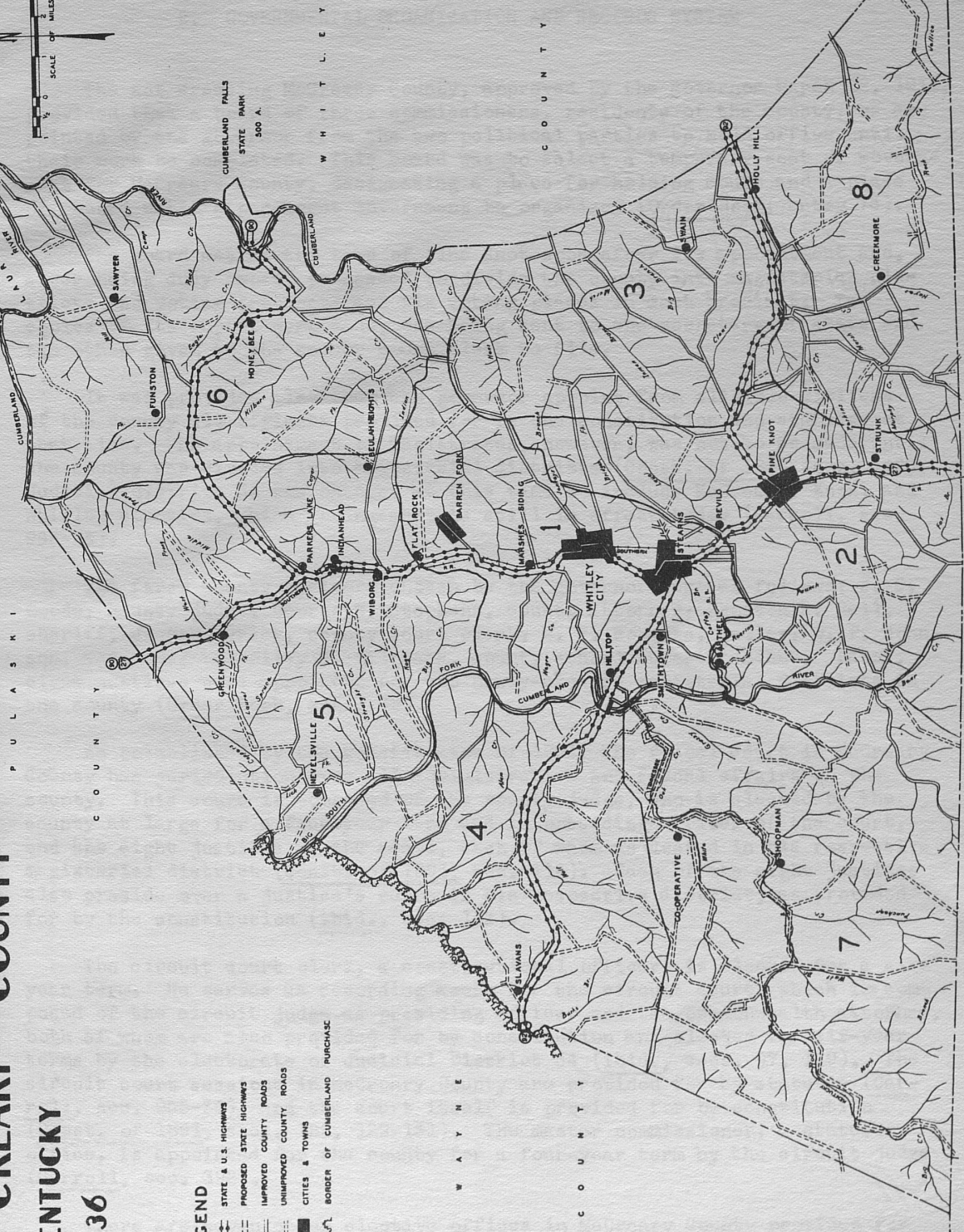
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# M'CREARY COUNTY KENTUCKY 1936



- LEGEND**
- STATE & U.S. HIGHWAYS
  - PROPOSED STATE HIGHWAYS
  - IMPROVED COUNTY ROADS
  - UNIMPROVED COUNTY ROADS
  - CITIES & TOWNS
  - BORDER OF CUMBERLAND PURCHASE



2. GOVERNMENTAL ORGANIZATION AND RECORDS SYSTEM

The act creating McCreary County, approved by the governor March 12, 1912, provided that a board of three commissioners, residents of the county, be appointed by the governor from the two political parties to hold office until their work be completed. This board was to select a temporary seat of government for McCreary County, designating a place for holding court and a place of record until a permanent government be organized (Order Book, entry 75).

The board met at the town of Pine Knot soon after its appointment and, after being duly sworn, proceeded to divide the county into magisterial districts and voting precincts and fix voting places in each precinct. Two copies of its report were made, one being sent to the secretary of state and the other given to the county court clerk to file.

It was provided also that the governor appoint from eligible citizens of the county all officers provided for by the constitution and statutes at that time. The appointment of magistrates, however, was not to be made until the county was divided into magisterial districts (Const. of 1891, sec. 142). Judicial district 34 was changed at this time to include McCreary, Knox, and Whitley counties, which arrangement is still in effect today (Carroll, sec. 965-34).

The first county officers chosen by the governor were as follows: J. C. Goode, county judge; George W. Stephens, county attorney; Preston R. Bell, sheriff, Joseph Myrick, county court clerk; W. F. Roberts, jailer; W. P. Johnson, assessor; and Wiley S. Gilreath, county school superintendent. Later, eight justices were appointed for the newly-created magisterial districts in the county (Order Book, entry 75).

As established by the constitution of 1891, the fiscal court in McCreary County has jurisdiction over all administrative and fiscal affairs of the county. This court is composed of the county judge, who is elected by the county at large for a four-year term and is presiding officer of the court, and the eight justices of the peace, each of whom is elected in his respective magisterial district (Const. of 1891, sec. 114). Each of the eight justices also preside over a justice's court in his respective district, as provided for by the constitution (ibid., sec. 142).

The circuit court clerk, a constitutional officer, is elected for a six-year term. He serves as recording agent for the circuit court, which is composed of the circuit judge as presiding officer and the commonwealth attorney, both of whom are also provided for by constitution and elected for six-year terms by the electorate of Judicial District 34 (ibid., secs. 97, 129). The circuit court sessions in McCreary County are provided for by statutes (Carroll, sec. 965-34), and the court itself is provided for by constitution (Const. of 1891, secs. 125, 129-131). The master commissioner, a statutory office, is appointed for the county for a four-year term by the circuit judge (Carroll, sec. 392).

There are seven other elective offices in McCreary County provided for by constitution and serving for four-year terms: county attorney, county court

clerk, coroner, surveyor, sheriff, jailer, one constable for each of the eight justices' districts. All except the sheriff are eligible for re-election (ibid., sec. 99).

Two elective offices in McCreary County provided for by statute for terms of four years are the county tax commissioner (Carroll, sec. 4042a-2) and the county board of education, composed of five members elected by their respective school districts (ibid., secs. 4399-17, -24).

Besides the fiscal court and justices' courts, McCreary County has county, quarterly, and juvenile courts. The county court, as provided for by constitution (Const. of 1891, sec. 140), is a court of record primarily concerned with probate matters, although penal and misdemeanor cases may also be heard (Carroll, sec. 1093). The juvenile court, provided for by statutes, is a part of the county court (ibid., sec. 331e-2). The quarterly court, a constitutional court, has jurisdiction in minor penal and misdemeanor cases (Const. of 1891, sec. 139). All three courts are presided over by the county judge.

The appointive statutory offices in McCreary County are: county treasurer, appointed by the fiscal court for a term of four years (Carroll, sec. 929); the county auditor, appointed annually by the fiscal court, essentially an examiner of claims and accounts against the county (ibid., sec. 1840); the county board of health, serving for a term of two years and composed of the county judge, three members appointed by the state board of health, and one member appointed by the fiscal court; the county health officer, appointed by the county board of health (ibid., sec. 2055); the board of tax supervisors, appointed annually by the county judge (ibid., sec. 4115); the county road engineer, appointed for a two-year term by the county judge with the approval of the fiscal court (ibid., sec. 4325); the county school superintendent, appointed by the county board of education for four years (ibid., sec. 4388-34); the county election commissioners, composed of the sheriff and two members appointed annually by the state board of election commissioners; the county election officers, appointed by the county board of election commissioners (ibid., secs. 1596a-2, -3); and the county agricultural agent, appointed jointly by the fiscal court and the College of Agriculture of the University of Kentucky (ibid., secs. 4636g-2, h-1, t-9).

The county budget commission, provided for by an act passed in 1934, is composed of the county judge, county attorney, and one member appointed by the fiscal court (ibid., sec. 1851c-2).

A large percentage of the land area of McCreary County is government-owned or under option to the government for forest preserves. The loss of tax revenue from this section is presenting an increasingly serious problem to the county.

In the various office essays specific mention is made of the different records required by law to be kept by county officers. This does not mean, however, that all such records will be found in McCreary County.

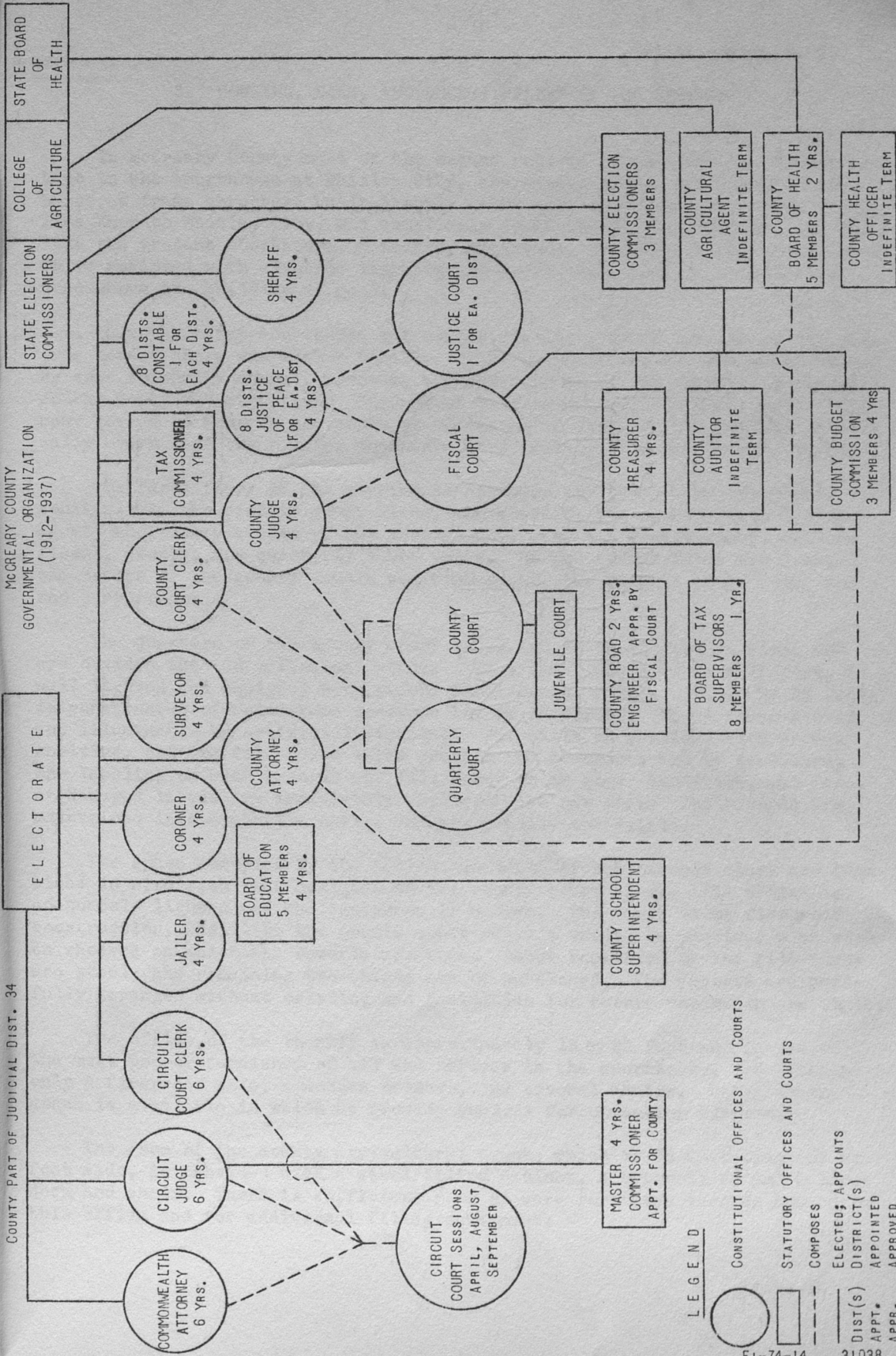
Governmental Organization  
and Records System

(First entry, p. 15)

As definitely set forth by constitution and statutes, the county court clerk is the principal custodian of records, as well as the major recording agent in the county's governmental system. He keeps records for the fiscal, county, quarterly, and juvenile courts and also reports property records in the county, maintains a cross index for same, and issues and reports marriage licenses. Most of these records the county court clerk keeps in his own office.

The circuit court clerk is the recording agent for the circuit court and ex officio county librarian. He is also subject to the order of the circuit court in regard to keeping indexes and cross indexes to circuit court records. The master commissioner is responsible for maintaining records of certain property transfers.

There are no statutes which specifically require the keeping of the records of the various counties in a uniform manner. Record systems used by the county health department, the county tax commissioner, and the county school superintendent are prescribed by their respective state departments. All other records maintained by county offices are kept in accordance with the system designed and adopted by the county for its particular needs.



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

In McCreary County most of the extant records of the various offices are kept in the courthouse at Whitley City, the county seat. The first courthouse, a frame structure built shortly after the county seat was moved from Pine Knot to Whitley City, was completely destroyed by fire in 1927, and in 1928 the present courthouse, a modern, two-story, brick building, was erected. It is equipped with electric lighting and steam heat, and the ventilation throughout the building is good.

When the first courthouse was destroyed, the greater portion of the records housed there was either totally burned or badly charred and water-soaked. By some fortunate chance, however, the order books of the county and fiscal courts escaped destruction. Throughout this inventory it will be noted that many series of records are shown as beginning in 1927 or 1928, and in practically every case the missing documents were destroyed in the courthouse fire.

The first floor of the courthouse contains the offices of the county court clerk, the circuit court clerk, the sheriff, the county agricultural agent, the county attorney, the county judge, the tax commissioner, and the fiscal, county, and quarterly court rooms. On the second floor are located the office of the county school superintendent, the circuit court room, and the jury rooms.

The quarters of the county court clerk are 26 by 22 feet in size, and are divided into an office and vault. The office, which is 16 by 22 feet, is well lighted and equipped with modern furnishings. The vault, 10 by 22 feet, is constructed of reinforced concrete and is fireproof. It is steam-heated and illuminated by artificial lighting. The vault is provided with wooden shelving, and the file boxes which contain the documents are of cardboard. The labeling on both records and file boxes is in good condition, and faded or damaged labels are immediately replaced with new ones. The records are maintained in consecutive series and are readily accessible.

The space occupied by the office and vault of the circuit clerk are identical in size with that assigned to the county court clerk. The office is adequately lighted and the equipment is modern. The vault is of fireproof construction, and, like the county court clerk's vault, is provided with wooden shelves on which the records are kept. About one-third of the file boxes are steel; the remaining two-thirds are of cardboard. The records are carefully arranged without crowding and facilities for future expansion are ample.

The office of the sheriff is approximately 16 by 22 feet and is one of the most poorly furnished of all the offices in the courthouse. It contains only a fireproof safe, a wooden counter, and several chairs. Here, again, space is available in which to provide shelves for expansion purposes.

The room of the county agricultural agent, which is 16 feet long and 22 feet wide, is provided with a steel filing cabinet, a typewriter, and a large desk and chair. There is sufficient room to care for those records housed in this office and for additional filing equipment.



The county attorney's office measures 18 by 22 feet and is a large, well lighted and ventilated room. It contains a steel desk, a few chairs, and a steel filing cabinet. Records relating to matters which concern the county attorney are housed here only until final disposition of them is made; consequently no records are kept permanently in this office.

The office of the county judge is a large, orderly room which contains a steel filing cabinet, besides the equipment customarily used by officials. In this cabinet is ample space for the storage of the records of receipts for fees which the county judge keeps in this office.

The office of the tax commissioner is a commodious room, 18 by 27 feet, and in addition to the office furnishings, it is provided with wooden shelves on which the records are arranged in orderly manner.

In the office of the county school superintendent there is adequate room for present and future storage, and those records now in his care are housed in a large steel filing cabinet.

The room assigned to the county health officer is located in the basement. Here, in contrast to the other county offices, the lighting is only fair, and furniture and filing cabinets are badly needed. The clinic, on the other hand, has excellent lighting facilities, and the equipment is entirely adequate. Records cared for here are in good order, and provision can easily be made to store future records.

The master commissioner's office is located in a fireproof brick building opposite the courthouse. This office is well lighted and ventilated, and wooden shelving provides sufficient space for the storage of records.

The jailer keeps his register in his office at the jail, which is located in the rear of the courthouse. The various magistrates' records are kept in homes of the justices in Wiberg, Bee Rock, Shoopman, Pine Knot, Ritner, and Barthell, small towns in McCreary County.

Records in all the county offices are in exceptionally good order and are maintained with systematic care far above that generally found in the average county courthouse. In none of the offices are the records crowded for lack of space, and there is adequate room in practically every office for the storage of additional records. Moreover, the records are generally kept clean and neat and are easily accessible. Accommodations for those desiring to use the records are satisfactory in the various offices, and the officials offer courteous assistance.

Because the county was so recently created, there are few gaps in series of records except those caused by the courthouse fire. There are also remarkably few miscellaneous file boxes, haphazard assembling of dissimilar records is eliminated, and documents are kept and identified according to their classification and series.

The replacement of all wooden shelving by steel roller-type racks, and the substitution of steel filing cabinets for cardboard file boxes is recommended for the offices of the county court clerk, the circuit clerk, and the

List of Abbreviations, Symbols,  
and Explanatory Notes

tax commissioner. Furniture is needed in the sheriff's office; steel filing cabinets, desks, and chairs would be a desirable addition to the equipment of the county health office, also, which would greatly increase its utility. The clinic, also, should be provided with another outlet as soon as possible, as its only entrance and exit is through the health office. The provision for an exit from the office used as a clinic would eliminate much confusion in operating the clinic.

4. LIST OF ABBREVIATIONS, SYMBOLS, AND EXPLANATORY NOTES

Abbreviations

Acts . . . . .	Acts of the General Assembly of Kentucky
alph. . . . .	alphabetical(ly)
arr. . . . .	arranged
art(s). . . . .	article(s)
aver. . . . .	average
bd. . . . .	board
ch. . . . .	chapter
chron. . . . .	chronological(ly)
Carroll . . . . .	Carroll's Kentucky Statutes, Baldwin's Revision (1936 ed. unless otherwise specified)
cir. . . . .	circuit
civ. . . . .	civil
clk's. . . . .	clerk's
co. . . . .	county
com's. . . . .	commissioner's
cond. . . . .	condition
Const. . . . .	Constitution of Kentucky
crim. . . . .	criminal
ct. . . . .	court
docs. . . . .	documents
éd. . . . .	edition
et seq. . . . .	et sequens, and the following
fms. . . . .	forms
hdw. . . . .	handwritten
ibid. . . . .	ibidem, same reference as the preceding
Ky. Stat. . . . .	Kentucky Statutes
n.d. . . . .	no date
no(s). . . . .	number(s)
numer. . . . .	numerically
off. . . . .	office
p., pp. . . . .	page, pages
pr. . . . .	printed
sch. . . . .	school
sched. . . . .	schedule
sec(s). . . . .	section(s)
sess. . . . .	session(s)
supt's. . . . .	superintendent's
U. S. . . . .	United States
vlt. . . . .	vault
vol(s). . . . .	volume(s)

List of Abbreviations, Symbols,  
and Explanatory Notes

Symbols

- . . . . . indicates both dates, letters, or numbers are inclusive
- . . . . . indicates that record is current
- x . . . . . used between figures to indicate "by"
- ' . . . . . used after figures to indicate "feet"
- " . . . . . used after figures to indicate "inches"

Explanatory Notes

The system of arrangement of the offices in this inventory is according to functions, following the order of administrative, judicial, taxation, law enforcement, and service divisions.

Records are classified on the basis of jurisdiction or issuing office, whichever the case may be.

Within the individual classifications, entries are placed in the order of their relative importance.

The following assumptions have been adopted:

The term "alph. indexed by name of (plaintiff, grantor, etc.)" contained in the entry indicates the type of self-contained index.

Size given in entries refers to size of bindings or containers and not to size of pages or documents.

The term, "file box", used in entries may indicate either filing cases or boxes.

Titles of entries in capitals are the titles of current records of a series.

Where the current title does not clearly indicate the contents of the record, an assigned title has been placed in parentheses, lower case, immediately after the given title; if an entry has no given title, an assigned title has been placed in parentheses in capitals.

Where statutes are cited in the essays on county offices, section or page is indicated by sec. or p.

Where various county offices are cited, this refers in all cases to office essays included in this volume.

Numerals appearing in parentheses at top of page always refer to entry number.

## I. FISCAL COURT

The fiscal and governmental affairs of McCreary County, as authorized by the constitution of 1891, are administered by the fiscal court, composed of eight justices of the peace and the county judge, who is presiding officer (Const. of 1891, sec. 144). The majority of the members of this court constitute a court for the transaction of business (ibid., sec. 142).

The first county judge of McCreary County was J. C. Goode, appointed by the governor in 1912 at the time of the county's creation. The first justices of the peace were chosen after the rest of the county's governmental organization was set up and the justices' districts formed. After the initial appointment, the county judge was elected in the county every four years (see office of County Judge) and a justice was also elected every four years in each justice's district (see office of Justices of the Peace; Const. of 1891, sec. 99). The clerk of the county court acts as clerk of the fiscal court (Carroll, sec. 1835). Two regular sessions of the court are held each year at the county seat, but the county judge may call special terms (ibid., secs. 1838, 1839).

Unless otherwise provided by law, the fiscal court exercises the corporate powers of the county (ibid., sec. 1834). It has jurisdiction to: appropriate county funds authorized by law to be appropriated; erect and keep in repair necessary public buildings; secure an adequate jail and a comfortable, convenient place for holding court at the county seat; erect and keep in repair bridges and other structures; regulate and control the fiscal affairs and property of the county; cause correct accounts and records to be kept of all receipts and disbursements of the public funds in the county, having all county officers' accounts audited; make provision for the maintenance of the poor and provide a poorhouse and farm for the maintenance of the indigent sick and for hospitalization for such persons; provide for the good condition of the highways of the county; and appropriate funds to secure immigration into the county and advertise its resources (ibid., sec. 1840). It is further authorized by a statute of 1930 that there shall be established a county law library in the county seat. The fiscal court is directed to provide adequate room for this library, and the circuit court clerk, by virtue of his office, is the librarian. The members of the fiscal court are authorized to serve as trustees of the library. (Ibid., ch. 77d, secs. 2438c-8, et seq.; see office of Circuit Court Clerk.) In addition to these duties, other statutes authorize the fiscal court to: offer bounties for each crow killed in the county (ibid., sec. 1840f-1); levy and collect a poll tax and ad valorem tax to pay off the existent current indebtedness (ibid., sec. 1882); provide for the support of the blind (ibid., sec. 1893a-10); appropriate money to carry on extension work in agriculture and home economics in the county (see office of County Agricultural Agent; Carroll, sec. 4636g-2); provide for crippled children (ibid., sec. 331m-9); buy and sell land for the county (ibid., sec. 927); create county health districts (ibid., secs. 2054a-1, et seq.); maintain sanatoriums for the treatment of tuberculosis (ibid., sec. 2061a-3); acquire and construct armories (ibid., sec. 2711a-128); establish and maintain playgrounds and a recreation system (ibid., sec. 3909a-2); issue bonds to finance indebtedness (ibid., sec. 1857); contract for the reclamation of swamp lands (ibid., sec. 2415); and publish the financial condition of the county

annually (ibid., sec. 1846).

The fiscal court makes the following appointments in McCreary County: the county treasurer (ibid., sec. 929); a person to fill a vacancy in the office of county judge (ibid., sec. 3758-1); one member of the county board of health (ibid., sec. 2055); the county auditor (ibid., sec. 1840); a person or bank as receiver of the tax (ibid., sec. 1855) and one member of the county budget commission (ibid., sec. 1851c-2). In addition, the statutes provide that the fiscal court may make the following appointments, which, however, are not mandatory and do not exist in McCreary County; a commissioner to sell bonds issued by it for erecting and repairing public buildings (ibid., secs. 1873, 1874); commissioners to examine all contract proposals for purchasing stock in turnpike road companies (ibid., sec. 4739); an inspector and weigher of grain for grain warehouses (ibid., sec. 4793); road commissioners (ibid., sec. 4307a-1); and a playground and recreation board (ibid., sec. 3909a-2). The appointment of the county road engineer is approved by the fiscal court (ibid., sec. 4325).

#### Court Orders

1. FISCAL COURT ORDERS, 1913--. 4 vols. (1-4).  
Type and disposition of order, showing date, amount, and name of principal. Arr. chron. by date of order. Alph. self-contained index direct by name of principal. Hdw. on pr. fms. Vols. aver. 400 pp. 17x11x2. Co. ct. clk's. vlt.

#### Treasurer's Reports

2. (TREASURER'S REPORTS), 1936--. 1 vol.  
County treasurer's reports of receipts and disbursements, showing date and reason for amount received or paid, names of payer and payee, signature of treasurer. Arr. chron. by date of report. No index. Hdw. on pr. heads. 300 pp. 8x14x2. Co. ct. clk's. vlt.

#### Claims

3. FISCAL COURT CLAIMS, 1928--. 9 file boxes (labelled as follows: 1-50, 51-150, 151-250, 251-350, 351-450, 451-550, 551-628, 629-710, 711).  
Orders made by fiscal court that claims be paid, showing date, number, amount, and description of claim, name of claimant, date of order and certification of county court clerk. Arr. numer. by claim no. No index. Hdw. on pr. fms. 4 $\frac{1}{2}$ x4 $\frac{1}{2}$ x10. Co. ct. clk's. vlt.
4. CLAIMS ALLOWED, 1927-28, 1930--. 28 file boxes.  
Claims for services to county allowed from county fund, showing name of claimant, type and amount of claim, date allowed. Arr. chron. by date allowed. No index. Typed on pr. fms. 4 $\frac{1}{2}$ x4 $\frac{1}{2}$ x10. Co. ct. clk's. vlt.
5. CLAIMS NOT ALLOWED, 1930--. 6 file boxes.  
Claims for services to county not allowed by fiscal court, showing names of

claimant and fiscal court officials, date, amount, number, and description of claim, reason for non-payment, signature of court clerk. Arr. chron. by date of claim. No index. Typed on pr. fms.  $4\frac{1}{2} \times 4\frac{1}{2} \times 10$ . Co. ct. clk's. vlt.

## II. COUNTY COURT CLERK

At the time of the creation of McCreary County in 1912, Joseph Myrick was appointed county court clerk by the governor. As provided for by the present constitution, subsequent county court clerks were elected from the county at large for a four-year term, with vacancies to be filled by the governor. The clerk must be twenty-one years of age, a resident of the state for two years and of the county for one year preceding his election. He is compensated on a fee basis. (Const. of 1891, secs. 99, 100, 152; Carroll, §80, 172.)

Upon the expiration of his term or upon removal, the county court clerk is required to deliver all books, records, and other papers belonging to his office to his successor or such persons as the county court may direct (ibid., sec. 374). He must write up proceedings of the court each day (ibid., sec. 378); list all steps in each case within thirty days after the close of each term of court (ibid., sec. 379); administer oaths in or out of court, touching any matter in which an oath may be legally administered (ibid., sec. 380); keep office within two hundred yards of the courthouse and hold it open and accessible at all reasonable times (ibid., sec. 380); and, after termination of county court sessions, make out a list of claims against the public treasury and forward it to the state auditor of public accounts (ibid., sec. 359).

By virtue of his office the county court clerk is also clerk of the fiscal court, and he is to attend all sessions of that court and report all proceedings (ibid., sec. 1835).

The county court clerk is required further to: certify and affix seals to soldiers' claims or to any power of attorney concerning same, free of charge (ibid., sec. 382); keep a record of persons testifying in court upon legal summons (ibid., sec. 383); record all license fees collected or paid to the circuit court (ibid., secs. 4252, et seq.); keep an alphabetical cross index of all conveyances recorded in his office (ibid., sec. 513); advertise yearly a list of all unrecorded deeds in his office and state why same were not recorded (ibid., sec. 512); preserve all papers connected with the county court (ibid., sec. 1069); prepare all ballots, et cetera, for voting purposes (ibid., secs. 1453, et seq.); return all unused licenses and stubs for the previous year to the state game and fish commission (ibid., sec. 1954c-30); issue marriage licenses and record same (ibid., secs. 2106, 2108-1); make a biennial report to the county judge of all law books received on public account (ibid., sec. 2429); and safeguard all books for which he is responsible under bond (ibid., sec. 2430).

Additional duties require the county court clerk to keep a medical register of all physicians in the county (ibid., sec. 2611); administer official oaths (ibid., sec. 3754); record all instruments of writing acknowledged or

County Court Clerk

(Next entry 6, p. 18)

proved before him as required by law (ibid., sec. 511); record all settlements made by the county treasurer (ibid., sec. 933); receive applications for automobile licenses, distribute registration plates, and report and remit to the state tax commission for the same (ibid., secs. 2739g-2a, 2739g-62); and record wills (ibid., sec. 4864). He must not permit records or papers belonging to his office to be removed from the county, except at times of invasion or insurrection, or upon order of the court. If, for these causes, such records are removed from the county, he must cause their return as soon as the necessity for such removal has ceased to exist. (Carroll, ch. 21, sec. 377.). He must not be interested in contracts with the county (ibid., sec. 1844).

The county court clerk acts as clerk of the board of tax supervisors (ibid., sec. 4121), and he keeps and makes copies of orders of appointment of tax supervisors (ibid., sec. 4116). He records and indexes the report of the sheriff pertaining to sale of property for taxes (ibid., sec. 4162); certifies to the county tax commissioner each year a complete statement of all conveyances for the preceding year (ibid., sec. 4240); makes an account of all public moneys received by him up to the first day of each circuit court session (ibid., sec. 4242); enters in a well-bound book all moneys received (ibid., sec. 4243); keeps a minute book of chattel mortgages in which to enter abstracts of all pledges, mortgages, or liens upon personal property (ibid., sec. 523b-8); furnishes a list of mortgages and liens to the county tax commissioner (ibid., secs. 4051a, 4051b); reports to the state tax commission on the sale of real estate (ibid., sec. 4114i-14); certifies the tax on all distilled spirits, forwarding a copy to the sheriff for collection (ibid., sec. 4108); makes out original bills for each person required to pay poll tax (ibid., sec. 4239i); and, before September 1, makes and certifies to the county tax commissioner a complete statement of all purchase money, notes, mortgages, and other obligations or liens for money due the county (ibid., sec. 4051a).

The county court clerk is authorized to grant all licenses as agent for the state where business is proposed to be conducted in the county, except as otherwise specially provided (ibid., sec. 4190); this includes transient merchants, pedlars, and other miscellaneous operators (ibid., secs. 4214d, et seq., 4215, et seq., 4216, 4217b, et seq., 4223a, et seq., 4224, et seq.). He is also to forward stubs of licenses granted to the state auditor of public accounts within two days and the receipts for them once a month, at this time collecting his five per cent commission (ibid., sec. 4195). The clerk receives listings between July 1 and October 1 of mineral, oil, and gas rights and makes out tax bills for same, assessing a twenty per cent penalty for non-compliance of owners, and turns over the bills to the sheriff for collection (ibid., sec. 4039). He also: makes a recapitulation of the tax supervisors' work (ibid., sec. 4128a-1); makes out a bill for assessment of omitted papers (ibid., sec. 4121-3); on or before January 1, receives from the county tax commissioner all tax schedules except those of intangible property, filing and preserving same for five years (ibid., sec. 4114i-15); and makes out annually a book of tax bills and stubs for the use of the sheriff or collector (ibid., sec. 4239a). The county court clerk may appoint deputies to assist him (ibid., sec. 372).

Land Instruments

Deeds

6. OLD DEEDS, 1912-33. 3 file boxes.

Original deeds that have been recorded, showing names of grantor and grantee, description of property, date, amount, and purpose of deed, date filed, certification of clerk. Contains: Mortgages, 1912, 1915, 1921-22, entry 12. Arr. chron. by date of deed. No index. 1913, 1917, 1924-25, typed on pr. fms.; 1912, 1914-16, 1918-23, 1926-33, hdw. on pr. fms.  $4\frac{1}{2} \times 4\frac{1}{2} \times 10$ . Co. ct. clk's. off.

For record of deeds, see entry 7.

7. DEED BOOK, 1912--. 30 vols. (1-30).

Record of deeds, showing names of grantor and grantee, amount of consideration, description of property, dates of payments and recording, certification of clerk, signatures of grantor and grantee. Arr. chron. by date of recording. For index, see entry 8. 1912-27, hdw. on pr. fms.; 1928--., typed on pr. fms. Vols. aver. 600 pp. 17x11x2. Co. ct. clk's. vlt.

For original deeds, see entry 6.

8. INDEX TO DEED BOOK, 1912--. 3 vols. (2-4).

Index to Deed Book, entry 7, alphabetical direct and inverted index by names of grantor and grantee, showing volume number and page where recorded. Arr. alph. direct by name of grantor and inverted by name of grantee. Hdw. on pr. heads. Vols. aver. 600 pp. 17x11x3. Co. ct. clk's. vlt.

Leases and Contracts

9. LEASE BOOK, 1917--. 3 vols. (1A, 2, 3). Prior records missing.

Record of leases on rented land, showing names of lessor and lessee, purpose of lease, description and location of land, date and terms of lease, signatures of lessor and lessee and certification of court clerk. Arr. chron. by date of lease. Alph. self-contained index direct by name of lessor and inverted by name of lessee. For separate index, see entry 10. Hdw. on pr. fms. Vols. aver. 450 pp. 17x11x2. Co. ct. clk's. vlt.

10. GENERAL CROSS INDEX TO LEASES, 1912--. 1 vol.

Index to Lease Book, 1917--., entry 9, and to lease books missing, alphabetical direct and inverted index by names of lessor and lessee, showing volume number and page where recorded. Arr. alph. direct by name of lessor and inverted by name of lessee. Hdw. on pr. heads. 500 pp. 17x11x2. Co. ct. clk's. vlt.

11. CONTRACTS, 1912--. 4 vols. (1-3, 3B). Last entry, 1935.

Sales contracts recorded between named vendor and purchaser of property, showing description and location of property, amount, date, terms, signatures of vendor and purchaser, certification of county court clerk. Arr. chron. by date of contract. Alph. self-contained index direct by name of vendor and inverted by name of purchaser. Hdw. on pr. fms. Vols. aver. 500 pp. 17x11x2.



Co. ct. clk's. vlt.

Mortgages and Liens

12. MORTGAGES, 1920-35. 2 file boxes. 1912, 1915, 1921-22 in Old Deeds, entry 6.

Original real estate mortgages that have been recorded, showing names of mortgagor and mortgagee, description and location of property, date, amount, and terms of mortgage. Arr. chron. by date of mortgage. No index. Hdw. on pr. fms. 4 $\frac{1}{2}$ x4 $\frac{1}{2}$ x10. Co. ct. clk's. off.

13. MORTGAGES (Real Estate and Chattel Mortgages), 1912--. 7 vols. (1A, 1B, 2-6).

Real estate mortgages recorded, showing names of mortgagor and mortgagee, date and amount of mortgage, terms, description and location of property, signature of mortgagor and certification of court clerk. Contains: (Chattel Mortgages), 1912-25, 1928--, entry 18. Arr. chron. by date of mortgage. For index, see entry 14. 1912-34, hdw. on pr. fms.; 1935--, typed on pr. fms. Vols. aver. 500 pp. 17x11x2. Co. ct. clk's. vlt.

14. GENERAL CROSS INDEX TO MORTGAGES (Real Estate and Chattel Mortgages), 1912--. 2 vols.

Index to Mortgages (Real Estate and Chattel Mortgages), entry 13, alphabetical direct and inverted index by names of mortgagor and mortgagee, showing volume number and page where recorded. Contains: General Index to Chattel Mortgages, 1912-25, entry 19. Arr. alph. direct by name of mortgagor and inverted by name of mortgagee. Hdw. on pr. fms. Vols. aver. 500 pp. 17x11x2. Co. ct. clk's. vlt.

15. MECHANICS LIENS, 1927--. 1 vol.

Liens filed against property to insure payment for labor and materials furnished, showing names of parties to lien, reason for filing, amount of lien, description and location of property. Arr. chron. by date of filing. Alph. self-contained index direct by name of claimant. Hdw. on pr. fms. 500 pp. 17x11x2. Co. ct. clk's. vlt.

Personal Property

16. ARTICLES OF INCORPORATION, 1914--. 1 vol.

Record of articles of incorporation, showing name and purpose of business, location, names of incorporators, amount of capital stock, date incorporated. Arr. chron. by date incorporated. Alph. self-contained index direct by name of corporation. Hdw. on pr. fms. 530 pp. 18x12x2. Co. ct. clk's. vlt.

17. CHATTEL MORTGAGES, 1928--. 4 file boxes (numbered as follows: 1-200; 200-400; 400-600; 600-800).

Original personal property mortgages that have been recorded, showing names of mortgagor and mortgagee, description and location of property, date and terms of mortgage, signature of mortgagor and certification of court clerk,

County Court Clerk-Disbursements

(18-24)

date recorded. Arr. numer. by mortgage number. No index. Typed on pr. fms. 4 $\frac{1}{2}$ x4 $\frac{1}{2}$ x10. Co. ct. clk's. vlt.

18. (CHATTEL MORTGAGES), 1912-25, 1928--. In Mortgages (Real Estate and Chattel Mortgages), entry 13.

Record of mortgages on personal property, showing names of mortgagor and mortgagee, date, amount, and terms of mortgage, signature of mortgagor, and certification of court clerk.

19. GENERAL INDEX TO CHATTEL MORTGAGES, 1928--. 1 vol. 1912-25 in General Cross Index to Mortgages (Real Estate and Chattel Mortgages), entry 14.

Index to (Chattel Mortgages), entry 18, alphabetical direct and inverted index by names of mortgagor and mortgagee, showing volume number and page where recorded. Arr. alph. direct by name of mortgagor and inverted by name of mortgagee. Hdw. on pr. fms. 500 pp. 17x11x2. Co. ct. clk's. vlt.

Revenue

20. CLERK'S RECEIPTS, 1927--. 1 vol.

Record of cash received by county clerk, showing date and amount, name of payer, type of account. Arr. chron. by date of receipt. No index. Hdw. on pr. fms. 500 pp. 14x12x2. Co. ct. clk's. vlt.

21. MOTOR VEHICLE REGISTER, 1927--. 2 vols.

Register of motor vehicles in county, showing registration number, name and address of owner, make of vehicle, year manufactured, model, horsepower, motor number, if transferred, date of transfer. Arr. numer. by registration no. Alph. self-contained index direct by name of owner. Hdw. on pr. fms. Vols. aver. 320 pp. 14x11x1 $\frac{1}{2}$ . Co. ct. clk's. vlt.

22. MEDICAL REGISTER, 1915--. 1 vol.

Register of physicians holding certificates from state board of health, authorizing them to practice medicine, showing name, age, and address of physician, date of registration. Arr. chron. by date of registration. Alph. self-contained index direct by name of physician. Hdw. on pr. fms. 200 pp. 14x8x1 $\frac{1}{2}$ . Co. ct. clk's. vlt.

23. OCCUPATIONAL LICENSES, 1930. 1 vol.

Record of occupational licenses issued, showing name of person or company, location and kind of business, number and amount of license. Arr. numer. by license no. Alph. self-contained index direct by name of licensee. Hdw. on pr. fms. 360 pp. 14x11x1 $\frac{1}{2}$ . Co. ct. clk's. vlt.

Disbursements

24. TREASURER'S RECEIPTS TO CLERK (State Auditor's Tax Receipt), 1935--. 1 file box.

Receipt given to the county court clerk by the state treasurer for taxes collected and paid state, showing date, amount of taxes collected and paid, and

signatures of state auditor and treasurer. Arr. chron. by date of receipt. No index. Hdw. on pr. fms.  $4\frac{1}{2} \times 4\frac{1}{2} \times 10$ . Co. ct. clk's. off.

25. MISCELLANEOUS BONDS, 1913--. 3 vols.

Bonds to guarantee faithful execution of duties while acting in a specified capacity, showing names of principal and sureties, date and amount of bond, signatures of principal, surety, and attesting officer. Arr. chron. by date of bond. Alph. self-contained index direct by name of principal. Hdw. on pr. fms. Vols. aver. 300 pp.  $14 \times 10\frac{1}{2} \times 2$ . Co. ct. clk's. vlt.

Vital Statistics

26. MARRIAGE LICENSES, 1927--. 8 file boxes.

Original marriage licenses returned, showing names, ages, and residences of contracting parties, names of parents, date of marriage, signature of official solemnizing marriage. Arr. chron. by date of license. No index. Hdw. on pr. fms.  $4\frac{1}{2} \times 4\frac{1}{2} \times 10$ . Co. ct. clk's. vlt.

27. MARRIAGE LICENSE AND BONDS, 1912-21, 1927--. 16 vols.

Original bonds and copies of licenses issued, showing names, ages, residences of bride and groom, occupation, names of parents, surety, date, amount of bond, signatures of principal and surety. Arr. chron. by date of bond or license. For index, see entry 28. Hdw. on pr. fms. Vols. aver. 260 pp.  $16 \times 12 \times 2$ . Co. ct. clk's. vlt.

28. INDEX TO MARRIAGE LICENSE AND BONDS, 1912-21, 1927--. 1 vol.

Index to Marriage License and Bonds, entry 27, alphabetical direct and inverted index by names of groom and bride, showing volume number and page where recorded. Arr. alph. direct by name of groom and inverted by maiden name of bride. Hdw. 300 pp.  $15 \times 11 \times 2\frac{1}{2}$ . Co. ct. clk's. vlt.

Power of Attorney

29. POWER OF ATTORNEY, 1914--. 1 vol.

Record of power of attorney giving one person full right to act for another in transacting specified business matters, showing date, and names of parties to instrument. Arr. chron. by date of instrument. Alph. self-contained index direct by name of appointee. Hdw. on pr. fms. 550 pp.  $17 \times 11 \times 2$ . Co. ct. clk's. vlt.

III. COUNTY JUDGE

Upon the creation of McCreary County in 1912, J. C. Goode was appointed county judge by the governor. Subsequent judges, as provided for by the present constitution, were elected for a term of four years and were conservators of the peace, commissioned by the governor. The county judge must be at least twenty-four years of age and a citizen of Kentucky. He must have been a resident of his county for two years preceding his election. (Const. of 1891, secs. 99, 100, 140.).

The county judge is judge of the county court (ibid., sec. 140; see County Court); of the quarterly court (Const. of 1891, sec. 139; see Quarterly Court); of the fiscal court (Const. of 1891, sec. 144 ; see Fiscal Court); and of the juvenile court (Carroll, sec. 331e-2; see Juvenile Court).

The county judge is a member of the county budget commission (Carroll, sec. 1851c-2; see County Budget Commission), and the board of health (Carroll, sec. 2055; see County Board of Health).

He may call special terms of the county court (Carroll, sec. 1058).

The county judge, as presiding judge of the quarterly court, keeps a docket, order book, and execution book, and fixes a rule day for the return of executions and other process, although he may appoint a clerk for that court (ibid., sec. 1055).

As judge of the fiscal court, he may call special terms of said court (ibid., sec. 1838). He appoints the county road engineer, by and with the consent of the fiscal court (ibid., sec. 4325).

He may also appoint: three or more tax supervisors, one from each magisterial district of the county, who meet as a board (ibid., sec. 4115); guards for prisoners (ibid., sec. 2044); a person to act as jailer, when the jailer or sheriff cannot act (ibid., secs. 2231, 2232); one or more commissioners of the poorhouse established by the county court (ibid., sec. 3925); and a special commissioner, who makes settlements with fiduciaries (ibid., sec. 1062). He may fill temporary vacancies in the majority of county offices (ibid., secs. 131, 1526, 1527, 4042a-6).

For county judge's claims against commonwealth for fees in examining trials, see entry 52.

30. FEE BOOK, 1927-- . 1 vol.

Record of receipts for fees paid to county judge in suits involving \$50 or less, showing names of plaintiff and defendant, number of suit, date paid. Arr. chron. by date paid. Alph. self-contained index direct by name of plaintiff. Hdw. on pr. fms. 300 pp. 15x10x1 $\frac{1}{2}$ . Co. judge's off.

#### IV. CIRCUIT COURT

At the time when McCreary County was formed in 1912, a circuit court was set up according to provisions of the present constitution, which established circuit courts in every county and gives the general assembly power to divide the state into a number of judicial districts. McCreary County together with Knox and Whitley counties, constituted Judicial District 34, which arrangement is still in effect. (Const. of 1891, secs. 125, 128.). The circuit judge, the presiding officer of the circuit court, is elected for each judicial district (ibid., sec. 129).

The circuit court is a court of record and has original jurisdiction

over all matters both in law and equity, which jurisdiction is not exclusively delegated to some other tribunal. It also has jurisdiction in all cases where the title to land is involved or in which it is sought to enforce a lien upon or to subject land by provisional remedy to the payment of debt. (Carroll, sec. 966.). The circuit court has cognizance of all personal actions involving over \$50 (ibid., secs. 1051, 1086), and over criminal actions where the fine upon conviction exceeds \$20 (ibid., sec. 1093). It has appellate jurisdiction over all judgments in civil actions where the amount involved is over \$25, over all judgments granted by the county courts where the amount is more than \$50 (ibid., secs. 978, 4302a-1), and over judgments of the justices' courts in forcible entry and detainer proceedings (Civ. Code, sec. 463). Further jurisdiction extends over actions of the board of tax equalization (Carroll, sec. 2992); judgments of the public service commission (ibid., sec. 3952-44); and judgments against defendants in criminal actions in the lower courts for imprisonment or fine of \$20 or more (Crim. Code, sec. 362). The general assembly has power to change the jurisdiction of the circuit court (Const. of 1891, sec. 126).

The circuit court also has jurisdiction of violations of the common carrier laws (Carroll, secs. 201e-12, -13, -21, -22); exclusive jurisdiction of inquests concerning the mind or mental faculty of persons, appellate jurisdiction from the county court in cases for the restoration of persons to sound minds (ibid., secs. 216aa-68, 216aa-101), and jurisdiction concurrent with the county court in the care and custody of idiots and lunatics and their estates (ibid., sec. 2149). The circuit court also has jurisdiction of claims upon the treasury (ibid., sec. 340a-2), and, concurrent with the quarterly and justices' courts (police), of violations of the local option laws (ibid., secs. 2554b-79, 2554c-32), and of the offense of vagrancy (ibid., sec. 4758-3). It further has power to postpone judgment and probate persons charged with crime (ibid., sec. 979b-5).

Additional duties of the circuit court are: to license newspapers to publish advertisements which by law are required to be published (ibid., sec. 13); to order delivery of fugitives from justice over to states demanding their return (ibid., sec. 1927); to appoint guards for prisoners (ibid., sec. 2044); to order out the militia on occasion (ibid., sec. 2711a-145s); and to render commitments to houses of reform (ibid., secs. 2095c-1, et seq.).

The circuit court is empowered to sell land belonging to societies, such as charitable and religious societies, which have been dissolved, when the land has been granted to public uses for the purpose of re-investment in similar property (ibid., sec. 324). The circuit court meets three times a year in the county (Const. of 1891, sec. 131). Special terms may be called by the judge (Carroll, secs. 971-12, -13).

The circuit judge who serves in McCreary County is elected every six years in Judicial District 34. He is a conservator of the peace and must be at least thirty-five years of age, have been a practicing lawyer for eight years, and be commissioned by the governor. (Const. of 1891, secs. 129, 130.). The circuit judge, as provided by statute, is empowered to call

special terms of court and to order grand and petit juries to be empanelled whenever necessary (Carroll, sec. 971-13). He may further appoint a court reporter for the judicial district (ibid., sec. 4637) and a master commissioner for each county in the district for a term of four years (ibid., sec. 392).

Court Minutes

31. CIVIL MINUTES, 1927--. 2 vols.  
Recorded minutes of circuit court session, showing date of term, type of suit, full procedure of court. Arr. chron. by date of term. No index. Hdw. on pr. fms. Vols. aver. 400 pp. 15x11x2. Cir. clk's. vlt.

32. COMMONWEALTH MINUTES, 1927--. 2 vols.  
Minutes of circuit court proceedings in criminal cases, showing date and term of court, type of case. Arr. chron. by date of court term. No index. Hdw. on pr. fms. Vols. aver. 400 pp. 15x11x2. Cir. clk's. vlt.

Subpoenas

33. SUBPOENA, 1934--. 1 file box.  
Orders to sheriff to summon persons named therein to testify as witnesses, showing names and addresses of witnesses, date and place for appearance, date order officially signed. Arr. chron. by date of order. No index. Hdw. on pr. fms. Cond. fair. 4 $\frac{1}{2}$ x4 $\frac{1}{2}$ x10. Sheriff's off.

Suits and Dockets  
(See also entry 83)

34. CIVIL SUITS, 1927--. 82 file boxes (1-82).  
Civil suits tried before circuit court for recovery of rights or claims, showing names of plaintiff and defendant, type of suit, date filed, disposition of case. Arr. chron. by date of filing. No index. Typed on pr. fms. 4 $\frac{1}{2}$ x4 $\frac{1}{2}$ x10. Cir. clk's. vlt.

35. (SUITS OFF DOCKET), 1927--. 81 file boxes (1-79, 2 not numbered).  
Suits in circuit court removed from docket and filed, showing names of plaintiff and defendant, type of suit, date filed, court order, amended answers and counter claims of suits. Arr. numer. by instrument no. For index, see entry 36. Hdw. on pr. fms. 4 $\frac{1}{2}$ x4 $\frac{1}{2}$ x10. Cir. clk's. vlt.

36. (INDEX TO SUITS OFF DOCKET), 1927--. 1 vol.  
Index to (Suits Off Docket), entry 35, alphabetical direct and inverted index by names of plaintiff and defendant, showing suit number on document in file box. Arr. alph. direct by name of plaintiff and inverted by name of defendant. Hdw. on pr. fms. 500 pp. 17x11x3. Cir. clk's. vlt.

37. EQUITY DOCKET, 1927--. 2 vols.  
Docket of equity cases before circuit court, showing names of plaintiff and defendant, type and number of case, date docketed, return on process. Arr.

chron. by date docketed. No index. Hdw. on pr. fms. Vols. aver. 400 pp. 17x12x2 $\frac{1}{2}$ . Cir. clk's. vlt.

38. CIVIL DOCKET, 1927--. 1 vol.

Docket of civil suits before circuit court showing names of plaintiff and defendant, type and number of suit, date of trial, judgment rendered, amount of court costs. Arr. chron. by date of trial. No index. Hdw. on pr. fms. 400 pp. 17x12x2 $\frac{1}{2}$ . Cir. clk's. vlt.

39. COMMONWEALTH DOCKET, 1927--. 4 vols. (1 vol., no number; 3 vols., 1929--, 2-4).

Record of criminal cases to be tried in circuit court, showing name of defendant, type of offense, date of trial, judgment rendered, amount of court costs. Arr. chron. by date of trial. No index. Hdw. on pr. fms. Vols. aver. 450 pp. 17x12x2 $\frac{1}{2}$ . Cir. clk's. vlt.

Judgments, Orders, and Executions

40. CRIMINAL JUDGMENTS, 1934--. 1 vol.

Record of judgments rendered on issue of executions showing names of defendant and arresting officer, date of judgment, amount of fine or debt, manner of settlement. Arr. chron. by date of judgment. Alph. self-contained index indirect by name of defendant. Hdw. on pr. fms. 500 pp. 16x11x2. Cir. clk's. vlt.

41. CIVIL ORDERS, 1927--. 5 vols. (2 vols., not numbered; 3 vols., 2-4).

Record of orders in civil cases coming before circuit court for decision, showing names of plaintiff and defendant, type and date of order, procedure of court. Arr. chron. by date of order. Alph. self-contained index direct by name of plaintiff. Hdw. on pr. fms. Vols. aver. 450 pp. 18x12x2. Cir. clk's. vlt.

42. EXECUTION BOOK, 1927--. 2 vols.

Executions ordering collection of judgments and costs in circuit court cases, showing names of plaintiff and defendant, amount of debt and court costs, dates of judgment and return of officer. Arr. numer. by execution no. Alph. self-contained index direct by name of defendant. Hdw. on pr. fms. Vols. aver. 400 pp. 14x10x2. Cir. clk's. vlt.

Bonds

43. INJUNCTION BONDS, 1928--. 1 vol.

Bond furnished by plaintiff as surety to defendant for damages which may accrue if injunction has been wrongfully secured, showing names of plaintiff and surety, date and amount of bond, signatures of principal, surety, and attesting officer. Arr. chron. by date of bond. Alph. self-contained index direct by name of plaintiff. Hdw. on pr. fms. 300 pp. 14x10x2. Cir. clk's. vlt.

44. REPLEVIN BONDS (Commonwealth Replevin Bonds), 1928--. 1 vol. Replevin bond given by defendant to insure payment of fine and costs within 90 days from date of judgment, showing names of defendant and surety, date and amount of bond, signatures of principal, surety, and attesting officer. Arr. chron. by date of bond. Alph. self-contained index direct by name of principal. Hdw. on pr. fms. 400 pp. 14x10x2. Cir. clk's. vlt.

45. ATTACHMENT BONDS, 1928--. 1 vol. Bond given by plaintiff to cover any damages that may accrue should attachment be wrongfully obtained, showing names of principal and surety, date and amount of bond, signatures of principal, surety, and attesting officer. Arr. chron. by date of bond. Alph. self-contained index direct by name of principal. Hdw. on pr. fms. 300 pp. 14x10x2. Cir. clk's. vlt.

46. APPEAL BOND, 1927--. 1 vol. Appeal bond furnished in circuit court by plaintiff or defendant to cover court costs and the judgment rendered by the quarterly court, showing names of principal and surety, date and amount of bond, signatures of principal, surety, and attesting officer. Arr. chron. by date of bond. Alph. self-contained index direct by name of principal. Hdw. on pr. fms. 300 pp. 14x10x2. Cir. clk's. vlt.

47. SUPERSEDEAS BONDS, 1928--. 1 vol. Bonds furnished in circuit court by plaintiff or defendant to stay proceedings on a suit or court action until it is finally adjudicated by a superior court, showing names of principal and surety, date and amount of bond, signatures of principal, surety, and attesting officer. Arr. chron. by date of bond. No index. Hdw. on pr. fms. 300 pp. 14x10x2. Cir. clk's. vlt.

48. BAIL BOND, 1927--. 3 vols. Bail bonds furnished by defendants under arrest to insure their appearance for future trial, showing names of defendant and surety, date and amount of bond, signatures of principal, surety, and attesting officer. Arr. chron. by date of bond. Alph. self-contained index direct by name of principal. Hdw. on pr. fms. 360 pp. 14x8x1 $\frac{1}{2}$ . Cir. clk's. off.

49. BOND OF COMMITTEE FOR PAUPER IDIOT, 1928--. 1 vol. Bond insuring faithful discharge of duty executed by committee appointed by circuit court for pauper idiots, showing names of committee and surety, amount and date of bond, signatures of principal, surety, and attesting officer. Arr. chron. by date of bond. Alph. self-contained index direct by name of principal. Hdw. on pr. fms. 400 pp. 14x10x2. Cir. clk's. vlt.

Claims

50. SHERIFF'S CLAIMS, 1930-32, 1934--. 2 file boxes. Sheriff's itemized list of claims for services rendered county, showing type of service, amount and date of claim, signatures of sheriff and clerk. Arr. chron. by date of claim. No index. Typed on pr. heads. 4 $\frac{1}{2}$ x4 $\frac{1}{2}$ x10. Cir. clk's. vlt.



51. LIST OF CLAIMS ALLOWED, 1934--. 1 vol.  
Itemized list of claims allowed by circuit court, showing name of claimant, type of service rendered, amount and date of claim. Arr. chron. by date of claim. Alph. self-contained index direct by name of claimant. Hdw. on pr. fms. 400 pp. 15x11x2. Cir. clk's. vlt.
52. MISCELLANEOUS CLAIMS, 1934--. 1 file box.  
Miscellaneous claims presented to circuit court for payment, showing type, amount, and date of claim, name and signature of claimant. Arr. chron. by date of claim. No index. Hdw. on plain paper.  $4\frac{1}{2}x4\frac{1}{2}x10$ . Cir. clk's. vlt.
53. WITNESS CLAIMS, 1927--. 6 vols.  
Stubs of claims for payment for witness services in circuit court cases, showing names of witnesses, plaintiff, and defendant, type of case, date of court term, number of days served, amount of claim. Arr. chron. by date of court term. No index. Hdw. on pr. fms. Vols. aver. 250 pp.  $14x16x1\frac{1}{2}$ . Cir. clk's. vlt.
54. COUNTY JUDGE CLAIMS, 1934--. 1 file box.  
Claims made by county judge to commonwealth for payment of examining trials, showing style of case, date and amount of claim, signature of judge, clerk's attestation. Arr. chron. by date of claim. No index. Typed on pr. heads.  $4\frac{1}{2}x4\frac{1}{2}x10$ . Cir. clk's. vlt.
55. JAILER'S CLAIMS, 1934--. 2 file boxes.  
County jailer's claims against state and county for expenses and services rendered, showing type of service, amount and date of claim, jailer's signature, clerk's attestation. Arr. chron. by date of claim. No index. Hdw. on pr. heads.  $4\frac{1}{2}x4\frac{1}{2}x10$ . Cir. clk's. vlt.

#### Lunacy Proceedings

56. LUNACY INQUESTS (Petitions), 1927--. 1 vol.  
Petitions for inquests to determine whether persons are of unsound mind, showing names of defendant, petitioner, and physician holding inquest, dates of inquest and certificate, brief history of case. Arr. chron. by date of inquest. No index. Hdw. on pr. fms. 360 pp.  $17x10x2$ . Co. judge's off.
57. LUNACY INQUEST, 1931--. 1 vol. Last entry, 1934.  
Inquests of persons of unsound mind, showing names, addresses, ages, parents' names, date, judgment. Arr. chron. by date of inquest. Alph. self-contained index direct by name of lunatic. Hdw. on pr. fms. 250 pp.  $13x9x1\frac{1}{2}$ . Cir. clk's. vlt.

#### V. COMMONWEALTH ATTORNEY

The commonwealth attorney is elected in the judicial district every six years. He must be at least twenty-four years of age and have been a practicing attorney for four years. (Const. of 1891, secs. 97, 100.). His compensation is by salary and such percentage of fines and forfeitures as may be

Circuit Court Clerk

(Next entry 58, p. 30)

fixed by law. His office, however, may be abolished by the general assembly, in which event the duties of his office are to be discharged by the county attorney. (Ibid., secs. 98, 108.).

The commonwealth attorney must: attend each circuit court session held in his district; prosecute all violations of criminal and penal laws therein; and attend to all civil cases and proceedings in the circuit courts of his district in which the commonwealth is interested, but in civil cases the governor may employ counsel to assist him (Carroll, sec. 118). In his absence the circuit judge may appoint an attorney to act in his place (ibid., sec. 120).

Other powers and duties specified by statute are to: advise the collector for the commonwealth in regard to delinquent collecting officers (ibid., sec. 122); file a written statement giving reasons for his dismissing an indictment or entering a nolle prosequi (ibid., sec. 123); investigate all unsatisfactory judgments in his district in favor of the commonwealth (ibid., sec. 130); prosecute delinquent attorneys and those failing to pay their clients money collected (ibid., secs. 102, 105); represent the commonwealth in inquests concerning insanity (ibid., sec. 216aa-71); and prosecute suits instituted by the state auditor for collection of taxes due the state (ibid., sec. 4169). He must enforce game and fish laws (ibid., sec. 1954c-18); assist the forestry department to enforce its regulations (ibid., sec. 2007i-25); prosecute violations of sanitation laws (ibid., sec. 2060b-11); and represent the state board of health in cases which come under his jurisdiction (ibid., sec. 2054a-19). He is commissioned by the governor (ibid., sec. 3758).

The commonwealth attorney must not receive anything from persons charged with crime in consideration not to prosecute the persons (ibid., sec. 1360), or defend any criminal in the state except in cases in which he was employed before his election, or to which he is a party (ibid., sec. 121). His law partner must not defend any person whom it is the commonwealth attorney's duty to prosecute (ibid., sec. 109).

The commonwealth attorney keeps no records separate from those of the circuit court.

#### VI. CIRCUIT COURT CLERK

The circuit court clerk is elected for a six-year term by the county. He must be at least twenty-one years of age, a resident of the state for two years and of the county for one year preceding the election. (Const. of 1891, secs. 99, 100.). He must keep office within 200 yards of the courthouse (Carroll, sec. 380); write up daily court proceedings (ibid., sec. 378); and, upon resignation or termination of office, deliver all papers and records of his office to his successor (ibid., sec. 374). He may appoint deputies to assist him (ibid., secs. 372, 1763).

The circuit court clerk is required to: certify a list of all claims passed by the circuit court and payable out of the public treasury to the state auditor of public accounts within twenty days after the termination

of each court session (ibid., sec. 359); keep a record of every execution and return made by the sheriff, recording all sales of real estate under execution and data concerning the same (ibid., sec. 375); and list steps taken in every action and file a summary thereof with other papers in the case within thirty days after the close of each term (ibid., sec. 379).

Additional duties of the circuit court clerk are to: issue subpoenas for appearance before grand juries (ibid., sec. 381); certify soldiers' claims (ibid., sec. 382); enter in a separate book all data concerning summonses (ibid., sec. 383); make a full report to the state auditor of public accounts every November as to all cases filed in court the preceding year (ibid., sec. 385); keep a general index with the names of parties and the style of each case before the circuit court (ibid., sec. 386); keep an alphabetically indexed "judgment book" (ibid., sec. 388a-1); and make a transcript of all papers, when a change of venue is ordered, to the clerk of the court where the case is removed (ibid., sec. 1099).

The circuit clerk must: tax costs on papers filed with each case at the termination of action (ibid., sec. 906); give a list of pauper idiots to the state auditor on or before September 10 each year, sending a certified copy of inquest proceedings to him (ibid., secs. 216aa-61, -62); report all taxes and other public money received up to the first day of each circuit court (ibid., sec. 4242); keep a book in which to enter all money received (ibid., sec. 4243); collect fines and forfeitures and record the jury fund (ibid., sec. 2290-1); list all receipts and expenditures, giving a full written report every four months to the circuit judge (ibid., sec. 4252); issue executions (ibid., sec. 4244); issue process (ibid., sec. 4245); issue operators' licenses in behalf of the state tax commission (ibid., secs. 2739m, et seq.); keep a rule docket and enter thereon parties in cases and steps taken (ibid., sec. 990); and keep equity and common law dockets (ibid., sec. 991). The circuit clerk keeps all books entrusted to him for public use (ibid., sec. 2424), and makes a biennial report to the circuit judge of books received on public account and those remaining in his office (ibid., sec. 2429). He must not allow records or papers belonging to his office to be removed from the county, except at times of invasion or insurrection, or upon order of the court. If the records are removed for any of these reasons, the circuit clerk must cause them to be returned as soon as the necessity for such removal has ceased to exist. (Carroll, sec. 377.). A statute of 1930 requires him to act as librarian of the county library (see Fiscal Court). He receives \$20 a month for this service, and is required to take charge of the room, books, and equipment, making reports to the state librarian. He gives, at his discretion, such non-current documents as are not needed by the county, to the libraries of the University of Kentucky and the state teachers' colleges. The circuit clerk is required to receipt for all books, maps, and furniture placed in the library, and these receipts are preserved in the office of the state librarian at Frankfort. It is his duty, moreover, to take inventory each December of all property belonging to the commonwealth and make a report, under oath, to the state librarian before January 1 of the following year. For failure to make this report he is subject to a fine of five dollars for each month or part of month that the report is delinquent, and he is responsible for all books lost from the library during his term of

office. (Ibid., secs. 2438c-8, et seq.).

The circuit court clerk also acts as trustee of the jury fund (ibid., sec. 2290-2).

#### Indictments

58. FELONIES AND MISDEMEANORS, 1927--. 19 file boxes.

Indictments in felony and misdemeanor cases in circuit court and those issued by grand jury in similar cases, showing names of persons indicted, type of offense, dates of offense and trial. Arr. chron. by date of trial. No index. Typed on pr. fms.  $4\frac{1}{2} \times 4\frac{1}{2} \times 10$ . Cir. clk's. vlt.

#### Drivers' Licenses

59. OPERATORS REGISTER, 1934--. 2 vols.

Motor operators' licenses issued, showing name and address of operator, date, number, amount of license fee, and description of licensee. Arr. chron. by date of license. Alph. self-contained index direct by name of licensee. Hdw. on pr. fms. Vols. aver. 200 pp.  $13 \times 8 \times 1\frac{1}{2}$ . Cir. clk's. vlt.

#### Financial

60. FEE BOOK, 1934--. 1 vol.

Record of fees collected in suits tried in circuit court, showing names of plaintiff, defendant, and clerk, date recorded, amount and nature of collection. Arr. chron. by date of receipt. Alph. self-contained index direct by name of plaintiff. Hdw. on pr. fms. 400 pp.  $8 \times 11 \times 2$ . Cir. clk's. vlt.

61. CASH RECEIPTS, 1917--. 1 vol.

Itemized reports of trustee of jury fund on fines and forfeitures collected, showing name of payer, type of offense, amount, dates of collection and report. Arr. chron. by date of report. No index. Hdw. on pr. fms. 300 pp.  $14 \times 15 \times 1$ . Cir. clk's. vlt.

62. CASH EXPENDITURES, 1927--. 1 vol.

Itemized reports of disbursements from jury fund, showing name of payee, nature, amount, and date of expenditure. Arr. chron. by date of expenditure. No index. Hdw. on pr. fms. 300 pp.  $14 \times 16 \times 1\frac{1}{2}$ . Cir. clk's. vlt.

63. MAGISTRATES' REPORTS, 1934--. 1 file box.

Itemized reports of justices' of peace on fines and forfeitures, showing name of defendant, offense, date of judgment, amount of fine, signature of circuit judge, date approved. Arr. chron. by date of report. No index. Hdw. on pr. fms.  $4\frac{1}{2} \times 4\frac{1}{2} \times 10$ . Cir. clk's. vlt.

#### Trustee of Jury Fund (See also entries 61 and 62)

64. JURY ATTENDANCE BOOK, 1927--. 1 vol.

List of jurors selected for each term of circuit court, showing name of juror,

number of days served, date of term, amount paid, juror's signature. Arr. chron. by date of term. Alph. self-contained index direct by name of juror. Hdw. on pr. fms. 400 pp. 15x11x2. Cir. clk's. vlt.

65. WITNESS ATTENDANCE, 1934---. 1 vol.

Record of witness attendance in circuit court, in civil suits, showing type of case, names of plaintiff, defendant, and witnesses, date of term, number of days served, amount paid to each witness. Arr. chron. by date of term. Alph. self-contained index direct by name of witness. Hdw. on pr. fms. 400 pp. 16x11x2. Cir. clk's. vlt.

Appeals

66. APPEAL CASES, 1927---. 2 file boxes.

Civil and criminal cases pending in court of appeals, showing judgment of circuit court, names of plaintiff and defendant, type of case, date filed, complete record of cases, with exception of summonses and subpoenas. No arr. No index. Hdw. on pr. fms. 8x4x20. Co. ct. clk's. vlt.

VII. MASTER COMMISSIONER

The master commissioner is appointed by the circuit judge for the county for a term of four years and may be removed by him for cause. He takes oath and executes bond. (Carroll, sec. 392.). Persons aggrieved may take action on his bond (ibid., sec. 393).

Although all of these records are not kept in McCreary County, laws assign the following duties to the master commissioner: to keep a docket in his office containing the number of actions, style, names of plaintiff and defendant, and date of reference, in each case; to enter all claims filed in his office in such actions and give date, by whom filed, the nature and amount of claim, and whether and from what date claims bear interest; and to enter the date of filing on the back or on the margin of all claims, attesting same (ibid., sec. 404). He reports money on hand the first day of court, giving the style of case in which money is collected (ibid., sec. 402) and keeps all money paid him under order of the court, paying out same only upon the clerk's written order (ibid., sec. 412).

The master commissioner may appoint deputies to assist him when, in the opinion of the circuit court, such deputies are necessary (ibid., sec. 405). Unless otherwise ordered by the court, the master commissioner makes all conveyances of real property authorized by law to be made by such person. Commissioner's fees are taxed as costs and collected as fees of the circuit court. (Ibid., sec. 406.).

The master commissioner makes settlements of insolvent estates (ibid., sec. 394), and, in cases of partition of land, makes only one deed unless otherwise ordered by the court (ibid., sec. 406). No allowance is made him until his statement is filed (ibid., sec. 396). He may also be the receiver at the discretion of the court (ibid., sec. 409). He is empowered to administer oaths, grant certificates, swear witnesses, coerce their attendance by

subpoenas and attachments, and execute judicial sales (ibid., sec. 395). Vacancies in his office are filled by the circuit judge (ibid., secs. 397, 398).

Land Instruments

67. MASTER COMMISSIONER DEEDS, 1913--. 2 vols.

Deeds of conveyance executed by master commissioner of circuit court, showing names of commissioner, grantor, and grantee, value, location, and description of property, date recorded. Arr. chron. by date recorded. Alph. self-contained index direct by name of grantor and inverted by name of grantee. Hdw. on pr. fms. Vols. aver. 560 pp. 17x11x2. Co. ct. clk's, vlt.

68. MASTER COMMISSIONER'S REPORT OF SALES, 1934--.. 1 vol.

Reports of appraisers on land to be sold by master commissioners, showing names of plaintiff, defendant, and appraisers, date and amount of appraisal. Contains: (Purchaser's Bonds), entry 71. Arr. chron. by date of appraisal. No index. Hdw. on pr. fms. 550 pp. 16x11x2. Master com's. off.

69. MASTER COMMISSIONER'S REPORTS, 1935--. 1 file box.

Master commissioner's report of land sales, showing name of purchaser, description of property, amount, date, notice of, and reason for sale. No arr. No index. Hdw. and typed on pr. fms. 4 $\frac{1}{2}$ x4 $\frac{1}{2}$ x10. Master com's. off.

Settlements

70. MASTER COMMISSIONER'S ETC. (Et Cetera) SETTLEMENTS, 1917--. 1 vol.

Settlements for land sold by master commissioner, showing amount and date of sale, order of distribution, names of purchaser and former property owner. Arr. chron. by date of sale. Alph. self-contained index direct by name of purchaser. Hdw. on pr. fms. 600 pp. 17x11x2 $\frac{1}{2}$ . Master com's. off.

71. (PURCHASER'S BONDS), 1934--. In Master Commissioner's Report of Sales, entry 68.

Bond given by purchaser as surety for payment of purchase money, showing names of purchaser and surety, date and amount of bond, description of property purchased.

VIII. COUNTY COURT

As provided for by the present constitution, the county court of McCreary County is made up of the county judge, who is a conservator of the peace, and who is elected for a four-year term (Const. of 1891, secs. 99, 100, 140; see County Judge). The county court sessions are held once each month, but special terms may be called by the judge (Carroll, sec. 1058).

The county court fixes the terms of the justices' courts (ibid., sec. 1085), and has power to divide precincts in the county and change their boundaries (ibid., sec. 1444). The county court has jurisdiction to probate wills, appoint and remove personal representatives, guardians, trustees, committees, curators, and other fiduciaries; and to grant tavern, drug, and liquor licenses

(ibid., sec. 1057). It also has other jurisdiction, such as over bastardy charges, as may be given by law (ibid., secs. 166, et seq.).

It has further jurisdiction over: assignments (ibid., sec. 76); penal and misdemeanor cases exclusive of the circuit court where the punishment is limited to a fine not exceeding \$20, and jurisdiction concurrent with the circuit court where the punishment does not exceed \$500 or imprisonment of twelve months, or both (ibid., sec. 1093); cases of parents failing to educate deaf children (ibid., sec. 298f-6); cases involving dependent, neglected, or delinquent children (ibid., secs. 331g-1, -3, 331e-2; see Juvenile Court); and the care and custody of idiots and lunatics and their estates (ibid., sec. 2149). The county court has jurisdiction concurrent with the circuit court of the trial of persons violating game laws (ibid., sec. 1938a-9).

Additional jurisdiction is given the county court over: condemnation proceedings (ibid., sec. 839); forcible entry and detainer proceedings (Civil Code, sec. 454); preservation of records, with power to have same transcribed and rebound (Carroll, sec. 1632); watercourses and water districts (ibid., secs. 938g-1, et seq.); county patrols (ibid., sec. 3780); and cancellation of the registrations of voters (ibid., sec. 1486bb-13).

The county court may bind out infant children (ibid., sec. 2591) and hear complaints and make orders concerning same (ibid., secs. 2602, 2603).

All places of public entertainment where intoxicating liquors are sold must obtain a license from the county court (ibid., sec. 2554d-1). The county court appoints a public administrator (ibid., sec. 3903) and has power to purchase and maintain a poorhouse, appoint a commissioner to look after it (ibid., sec. 3925), and order a poor person to be taken to it (ibid., sec. 3931). McCreary County, however, has neither a public administrator nor a poorhouse.

The county court has power to establish and maintain a workhouse and provide for its financing (ibid., sec. 4867). It also has power to have swamp lands reclaimed (ibid., sec. 2380b-1) and to establish ferries and grant ferry privileges (ibid., sec. 1800).

#### Wills

72. WILL BOOK, 1913--. 1 vol.

Recorded wills, showing names of deceased, witnesses, beneficiaries, value and description of property, date will recorded and probated. Arr. chron. by date recorded. Alph. self-contained index direct by name of testator and inverted by names of beneficiaries. Hdw. on pr. fms. 500 pp. 17x11x2. Co. ct. clk's, vlt.

#### Inventories and Appraisements

73. INVENTORY AND APPRAISEMENTS, 1927--. 1 file box.

Appraisers' reports of estates of deceased, showing names of appraisers and

estate, itemized list and valuation of property, date of appraisal, and signature of appraiser. Arr. chron. by date of appraisal. No index. Typed on pr. fms.  $4\frac{1}{2} \times 4\frac{1}{2} \times 10$ . Co. ct. clk's. vlt.

74. INVENTORIES, APPRAISEMENTS, AND SALE BILLS, 1927--. 1 vol. Last entry, 1935.

Appraisers' reports on estates of deceased persons, showing names of appraisers and estates, itemized list and valuation of property, and date of appraisal. Arr. chron. by date of appraisal. Alph. self-contained index direct by name of deceased. Hdw. on pr. fms. Vols. aver. 500 pp.  $18 \times 12 \times 2$ . Co. ct. clk's. vlt.

#### Fiduciaries' Appointments

75. (APPOINTMENT OF ADMINISTRATORS AND GUARDIANS), 1933--. In County Court Papers (Orders), entry 84.

Orders of the county court appointing administrators and guardians to administer the affairs of the estate of deceased, showing names of deceased, beneficiaries, and fiduciary, date of appointment, signature of presiding judge.

#### Fiduciaries' Settlements

76. SETTLEMENTS, 1927--. 2 file boxes.

Guardians' reports on settlements of estates of minors, showing record of itemized receipts and disbursements, date and manner of settlement, names of guardians and minors, value of estate, signatures of guardians, and date report filed. Arr. chron. by date of report. No index. Hdw. on pr. fms.  $4\frac{1}{2} \times 4\frac{1}{2} \times 10$ . Co. ct. clk's. vlt.

For prior and other settlement records, see entry 77.

77. ADMINISTRATORS AND GUARDIANS SETTLEMENT BOOK, 1926--. 1 vol.

Settlement reports of administrators and guardians of estates of deceased, showing names of deceased, guardians, beneficiaries, and administrators, itemized account of receipts and disbursements, date, to whom paid, cash on hand, and date settlement recorded. Arr. chron. by date recorded. Alph. self-contained index direct by name of administrator or guardian. Hdw. on pr. fms. 500 pp.  $17 \times 11 \times 2$ . Co. ct. clk's. vlt.

For additional guardian settlements, see entry 76.

#### Fiduciaries' Bonds

78. ADMINISTRATORS' BONDS, 1912--. 2 vols.

Bonds executed by administrators of estates of deceased, insuring faithful performance of duties, showing names of deceased, administrator, and surety, date and amount of bond, signatures of administrator, surety, and attesting officer. Arr. chron. by date of bond. Alph. self-contained index direct by name of administrator. Hdw. on pr. fms. Vols. aver. 500 pp.  $17 \times 11 \times 2$ . Co. ct. clk's. vlt.

79. GUARDIANS BONDS, 1912--. 2 vols.

Bonds furnished by guardians appointed for minors, insuring faithful perform-



ance of duties, showing names of ward, guardian, and surety, date and amount of bond, signatures of guardian, surety, and attesting officer. Arr. chron. by date of bond. Alph. self-contained index direct by name of guardian. Hdw. on pr. fms. Vols. aver. 265 pp. 13x9x2. Co. ct. clk's. vlt.

Petitions

80. FIDUCIARY RECORD (Petitions for Re-assessment), 1927--. 1 vol. Petitions filed before county court by taxpayers whose property has been assessed at an unfair value, showing names of plaintiff and defendant, description and value of property, date of petition and judgment. Arr. chron. by date of petition. No index. Hdw. on pr. fms. 500 pp. 18x11x2 $\frac{1}{2}$ . Co. judge's off.

Suits and Dockets

81. COUNTY COURT DOCKET, 1927--. 1 vol. Cases listed for trial in county court, showing names of plaintiff and defendant, type of offense, date of trial, judgment rendered, amount of court costs. Arr. chron. by date of trial. No index. Hdw. on pr. fms. 600 pp. 18x12x2 $\frac{1}{2}$ . Co. judge's off.

82. LIS PENDENS, 1929--. 1 file box. Liens filed against personal property to insure payment of debt, showing names of parties to liens, reason for filing, description of property, date and amount of lien. Arr. chron. by date of lien. No index. Typed on pr. fms. 4 $\frac{1}{2}$ x4 $\frac{1}{2}$ x10. Co. ct. clk's, vlt.

83. LIS PENDENS, 1927--. 1 vol. Record of notices issued in actions pending in circuit court, constituting attachment or lien on property, showing description of property, names of plaintiff and defendant, date recorded. Arr. chron. by date recorded. Alph. self-contained index direct by name of plaintiff and inverted by name of defendant. Hdw. on pr. fms. 550 pp. 17x11x2. Co. ct. clk's. vlt.

Orders

84. COUNTY COURT PAPERS (Orders), 1933--. 2 file boxes. Orders of county court for probating wills, showing date of court term, names of testator, witnesses, and beneficiaries, date of will, type and date of order. Contains: (Appointment of Administrators and Guardians), entry 75. Arr. chron. by date of order. No index. Hdw. on pr. fms. 4 $\frac{1}{2}$ x4 $\frac{1}{2}$ x10. Co. ct. clk's. off.

85. COUNTY ORDERS, 1933--. 3 file boxes. Decisions of county court in civil cases, showing names of plaintiff, defendant, and attorneys, action taken, orders given, date filed. Arr. chron. by date filed. No index. Typed on pr. fms. 4 $\frac{1}{2}$ x4 $\frac{1}{2}$ x10. Co. ct. clk's. vlt.

86. COUNTY ORDERS, 1912--. 4 vols. (1-4). Record of actions in civil and other cases decided by county court, showing

names of parties to actions, type and date of order, date filed. Arr. chron. by date filed. Alph. self-contained index indirect by name of defendant. Hdw. on pr. fms. Vols. aver. 600 pp. 16x12x2 $\frac{1}{2}$ . Co. ct. clk's. vlt.

Bonds

87. REPLEVIN BOND (Court Bonds), 1928--. 1 vol. Bonds furnished in county court by defendants, as security for payment of fines, showing names of defendant and surety, date and amount of bond, signatures of surety and attesting officer. Arr. chron. by date of bond. Alph. self-contained index direct by name of principal. Hdw. on pr. fms. 400 pp. 14x10x2. Co. judge's off.

IX. JUVENILE COURT

The juvenile court of McCreary County, presided over by the county judge, functions as part of the county court and has jurisdiction over all juvenile cases coming within the terms of that court. Special record books and dockets are kept for all cases of juvenile character. The clerk of the county court is also clerk of the juvenile court and may designate a deputy to act for him. (Carroll, sec. 331e-2).

The jurisdiction of this court covers all matters pertaining to proceedings against persons in charge of neglected or dependent children. Until the first hearing of the case by the court, the chief probation officer or any assistant probation officer may release the child upon its own recognizance, or upon recognizance of its parents or persons in control or supervision of the child, or may have the child placed in the detention school or place of detention maintained by the city or county. Since McCreary County does not have a probation officer, the county judge acts in this capacity in reference to delinquents. No child under fourteen years of age, however, may, under any circumstances, be incarcerated in any county jail or police station. (Ibid., sec. 331e-4.). After the case is closed, the court makes disposition of the child by placing him in any institution, home, or hospital, as provided for by law (ibid., secs. 331e-6, et seq.).

Statutory provision makes it permissible for the county judge to appoint a board of not less than six nor more than ten reputable inhabitants as members, who serve without compensation as an advisory board of the county court, juvenile session, holding office during the pleasure of the court (ibid., sec. 311e-19). This board, however, has not been appointed in McCreary County.

Dockets

88. JUVENILE DOCKET, 1927--. 1 vol. Commonwealth prosecutions and actions listed for trial in juvenile court, showing names of plaintiff and defendant, last order in case, steps taken at present court term, date of term. Arr. chron. by date of term. No index. Hdw. on pr. fms. 500 pp. 17x12x2. Co. judge's off.

Orders

89. JUVENILE ORDERS, 1928--. 1 vol.  
Record of criminal cases tried before county judge in juvenile court, showing name and age of defendant, type of offense, date of trial, action taken. Arr. chron. by date of trial. Alph. self-contained index indirect by name of defendant. Hdw. on pr. fms. 500 pp. 14x10x2. Co. ct. clk's. vlt.

X. QUARTERLY COURT

The quarterly court, presided over by the county judge, is held at least four times each year in McCreary County, but the county judge may hold monthly or continuous sessions if he so orders (Const. of 1891, sec. 139; Carroll, sec. 1050).

As judge of the quarterly court the county judge is required to keep a docket, order book, and execution book, in which are reported the proceedings of the court, and to fix a rule day for the return of executions and other process. He may, however, appoint a clerk for the quarterly court. (Carroll, sec. 1055.) The quarterly court has jurisdiction concurrent with the justices' courts in all civil actions within the county for the recovery of money or personal property where the value in controversy is \$100 or under, and concurrent with the circuit court where the value is between \$50 and \$200 (ibid., sec. 1051). In penal and misdemeanor cases the quarterly court has jurisdiction exclusive of the circuit court and concurrent with the justices' and county courts where the punishment is limited to a fine not exceeding \$20, and concurrent with the circuit court where the punishment does not exceed \$500 or imprisonment of twelve months, or both (ibid., sec. 1093). The quarterly court also has jurisdiction concurrent with justices' courts in motions against constables for money collected (ibid., sec. 1053), and jurisdiction concurrent with the circuit court over violations of liquor laws (ibid., secs. 2554b-79, 2554c-32). Appeals may be taken to the quarterly court from all judgments and orders of justices' and fiscal courts in civil cases (ibid., sec. 1054).

Examining Trials

90. RECORD OF EXAMINING TRIALS, 1927--. 1 vol. Last entry, 1934.  
Examining trials held in quarterly court in felony cases, before being taken to the grand jury, showing name of defendant, type of offense, date of trial. Arr. chron. by date of trial. No index. Hdw. on pr. fms. 400 pp. 17x11x2. Co. judge's off.

Suits and Dockets

91. ORDERS (Suits), 1928--. 1 vol.  
Record of suits and actions before quarterly court, showing names of plaintiff and defendant, type of case, date and term of court, orders of court. Arr. chron. by date of court term. Alph. self-contained index direct by name of plaintiff and inverted by name of defendant. Hdw. on pr. fms. 550

pp. 18x12x2 $\frac{1}{2}$ . Co. judge's off.  
For prior records, see entry 92.

92. RECORD OF MISDEMEANORS, 1927--. 1 vol.  
Record of public offense cases tried before quarterly court, showing names of defendant and presiding judge, type of offense, decision of court, amount of fine, date of trial, and disposition of case. Arr. chron. by date of trial. Alph. self-contained index ~~indirect~~ by name of defendant. Hdw. on pr. fms. 400 pp. 17x11x2. Co. judge's off.  
For additional records, see entry 91.

93. SUITS ON DOCKET, 1936--. 2 file boxes.  
Civil suits tried before quarterly court, showing names of plaintiff and defendant, date of trial, amount of damages claimed. Arr. chron. by date of trial. No index. Hdw. on pr. fms. 4 $\frac{1}{2}$ x4 $\frac{1}{2}$ x10. Co. judge's off.  
For prior records, see entry 94.

94. DOCKET, 1928--. 1 vol.  
Record of civil actions before quarterly court, showing number of case, names of plaintiff and defendant, last order in case, steps taken at present term, date and term of court. Arr. chron. by date of term of court. No index. Hdw. on pr. fms. 500 pp. 18x12x2 $\frac{1}{2}$ . Co. judge's off.  
For additional records, see entry 93.

95. SUITS OFF DOCKET, 1928--. 7 file boxes.  
Civil suits tried before the quarterly court, showing names of plaintiff and defendant, date of trial, nature and disposition of suits. Arr. chron. by date of trial. No index. Hdw. on pr. fms. 4 $\frac{1}{2}$ x4 $\frac{1}{2}$ x10. Co. judge's off.

96. COMMONWEALTH DOCKET, 1934--. 1 vol.  
Record of criminal cases tried by quarterly court, showing name of defendant type of offense, date case entered on docket, date of trial, judgment rendered, and amount of court costs. Arr. chron. by date of trial. No index. Hdw. on pr. fms. 460 pp. 18x12x2 $\frac{1}{2}$ . Co. judge's off.

Judgments and Fines

97. JUDGMENT BY DEFAULT, 1927--. 1 vol.  
Record of civil cases brought before the quarterly court, in which default judgment is given one of the parties on the failure of the other to appear, showing names of plaintiff and defendant, amount claimed in petition, date of judgment. Arr. chron. by date of judgment. Alph. self-contained index direct by name of plaintiff. Hdw. on pr. fms. 450 pp. 17x11x2. Co. judge's off.

98. PUBLIC FUNDS COLLECTED BY JUDGE, 1927--. 1 vol.  
Itemized account of money collected by county judge for fines imposed for public offenses, showing date and amount of collection, type of offense, and name of payer. Arr. chron. by date of collection. Alph. self-contained index direct by name of payer. Hdw. on pr. fms. 350 pp. 17x12x1 $\frac{1}{2}$ . Co. judge's off.

Orders and Executions

99. ORDERS, 1928--. 1 vol.

Orders in civil cases before quarterly court, showing names of plaintiff, defendant, and presiding judge, type of order, date of trial, judgment rendered. Arr. chron. by date of trial. Alph. self-contained index direct by name of plaintiff. Hdw. on pr. fms. 500 pp. 17x12x2 $\frac{1}{2}$ . Co. judge's off.

100. EXECUTIONS RETURNED, 1934--. 1 file box.

Sheriff's returns on executions issued by quarterly court, showing names of plaintiff and defendant, date and type of return, name of sheriff. Arr. chron. by date of return. No index. Hdw. on pr. fms. 4 $\frac{1}{2}$ x4 $\frac{1}{2}$ x10. Co. judge's off.

For prior records of sheriff's returns, see entry 101.

101. CIVIL EXECUTIONS, 1927--. 1 vol.

Record of executions ordering collection of debts on cases which have been tried in quarterly court, showing names of plaintiff, defendant, and attorneys, amount and date of judgment, amount of court costs, date of sheriff's return. Arr. numer. by number of execution. Alph. self-contained index direct by name of plaintiff. Hdw. on pr. fms. 500 pp. 17x12x2 $\frac{1}{2}$ . Co. judge's off.

For additional returns of sheriff, see entry 100.

Bonds

102. BOND FOR COST, 1928--. 1 vol.

Bonds executed before quarterly court insuring payment of costs by plaintiff should he lose case, showing names of plaintiff and defendant, date and amount of bond. Arr. chron. by date of bond. Alph. self-contained index direct by name of plaintiff. Hdw. on pr. fms. 400 pp. 16x11x2. Co. judge's off.

103. BAIL BOND, 1927--. 4 vols.

Bail bonds given by defendants under arrest and permitted by quarterly court to give surety for appearance at trial, showing names of defendant and surety, amount and date of bond, date for appearance, term of court, signatures of surety and attesting officer. Arr. chron. by date of bond. Alph. self-contained index direct by name of principal. Hdw. on pr. fms. Vols. aver. 430 pp. 16x10x2. Co. judge's off.

XI. COUNTY ATTORNEY

The first county attorney of McCreary County was George W. Stephens, appointed by the governor when the county was created in 1912.

The county attorney is now elected every four years, and he must be twenty-four years of age and have been a licensed practicing attorney for two years preceding his election (Const. of 1891, secs. 99, 100). His fees are regulated by law (*ibid.*, sec. 106). In the absence of the county attorney, the county judge may appoint a pro tempore attorney to take his place (Carroll, sec. 131).

The county attorney is required to: attend all county and fiscal court sessions held in the county and conduct all cases and business in said courts touching the right or interests of the county; oppose the allowances of all claims unjust or not legally presented; and give the court and the several county officers advice concerning business within their jurisdiction (ibid., sec. 126). He is also to attend to the prosecution of all cases in the county in which the commonwealth or the county is interested, and, when so directed by the county or fiscal courts, institute or defend and conduct all actions before any court in the state in which the county is interested; and he is further to attend the circuit courts held in the county and aid the commonwealth attorney in all prosecutions therein, attending to all the commonwealth business in the circuit court in the absence of the latter (ibid., sec. 127).

The county attorney is required to attend examining trials before magistrates (ibid., sec. 128), and to oppose a wrongful opening, alteration, or discontinuance of public roads, and the improper granting of tavern, merchants', and dog licenses, appealing to the circuit court if he thinks a license has been improperly granted (ibid., sec. 129). He is to: investigate all unsatisfied judgments in the county in favor of the commonwealth and take steps to collect them (ibid., sec. 130); prosecute attorneys who fail to pay over money collected for their clients (ibid., sec. 105); conduct prosecutions for violations of the labor acts (ibid., sec. 33a-12); file a signed statement setting forth the reason before dismissing an indictment or entering a nolle prosequi (ibid., sec. 123); enforce the game and fish laws (ibid., sec. 1954c-18); and represent actions brought by the forestry department (ibid., sec. 2007i-25).

The county attorney is further to: resist every application for divorce (ibid., sec. 2119); resist releases of apprentices and defend for them (ibid., sec. 2599); represent the state and local boards of health within his jurisdiction (ibid., sec. 2054a-19); and prosecute violators of the health, hotel, and restaurant inspection laws (ibid., secs. 2058, 2059a-14, 2060b-11). It is his duty to: prosecute in bastardy cases (ibid., sec. 178); cause election instructions to be printed (ibid., sec. 1466); examine candidates for the office of tax commissioner (ibid., sec. 4042a-11); prosecute to recover penalties for tax evasions, erroneous entries in mortgages and deeds, and failure of the county clerk to perform his duties in that respect (ibid., sec. 4068). He is also authorized to appeal from the decisions of the board of tax supervisors to the quarterly court in behalf of the county, or to represent the board when a taxpayer appeals to the quarterly or circuit courts (ibid., sec. 4128).

The county attorney for McCreary County keeps no records.

### XII. JUSTICES OF THE PEACE

As provided for in the present constitution, McCreary County is divided into eight magisterial districts, in each of which is elected one justice of the peace. The justices are conservators of the peace commissioned by the governor with jurisdiction coextensive with the county (Const. of 1891, sec. 142; Carroll, sec. 1078). They hold office for four years and are compensated by fees regulated by law (Const. of 1891, secs. 99, 100, 106; Carroll, sec. 1731).

By virtue of their office the justices of the peace are members of the fiscal court (Carroll, sec. 1833; see Fiscal Court).

The justices hold court once each month at a time fixed by the county court (Carroll, sec. 1085) and at a place in their respective districts fixed by the fiscal court (ibid., sec. 1083a-10). In civil cases the justices' courts have jurisdiction concurrent with the circuit and quarterly courts of personal actions where the amount does not exceed \$100, and exclusive of the circuit court and concurrent with the quarterly court of cases not over \$50 (ibid., sec. 1086). In criminal cases they are authorized to have jurisdiction exclusive of the circuit court where the fine is limited to \$20 and concurrent with the circuit court where the fine is limited to \$100 or fifty days imprisonment or both (ibid., sec. 1093).

The justices further have jurisdiction over distress warrants and attachments for rent (ibid., secs. 2301, 2302), forcible entry and detainer proceedings (Civ. Code, sec. 454), and motions against constables (Carroll, sec. 1086). They may also make court rules not inconsistent with the civil and criminal codes or practice for governing their courts (ibid., sec. 1083a-12).

The justices are required to keep an order book and execution book and properly index the same, reporting therein their judicial proceedings (ibid., sec. 1088). They render new judgments where records are lost or destroyed (ibid., sec. 1091), and furnish persons desiring the same a copy of any record of proceeding in their custody, but they must not sign blank warrants (ibid., sec. 1092).

Further jurisdiction given the justices includes that over stray or glandered animals (ibid., secs. 43, et seq.). They may: conduct examining trials but must notify the county attorney to that effect (ibid., sec. 128; Crim. Code, secs. 49, 51); hold inquests in the absence of the coroner (see office of Coroner; Carroll, sec. 535); order mad dogs to be killed (ibid., sec. 68a-9); issue warrants for the arrest or search of violators of game laws (ibid., sec. 1953); and try violations of the liquor laws (ibid., secs. 2554b-79, 2554c-32). It is their duty to report, on the first day of each circuit court, the amount of moneys due the commonwealth and collected by them (ibid., sec. 4252).

The justices are authorized to solemnize marriages upon authorization by the governor or the county court (ibid., sec. 2103). They may also administer oaths and issue subpoenas for original or final process in any case within their jurisdiction (ibid., sec. 1087). Justices' courts are considered open at all times to try the offense of vagrancy (ibid., sec. 4758-3).

For justices' itemized reports of fines and forfeitures, see entry 63.

#### Dockets

104. CIVIL DOCKET, 1910--. 1 vol.  
Civil cases listed for trial before justice's court, showing names of plain-

tiff and defendant, nature of action, date of trial, return on process, steps taken, and court costs. Record covers two years prior to creation of McCreary County. When the justices of Whitley County became justices of McCreary County, this official continued records in this volume. Arr. numer. by case no. No index. Hdw. on pr. fms. 450 pp. 17x11x2. Everett Stephens' residence, Pine Knot, Ky.

105. CIVIL DOCKET, 1914--. 2 vols.

Civil cases listed for trial before justice's court, showing names of plaintiff and defendant, nature of case, date of trial, return on process, steps taken, amount of court costs, and court orders. Arr. chron. by date of trial. No index. Hdw. on pr. fms. Vols. aver. 400 pp. 16x10x2. J. O. McDowell's residence, Wiberg, Ky.

106. CRIMINAL DOCKET, 1912--. 1 vol.

Docket of criminal cases to be tried in justice's court, showing name of defendant, type of offense, date of trial, return on process, and steps taken. Arr. chron. by date of trial. No index. Hdw. on pr. fms. 450 pp. 17x11x2. George Clark's residence, Bee Rock, Ky.

107. DOCKET, 1912--. 2 vols.

Docket of criminal cases to be tried before justice's court, showing name of defendant, date of trial, type of offense, return on process, and steps taken. Arr. chron. by date of trial. No index. Hdw. on pr. fms. Vols. aver. 450 pp. 17x11x2. Frank Cooper's residence, Shoopman, Ky.

108. CRIMINAL DOCKET, 1912--. 1 vol.

Criminal offenses listed for trial in justice's court, showing name of defendant, date of arrest, type of offense, return on process, steps taken, and date of trial. Arr. numer. by case no. No index. Hdw. on pr. fms. 450 pp. 17x11x2 $\frac{1}{2}$ . Everett Stephens' residence, Pine Knot, Ky.

109. CRIMINAL DOCKET, 1914--. 2 vols.

Criminal cases listed for trial before justice's court, showing name of defendant, date of arrest, type of offense, return on process, date of trial, and steps taken. Arr. chron. by date of arrest. No index. Hdw. on pr. fms. Vols. aver. 450 pp. 17x11x2. J. O. McDowell's residence, Wiberg, Ky.

110. CRIMINAL DOCKET, 1912--. 1 vol.

Docket of criminal cases to be tried before justice's court, showing name of defendant, type of offense, date of trial, return on process, and steps taken. Arr. chron. by date of trial. No index. Hdw. on pr. fms. 500 pp. 17x11x2 $\frac{1}{2}$ . Ben Whithead's residence, Ritner, Ky.

Judgments

111. JUDGMENT BOOK, 1936--. 1 vol.

Reports of judgments rendered in justice's court, showing name of defendant, date of arrest, type of offense, date of judgment, amount of fine, and steps taken. Arr. chron. by date of judgment. No index. Hdw. on pr. fms. 400



pp. 17x11x3. Everett Stephens' residence, Pine Knot, Ky.

112. JUDGMENT BY DEFAULT, 1926--. 1 vol.

Cases coming before justice's court, in which default judgment is given plaintiff, due to defendant failing to appear at trial, showing names of plaintiff and defendant, date of trial, judgment rendered. Arr. chron. by date of trial. No index. Hdw. on pr. fms. 500 pp. 17x11x2 $\frac{1}{2}$ . Atlas Parson's residence, Barthell, Ky.

Orders

113. ORDERS, 1914--. 2 vols.

Orders of justice's court in criminal and civil cases, showing names of plaintiff and defendant, style of case, date of trial, steps taken, and disposition. Arr. chron. by date of trial. Alph. self-contained index indirect by name of defendant. Hdw. on pr. fms. Vols. aver. 400 pp. 17x11x2. J. O. McDowell's residence, Wiberg, Ky.

114. CRIMINAL AND CIVIL ORDERS, 1916--. 2 vols.

Orders in justice's court in civil and criminal cases, showing names of plaintiff and defendant, style of case, date of trial, steps taken, and disposition. Arr. chron. by date of trial. Alph. self-contained index indirect by name of defendant. Hdw. on pr. fms. Vols. aver. 500 pp. 17x11x2. Atlas Parson's residence, Barthell, Ky.

115. ORDERS, 1912--. 1 vol.

Orders of justice's court in civil and criminal cases, showing names of plaintiff and defendant, style of case, date of trial, steps taken, disposition. Arr. chron. by date of judgment. No index. Hdw. on pr. fms. 450 pp. 17x11x2. Frank Cooper's residence, Shoopman, Ky.

116. CRIMINAL ORDERS, 1912--. 1 vol.

Orders of justice's court in criminal and civil cases, showing names of plaintiff and defendant, type of order, date of trial, steps taken, and disposition. Arr. chron. by date of trial. Alph. self-contained index indirect by name of defendant. Hdw. on pr. fms. 450 pp. 17x11x2. George Clark's residence, Bee Rock, Ky.

117. CRIMINAL ORDERS, 1912--. 1 vol.

Orders of justice's court in criminal cases, showing name of defendant, type of order, date of trial and judgment rendered. Arr. chron. by date of trial. Alph. self-contained index indirect by name of defendant. Hdw. on pr. fms. 400 pp. 17x11x2. Ben Whithead's residence, Ritner, Ky.

118. ORDERS, 1936--. 1 vol.

Justice's court orders in criminal cases, showing date of trial, name of defendant, offense, disposition of case, amount of fine and costs. Arr. chron. by date of trial. Alph. self-contained index indirect by name of defendant. Hdw. on pr. fms. 500 pp. 17x11x2. Everett Stephens' residence, Pine Knot, Ky.

### XIII. SHERIFF

The first sheriff of McCreary County was Preston R. Bell, appointed by the governor when the county was created.

The sheriff is now elected in the county every four years. He must be at least twenty-four years old and a resident of the county, and he is ineligible for re-election or to act as deputy for the succeeding term. (Const. of 1891, secs. 99, 100, 106.). He is required to take oath and execute bond for the faithful performance of his duties. With the approval of the county court he may appoint his own deputies, which appointment he may revoke at his pleasure, and he may also appoint a special person to execute process, but he is liable for the acts of such person. (Carroll, secs. 4141, 4555-4563.).

For two years after the expiration of his term of office, the sheriff may collect distrainable fee bills placed in his hands for collection during his term of office (ibid., sec. 4564).

He is required to execute and return all notices and process which come to him and may be lawfully executed by him against any person or property in the county (ibid., sec. 4565), and he notes on every execution the date he receives same (ibid., sec. 4571). He collects fines and forfeitures and all officers' debts payable in the county, accounting for and paying over same to the person entitled thereto (ibid., sec. 4572). Upon request he delivers to the person from whom fees are demanded an account of every item of the demand (ibid., sec. 4573).

The sheriff is authorized to command and take with him, if need be, the power of the county to aid him in the execution of the duties of his office, whether civil or criminal (ibid., sec. 4578), and to break down doors to execute certain process, and effect arrests (ibid., secs. 4579-4584). He is required, by himself, or with deputies, to attend and keep order in the circuit, county, fiscal, and quarterly courts and obey the orders of said courts (ibid., sec. 4587); to collect the county poll or ad valorem tax levy (ibid., sec. 1884); to keep his books in the manner specified by the auditor of public accounts (ibid., sec. 4139); and to make a list of delinquent taxpayers and of omitted property for taxation (ibid., secs. 4239b, et seq.), reporting each month to the state auditor of public accounts and to the county court the money collected the previous month (ibid., secs. 4143-4147).

The sheriff must also keep his office open at all reasonable hours for the collection of money and must record such collections (ibid., sec. 4140). He is further required to provide a voting place in each precinct in the county for each election (ibid., sec. 1467), preserve order at the polls, enforce the election laws, act as umpire when the judges disagree (ibid., sec. 1484), and deposit with the county clerk the returns from the different precincts (ibid., sec. 1596a-5).

Further powers of the sheriff are to: issue dog licenses and impound unlicensed dogs running at large (ibid., secs. 68b-7, -18); hang persons sentenced to be hanged in the county and cause those convicted of felony to be

conveyed to the penitentiary (ibid., secs. 1137-1, et seq.); enforce the state game and fish laws (ibid., secs. 1954b-14, 1954c-18); and execute summonses and orders issued by the state railroad commission (ibid., sec. 201g-15).

When the jailer is committed to jail or when the office of jailer is vacant, the sheriff acts as the jailer (ibid., sec. 2231).

The sheriff is also authorized to call out the militia to enforce the laws (ibid., sec. 2711a-145s); and he acts as administrator of a deceased's estate, when no other person qualifies as such (ibid., secs. 3907, 3908). He is further required to: turn in an itemized statement to the fiscal court each year of funds collected, receipted, held, or disbursed by him (ibid., sec. 3747a-1); suppress places of gambling (ibid., sec. 3914b-5); notify all taxpayers whose property has been raised or assessed by the board of tax supervisors (ibid., sec. 4122); collect all state, county, and district taxes, unless otherwise provided by law (ibid., sec. 4129); purchase real estate for the state, county, or district when such real estate is sold for taxation and no other purchasers are found (ibid., sec. 4151-2); and report on the first day of each circuit court the amount of moneys due the commonwealth and collected by him, except state and district taxes (ibid., sec. 4252). He also collects road taxes (ibid., sec. 4307b-4); keeps a cash book and enters thereon the sums collected, from whom, on what account, and date of payment (ibid., sec. 4701a-2); and summons grand and petit juries to make a return thereof (ibid., sec. 2246).

The sheriff is permitted to carry concealed weapons for the enforcement of the law (ibid., sec. 1313).

For sheriff's list of claims for services, see entry 50.

#### Tax Collections

119. SHERIFF'S CASH BOOK, 1931--. 4 vols.  
Record of state and county taxes collected by sheriff, showing name of taxpayer, date of payment, value of property taxed, total amount of tax paid. Arr. chron. by date of payment. Alph. self-contained index direct by name of taxpayer. Hdw. on pr. fms. Vols. aver. 250 pp. 12x18x2. Sheriff's off.

120. (TAX RECEIPTS), 1934--. 60 vols.  
Copies of receipts for payment of taxes in districts numbered from one to eight, showing name of taxpayer, district number, value of property and equalization, amount of tax due, date paid. Arr. numer. by district no. and thereunder by receipt no. For index, see entry 121. Hdw. on pr. fms. 500 pp. 6x8x2. Sheriff's off.

121. (INDEX TO TAX RECEIPTS), 1934--. 2 vols.  
Index to (Tax Receipts), entry 120, alphabetical direct index by name of property owner, showing volume number and page where recorded, and number of district in which property located. Arr. alph. direct by name of taxpayer. Hdw. on pr. fms. Vols. aver. 350 pp. 10x6x1. Sheriff's off.

Constables

(122-126)

122. LAND SOLD FOR TAXES, 1915--. 10 vols. (1A-5A, 6-10). Sheriff's report of land sold for non-payment of taxes, showing name of property owner, amount of sale, date recorded. Arr. chron. by date recorded. For index, see entry 123. Hdw. on pr. fms. Vols. aver. 550 pp. 17x11x2. Co. ct. clk's. vlt.

123. INDEX TO LAND SOLD FOR TAXES, 1915--. 1 vol. Index to Land Sold for Taxes, entry 122, alphabetical direct index by name of property owner, showing volume number and page where recorded. Arr. alph. direct by name of owner. Hdw. on pr. heads. 300 pp. 17x11x2. Co. ct. clk's. vlt.

124. LAND REDEMPTION, 1920--. 2 file boxes. Record of land sold for taxes and redeemed within the time limit, showing name of property owner, amount of tax due, amount of sale, and date paid. Arr. chron. by date paid. No index. Typed on pr. fms. 4 $\frac{1}{2}$ x4 $\frac{1}{2}$ x10. Co. ct. clk's. vlt.

#### Licenses and Fees

125. DOG LICENSE REGISTER, 1928--. 2 vols. Record of dog licenses issued, showing date of issue, license number, amount, name and address of owner, breed, age, sex, color, and markings of dogs. Arr. numer. by license no. Alph. self-contained index direct by name of owner. Hdw. on pr. fms. Vols. aver. 425 pp. 14 $\frac{1}{2}$ x9 $\frac{1}{2}$ x2. 1 vol., 1928-30, co. ct. clk's. vlt.; 1 vol., 1931--, sheriff's off.

126. SHERIFF'S FEES, 1933--. 1 vol. Record of fees collected by sheriff for detailed services rendered, showing name of payer, date and amount of collection. Arr. chron. by date of collection. Alph. self-contained index direct by name of payer. Hdw. on pr. fms. 350 pp. 14x8x1 $\frac{1}{2}$ . Sheriff's off.

#### XIV. CONSTABLES

A constable is elected in McCreary County in each of the eight justices' districts every four years. The constables must be at least twenty-four years of age, residents of their respective districts, and have the same qualifications as the sheriff, their jurisdiction being coextensive with the county. (Const. of 1891, secs. 99-101, 234.). Before entering upon the duties of his office the constable is required to execute bond with sureties and to take oath that he will faithfully perform the duties of his office (Carroll, sec. 424). He is required to give surety bond every two years as well as such additional security as the county court may demand (ibid., sec. 426). He is compensated by fees fixed by law (ibid., sec. 1733).

The constable may execute bench warrants, warrants of arrest, distress or other warrants, summonses, subpoenas, attachment, notices, rules and orders of court in all criminal, penal, and civil cases, and must return all such process on or before the return day, noting on them the time of execution

Jailer

(Next entry 127, p. 48)

(ibid., secs. 436, 439). He must levy on and satisfy fee bills, orders of witnesses' attendance, distress warrants, and attachments, in the order in which they were placed in his hands (ibid., sec. 442).

Although he may exercise the duties of his office in any part of the county, the constable **cannot** be compelled to receive a precept, fee bill, or order for witnesses' attendance or other claims against anyone who resides out of his district, except such precept as is in behalf of the commonwealth or against property in his district; and he cannot execute a process in which he is interested, nor levy on nor sell land, nor make a return of "not found" without actually visiting the residence of the defendant (ibid., secs. 437, 438, 440). He is required to execute warrants in bastardy cases (ibid., sec. 168); to enforce the game and bird law (ibid., sec. 1954b-14); and, when he vacates or is removed from office, to return and account for all claims, process, and papers in his hands in the same manner as if he had continued in office (ibid., sec. 428). He is permitted to carry concealed weapons (ibid., sec. 1313), to appoint one or more deputies with the consent of the county judge (ibid., sec. 425), to distrain for his own fees, or to distrain for other officers' fees placed in his hands for collection (ibid., sec. 441).

The constables in McCreary County keep no records.

#### XV. JAILER

The first jailer in McCreary County was W. F. Roberts, appointed by the governor at the time of the creation of the county. Constitutional provision provided for the election of subsequent jailers in the county every four years, but gave the general assembly power to consolidate the offices of jailer and sheriff at any time. (Const. of 1891, secs. 99, 100, 105.). Before taking up the duties of his office, the jailer is required to take oath and execute bond in the county court (Carroll, sec. 2224).

The jailer is an officer of the circuit and county courts and may execute process, the same as the sheriff, from any court in civil, penal, or criminal cases (ibid., sec. 2234).

His duties, as keeper of the jail, are: to receive and keep all persons lawfully committed thereto until they are lawfully discharged, treating them with humanity, furnishing them with proper food and lodging, and delivering such as die in jail to their friends, if requested, or having them buried (ibid., sec. 2226); to receive and keep persons committed under the laws of the United States or ordinances of any town in the county (ibid., secs. 2227, 2228); to reside within 400 yards of the jail and have the custody, rule, and charge of all persons in the jail (ibid., sec. 2229); to obey the rules made by the county court concerning the government and cleanliness of the jail (ibid., sec. 2233); to keep the jail clean and warm and furnish the prisoners sufficient bed clothing (ibid., sec. 2236); and to receive and keep prisoners transferred from another county jail to his for safekeeping (ibid., sec. 2240).

Further duties of the jailer are: to cause persons condemned under sen-

tence of death to be conveyed to the penitentiary (ibid., sec. 1137-2); to turn over to the manager of the workhouse or work crew all prisoners sentenced to hard labor, and report once each month to the county court the disposition made of such persons (ibid., sec. 1379-7); on the first day of each month to make a statement showing the expenses of his office and the fees received by him during the preceding month, and pay the same to the auditor (ibid., sec. 1773); and when he goes out of office to deliver to his successor the custody of the jail, furniture, and prisoners, with all official papers by which prisoners were committed to his custody or by which they were liberated (ibid., sec. 2230).

With the approval of the county court, the jailer may appoint one deputy who may be removed by him at any time (ibid., sec. 2237). When the office of the jailer becomes vacant, the sheriff acts as jailer, but, if the sheriff cannot act, the county judge may appoint a person to act for the occasion (ibid., secs. 2231, 2232).

In McCreary County the jailer is also superintendent of the public buildings and property at the seat of justice, and it is his duty to bring civil actions for injuries to said property (ibid., sec. 3948).

For jailer's claims against state and county, see entry 55.

#### Register of Prisoners

127. JAILER'S REGISTER, 1928--. 2 vols.

Register of persons committed to jail on misdemeanor and felony charges, showing name of prisoner, nature of offense, manner of commitment, term of sentence, dates of commitment and release, manner of release. Arr. chron. by date of commitment. 1 vol., 1928--., no index.; 1 vol., 1935--., alph. self-contained index direct by name of prisoner. Hdw. on pr. fms. Vols. aver. 365 pp. 16x11x2. Co. jailer's off.

#### Reports

128. REPORTS OF MANUAL FOSTER (Jailer's Reports), 1931-33. 1 file box.  
Last report, March, 1933.

Annual and monthly reports of jailer of McCreary County, showing date of report, itemized statement of accounts, cost of food, laundry, committing and releasing prisoners, total number of prisoners committed and released, signature of jailer. Arr. chron. by date of report. No index. Hdw. on pr. fms. 4 $\frac{1}{2}$ x4 $\frac{1}{2}$ x10. Co. ct. clk's. off.

#### XVI. CORONER

The coroner is elected in McCreary County every four years (Const. of 1891, sec. 99). He must be at least twenty-four years of age and a resident of the county (ibid., secs. 100, 234). He may execute process in civil, criminal, and penal cases, and, when so acting, the same laws in regard to the sheriff apply to him (ibid., sec. 536).

It is the duty of the coroner to hold an inquest over the body when the death of a human being has resulted from unnatural cause in the county without an attending physician or by reason of crime, homicide, suicide, drowning, or other sudden death, or if a person dies from a wound within ninety days (Carroll, sec. 528). In holding an inquest the coroner swears the witnesses, reduces the substance of their testimony to writing, and recognizes them to appear before the circuit court (ibid., sec. 530).

The coroner may: employ a surgeon or physician for a post-mortem during an inquest (ibid., sec. 532); cause a search to be made to find dead bodies (ibid., sec. 534); have buried bodies exhumed to determine the cause of death (ibid., sec. 537a); and summon a jury to aid in the inquest (ibid., sec. 533). He must also: bury the dead body or deliver it to friends and pay over valuables found thereon to the county judge (ibid., sec. 531); arrest any person found guilty by the inquest, or issue his precept for the arrest and commit such person to jail, or, if the person has fled, summon aid and pursue him anywhere in the state (ibid., sec. 529).

In case of absence or illness the coroner may appoint a deputy if at no additional expense to the county. If he cannot act and does not appoint a deputy to hold an inquest, any justice of the peace in the county may hold such inquest. (Ibid., sec. 535.). When the office of the sheriff is vacant or if the sheriff or his deputy is a candidate in any election, the coroner performs the duties of the sheriff in regard to elections (ibid., sec. 1451).

The coroner in McCreary County keeps no records.

#### XVII. TAX COMMISSIONER

When McCreary County was created, W. P. Johnson was appointed assessor by the governor. The constitution provided for the subsequent election of a county assessor every four years, who was to be ineligible for the succeeding term, but the general assembly had power to abolish this office and re-establish a similar office, prescribing its duties. (Const. of 1891, secs. 99, 104.). In 1918 the office of county assessor was abolished, and all the powers and duties of that office transferred to the state tax commission; the new office of county tax commissioner was created at the same time (Carroll, sec. 4042a-1). The term of office of the county tax commissioner was also made four years, but he was to be eligible for re-election (ibid., sec. 4042a-2).

The county tax commissioner, subject to the supervision of the state tax commission, assesses all the property in the county, except as otherwise provided for, and prepares the assessment books (ibid., sec. 4042a-7). With the consent of the state tax commission he may appoint as many deputies as necessary to assist him (ibid., sec. 4042a-3). It is his duty to: keep his office open at reasonable times from July 1 to October 31 each year for the purpose of assessing property; and, either by himself or deputy, call at the residence of all taxpayers of the county and there furnish a schedule and secure the assessment of the property of such taxpayers; see every taxpayer in

person who fails or refuses to list his property for taxation; between November 1 and December 31 make up his assessment book; and perform such other duties as may be required to obtain a fair and equitable assessment of the property in his county (ibid., sec. 4042a-12); and meet with the board of tax supervisors to furnish them information concerning the tax (ibid., sec. 4042a-15).

The tax commissioner is further required: fix the value upon all estates listed with him and to report to the board of tax supervisors a list of all taxpayers whose tax lists he has increased (ibid., sec. 4053); make out his tax book and prove its accuracy before he returns it (ibid., sec. 4054); make and return with his tax book a list of the qualified voters in his county (ibid., sec. 4055); report to the county clerk the names of all persons refusing to list all their property (ibid., sec. 4061); and give in a list of his own property to the board of tax supervisors (ibid., sec. 4069). He is also to attend an annual meeting of the state tax commission and other county tax commissioners for the purpose of learning better how to assess property (ibid., sec. 4114i-12); complete the assessment of property and file the tax books with the county clerk, also filing a list of intangible property with the state tax commission (ibid., sec. 4114i-15); furnish the state commissioner of agriculture with such information as he may require (ibid., sec. 34); and make a list of dogs in the county and notify the owners that they must obtain dog licenses (ibid., sec. 68b-16).

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

The fact that McCreary County is losing much of its tax revenue because of the extent of government-owned property within its bounds is becoming an important consideration in the tax problem of the county (see Governmental Organization and Records System).

#### Assessments

##### 129. (ASSESSMENT LISTS), 1930--. 26 file boxes.

General schedule of real and personal property assessed, showing name and address of owner, amount and valuation of taxable property, district in which located, amount assessed, date filed. Arr. chron. by date filed and alph. thereunder by name of taxpayer. No index. Hdw. on pr. fms. 10x4x10. Tax com's. off.

##### 130. ASSESSOR'S BOOK (Assessments), 1927--. 19 vols.

List of real and personal property subject to taxation, showing name and address of taxpayer, assessed value of land and improvements, description of property. Arr. numer. by districts and alph. thereunder by name of taxpayer. No index. Hdw. on pr. fms. Vols. aver. 580 pp. 16x18x3. Co. ct. clk's. off.



XVIII. BOARD OF TAX SUPERVISORS

Upon the creation of McCreary County, as provided for by statutes then in force, the county judge appointed five housekeepers, residing in different parts of the county, who constituted a board of supervisors of the tax. This board met once each year, at which time the county court clerk delivered to them the assessors' books for the county for examination. They then changed items which were clearly wrong and listed all property omitted by the assessor and the value of property for which they found no owner. The county clerk acted as clerk for the board of tax supervisors. The board heard all complaints and passed finally upon the assessment of the taxpayers. The board had power to summon and swear witnesses and require them to testify. It was required to keep a record of its proceedings, correcting the tax books thereby, annexing a certificate to the tax books that it had examined and approved them, and returning the certificate to the county court with the record of its proceedings. (Acts, 1892, ch. 103, art. 6, secs. 1-14, pp. 313-316.).

Taxpayers had the right to appeal to the courts from the actions of the board of tax supervisors (Acts, 1906, ch. 22, art. 7, sec. 14, pp. 151, 152).

In 1917 it was provided that the county judge each year should appoint three housekeepers and owners of real estate residing in different parts of the county who should constitute the board of tax supervisors and one of whom should be a resident of the largest city in the county. The county and state were also given the right to appeal from the decisions of the board. (Acts, 1917, ch. 1, secs. 19, 32, pp. 16, 20, 21.).

An amendment in 1918 gave the county judge the right to appoint three or more members to the board, provided the number does not exceed one for each magisterial district in the county (Acts, 1918, ch. 5, sec. 1, p. 15). Other statutes provided that, when it appears to the board that intangible property has been omitted by the tax commissioner, the board is authorized to assess such property (Carroll, sec. 4121-3). The county court clerk, after examination and approval of the commissioner's books by the board of tax supervisors, makes and records a recapitulation of the books as revised by the supervisors (ibid., sec. 4128a-1). The board of tax supervisors is empowered to assess the property of persons failing to list their property with the tax commissioner (ibid., sec. 4065) and to correct the tax books by a schedule of intangible property as corrected by the state tax commission, returning said schedule to the tax commission (ibid., sec. 4114i-15).

Revision of Assessments

131. CORRECTION OF ERRORS IN ASSESSMENTS, 1930--. 1 vol. Last entry 1934.

Recorded corrections of errors in assessments of property, showing name of person erroneously assessed, date of correction, nature of error and correction, signature of judge. Arr. chron. by date of correction. Alph. self-contained index direct by name of property owner. Hdw. on pr. fms. 450 pp. 17x10x2. Co. judge's off.

132. (Tax) SUPERVISORS NOTICE, 1932--. 7 file boxes. Copies of notices from board of tax supervisors to property owners concerning increase or decrease in valuation of property assessed, showing date of notice, description of property, valuation, amount of increase or decrease, signature of county clerk, sheriff's return. Arr. chron. by date of notice. No index. Hdw. on pr. fms.  $4\frac{1}{2} \times 4\frac{1}{2} \times 10$ . Co. ct. clk's. vlt.

133. (Tax) SUPERVISORS' PROCEEDINGS, 1927--. 2 vols. Board of tax supervisors' revised assessment list for equalization at fair value, showing description of property, name of owner, date and amount of increase or decrease in assessment. Arr. chron. by date of revision. No index. Hdw. on pr. fms. Vols. aver. 230 pp. 16x11x2. Co. ct. clk's. vlt.

#### XIX. COUNTY BUDGET COMMISSION

The county budget commission, composed of the county judge, the county attorney, and one member appointed by the fiscal court, was created in McCreary County in 1934, having been provided for by an act passed in that year (Acts, 1934, ch. 24, secs. 1-14, pp. 62-70). The administration of the fiscal affairs of the county, except those pertaining to education, is to be by the fiscal court, under a uniform budget. The state budget officer classifies the counties according to their population and expenditures, and all funds expended by the county are provided for by this budget from the revenue for each fiscal year. (Carroll, sec. 1851c-1.).

The appointive member of the budget commission must be thirty years old, a resident and taxpayer of the county, and must hold no other public office at the time of his appointment, nor for a period of at least two years prior to it. He is eligible for reappointment and serves a term of office the same as that of members of the fiscal court. (Ibid., sec. 1851c-2.).

The duties assigned to the county budget commission are to make a careful investigation of each separate activity of the county for which county funds are to be expended by the fiscal court, at a meeting or meetings to be held not later than the first day of May each year; and to classify all expenditures into budget units, subdividing these units when necessary, so that the cost of each class of expenditures can be ascertained at any time and regulated by the commission in accordance with the financial needs and conditions of the county. In addition to preparing an estimate of funds necessary for both general and particular purposes, the budget commission is required to prepare an estimated statement of receipts to be anticipated from the various sources of income. (Ibid., sec. 1851c-3.).

It is further provided that funds set apart in the county budget for a budget unit, or subdivision, shall constitute a separate budget fund which shall be appropriated and accounted for separately. Full power to supervise and direct the form and classification of the county budget is granted to the state inspector and examiner, and not less than twenty days before the time to adopt the budget, the county judge, as chairman of the commission, must send two copies of the proposed budget to the state inspector and ex-

aminer for approval. In case the form and classification of this proposed budget is not approved by the state inspector and examiner, the county budget commission must use the form furnished by the inspector, and, if the proposed budget is approved, the budget commission has no power to make any change unless so authorized. (Ibid., sec. 1851c-4.). The county budget has a fund, the "Sinking Fund Principal Account", out of which the bonded indebtedness is paid and to which, annually, is allocated a sum equal to the proportional yearly amount required to retire the bonds at maturity. The budget also has a fund known as the "Sinking Fund Interest" on the bonded indebtedness maturing during the current year. (Ibid., sec. 1856c-6.).

Every three months the county judge is required to post in a conspicuous place in the courthouse, a statement showing the total appropriations and expenditures, and the balance on hand in the budget fund (ibid., sec. 1851c-8). All orders of the fiscal court approving claims must designate the particular budget fund from which each claim is to be paid, and each county warrant must show the budget unit from which it is to be paid (ibid., sec. 1851c-9). All warrants or contracts paid by the county treasurer must be certified as being within the budget appropriation, or such warrant or contract shall be null and void (ibid., sec. 1851c-10).

The records of the county budget commission are kept by the county court clerk, who keeps, in an appropriate ledger, separate accounts for each budget fund, showing in detail the amount of the original appropriation, all transfers to and from the budget fund, all expenditures approved by the fiscal court and properly chargeable to the fund, together with the unencumbered balance remaining in the fund. These records are open for public inspection and for examination by the state inspector when making the regular audit of the records of county officials. Payment for all forms, books, blanks, and materials necessary for the administration of the fiscal affairs of the county is also authorized from funds of the county. (Ibid., sec. 1851c-7.).

#### XX. TREASURER

In McCreary County the county treasurer is appointed by the fiscal court for a term of four years. He must be twenty-five years of age and a resident of the county for two years preceding his election and must execute bond as required by law. (Carroll, secs. 928-930.). He takes an oath of office (Const. of 1891, sec. 228).

Duties of the treasurer are to: receive and receipt for all money due or to become due from the several collecting officers or from any person whose duty it is to pay money into the county treasury; institute actions in the name of the county against all delinquent sheriffs or collectors and against any others having money belonging to the county who refuse to pay over the same when due; keep an accurate set of books in which is shown all money received or disbursed, the source, and for whom paid out; balance his books on the first day of each month, so as to show the correct amount on hand belonging to each fund on the day the balance is made; keep a record of all actions instituted by him on behalf of the county; keep office in the

county seat and keep same open for collection of money at all reasonable times; report to the county judge in writing all money paid him; settle his accounts as county treasurer whenever required by the fiscal court, making complete settlement each year (Carroll, secs. 929, et seq.); publish in the newspaper having the largest circulation in the county a complete statement yearly, showing all receipts and disbursements (ibid., sec. 3747a-1); have his books open for inspection for members of the fiscal court and as "public records" at all reasonable times for any taxpayer; keep as part of his record a book to be known as the "Budget Ledger", wherein the county budgets are to be kept by him, accounting for each budget fund separately; file with the fiscal court at meetings a financial statement showing the balance in each budget of the ledger, to be signed by him and recorded by the county court clerk; and deliver all official papers to his successor (ibid., secs. 929, et seq.).

The treasurer is also authorized to purchase outstanding road bonds issued by the county (ibid., sec. 933-1).

For record of treasurer's reports of receipts and disbursements, see entry 2.

#### XXI. AUDITOR

The office of auditor is an optional one provided for by an act of 1922. He is appointed by the fiscal court to keep such accounts and records, and to make such audits as required.

He is employed under jurisdiction of the fiscal court to cause correct accounts and records to be kept of all receipts and disbursements of the public funds of the county and audits the accounts of all county officers when necessary (Carroll, sec. 1840).

#### XXII. COUNTY ELECTION COMMISSIONERS

The board of election commissioners in McCreary County consists of two electors of the county appointed by the state board of election commissioners each year and the sheriff, who presides at the meetings and votes in cases of disagreement of the other members. The two members of the county board are appointed one each from five names designated by the executive committees of the two largest political parties in the county. The board chooses one of its members as secretary to record its proceedings, and their record is kept as a public record in the county clerk's office. The majority of the board may do any act that the board is empowered to do, and, if a vacancy occurs, the state board appoints a person from the names already submitted by the party in which the vacancy occurs. When the sheriff cannot act the circuit court clerk acts in his place. (Carroll, sec. 1596a-2.).

The county board of election commissioners examines and canvasses the election returns of the county and gives three or more certificates of election to those who have received the highest number of votes for any office,

transmitting one copy to the secretary of state, one to the elected person, and one to the county court clerk. Where office is not within the exclusive gift of the voters of the county, duplicate certificates are made, one to be retained in the clerk's office and one to be delivered to the sheriff. (Ibid., secs. 1596a-5, -8a, -9.). The county election commissioners may employ, at county expense, necessary clerical help to count the votes (ibid., sec. 1482).

The board also appoints for each election precinct each year two judges, one clerk, and one sheriff of election, all of whom must be voters of the precinct for which they are appointed. If the county executive committees of the two political parties each submit a list of names for each precinct, a judge and clerk must be appointed from one party and a judge and a sheriff from the other. The board may remove any of the officers prior to five days before an election. (Ibid., sec. 1586a-3.). If any election officer refuses to attend or to act at the polls, the attending officer of his party may appoint someone to take his place; if both are absent, the voters of his party present may elect persons to act in their stead (ibid., sec. 1596a-4).

It is the duty of the election officers to compare each applicant's signature with the signature on the precinct register before issuing him a ballot, and to swear such persons as cannot sign their names, keeping a record thereof. It is the clerk's duty, after issuing a ballot to any voter on the registration record, to note that such person voted. (Ibid., sec. 1486b-45.). When they close the polls the election officers must seal up the ballot box and deliver it to the county clerk (ibid., sec. 1482). It is the duty of all election officers to give information of all infractions of the election law to the commonwealth attorney and to have the offender apprehended (ibid., sec. 1592).

#### Registration of Voters

134. (REGISTER OF VOTERS), 1936--. 5 vols.

Register of voters in county, showing name, address, serial number, sex, color, age, party affiliation, signature, and occupation of voter, date of registration, and precinct number. Arr. alph. by name of voter. No index. Hdw. on pr. fms. Vols. aver. 400 pp. 12x8x6. Co. ct. clk's. vlt.

#### Petitions

135. REGISTER OF CANDIDATES FOR NOMINATION, 1929--. 1 vol. Last entry, 1933.

Register of candidates for nomination in primary elections, showing title of office, name, address, and party affiliation of candidate, date of filing petition. Arr. chron. by date of petition. No index. Hdw. on pr. fms. 500 pp. 17x11x2. Co. ct. clk's. vlt.

#### XXIII. COUNTY BOARD OF EDUCATION

At the time McCreary County was created, the county board of education

was composed of the chairman of the several division boards in the county and the county school superintendent, who acted as ex officio chairman. The county composed one school district and was divided into several divisions, which were in turn divided into school sub-districts, with a school trustee elected by the voters every two years from each sub-district. The trustees in an educational division constituted a division board and elected a chairman thereof. The county board of education was a corporate body meeting at times and places designated by the school superintendent, and vested with the title, care, and custody of all school property belonging to the districts of the county. (Ky. Stat., 1915 ed., secs. 4426a, et seq.).

An act of 1920, as amended in 1922, eliminated the school sub-district and sub-district trustee in McCreary County and provided that the county should be under the management and control of a county board of education consisting of five members, one to be elected from each of five divisions in which the county was to be divided (Carroll, 1930 ed., secs. 4399-la, -lb). To be eligible for election, a person must be at least twenty-four years of age, a citizen of Kentucky for three years preceding his election, a voter in the district for which he is to be elected, and must have completed at least the eighth grade (ibid., sec. 4399-22). The board of education holds one regular meeting a month, but special meetings may be called by the chairman and the secretary upon request of three members. A majority constitutes a quorum, and a member failing to attend three consecutive regular meetings without excuse vacates his office. (Ibid., sec. 4399-29.). The members receive no salaries but may receive expenses incurred in the performance of their duties (ibid., sec. 4399-32). Members are elected for four years, with the county school superintendent the executive officer and secretary (ibid., sec. 4399-24). An act passed in 1934 made further provision for similar government of county schools.

When the county board of education was established in the county, it was authorized; to establish county high schools and unite with city authorities for that purpose if necessary; to estimate and lay before the fiscal court the educational needs of the county; to receive and expend taxes collected by the sheriff for school purposes; upon petition, to submit to the voters of sub-districts whether or not a tax should be levied for school purposes therein and to act upon the returns of such election; to establish new school sub-districts or change existing ones; to purchase, lease, sell, rent, or repair school sites, buildings, and necessary furnishings; to receive gifts, grants, or donations for the benefit of the schools; to condemn property for school use; to employ and fix salaries of teachers in the high schools established by them; and to prescribe the course of study and select textbooks to be used in the high schools (Ky. Stat., 1915 ed., secs. 4226a, et seq.). Acts of later years reaffirmed and extended practically all of these duties except those relating to sub-districts.

Further specified powers, provided for in 1920, were to: determine, upon consent and advice of the county school superintendent and subject to the bylaws of the state board of education, the educational policy of the county; prescribe rules and regulations for the conduct and management of

the schools; have control of county school funds in its corporate capacity (Carroll, 1930 ed., sec. 4399a-5); provide sanitary facilities for each school (ibid., sec. 4399a-6); appoint all principals, teachers, and supervisors; call a meeting of teachers to give instruction concerning their work; hold title to all school property; and suspend or remove from office the county school superintendent, teacher, or employee, for cause (ibid., sec. 4399a-7). The board of education also employs supervisory attendance officers (ibid., sec. 4399b-1).

As provided for by additional statutes, the county board of education must provide, by establishment of a school or by contract with another district, at least an approved twelve-grade school service for the pupils in its district (ibid., 1936 ed., sec. 4399-2). It may purchase and condemn real estate (ibid., sec. 4399-21); fill vacancies in the board (ibid., sec. 4399-30); appoint a secretary for a term of one, two, three, or four years (ibid., sec. 4399-38); by concurrent action with other contiguous school districts, merge the district with other school districts (ibid., sec. 4399-12); submit to the voters whether or not the board shall issue bonds and levy taxes to pay for them (ibid., sec. 4399-13); and issue work permits to children (ibid., sec. 4434-4).

The county board of education has power, also, to: maintain a permanent and continuing school census (ibid., sec. 4434-25); provide for instruction of children with defective eyesight, hearing, or physical or mental handicaps (ibid., sec. 4434-33); furnish textbooks and other school supplies to indigent children (ibid., sec. 4363-12); prepare a school budget estimating the total to be received from the common school fund and the amount that must be raised by local taxation, and file a copy thereof with the clerk of the tax levying authority of the district (ibid., sec. 4390-40); elect a treasurer of the board if the secretary does not serve (ibid., sec. 4399-42); appoint a bank or trust company to serve as its depository (ibid., sec. 4399-43); borrow money on the credit of the board and issue negotiable instruments in anticipation of revenues from school taxes (ibid., sec. 4399-44); maintain separate schools for white and colored children (ibid., sec. 4399-49); make reports to the state board of education on all phases of the school service and publish for the information of the public, the progress of the schools (ibid., sec. 4399-54); summon and force the attendance of witnesses in any investigation or proceedings before it (ibid., sec. 4399-55); take possession of, sue for, and recover, sell, or convey property in the district that escheats to the state (ibid., sec. 4399-56); convert to its general school fund, money that it owns for which it is to receive only the income (ibid., sec. 4399-60); and provide for roads or pass-ways to its school buildings (ibid., sec. 4399-61).

#### Minutes

136. GENERAL RECORDS OF BOARD OF EDUCATION, 1927-- . 5 vols.  
Minutes of meetings of county board of education, giving date of meeting, names of chairman and members of board, detailed report of proceedings. Arr. chron. by date of meeting. No index. Hdw. on pr. heads. Vols. aver. 300

pp. 14x9x1. Co. sch. supt's. off.

Financial

137. FINANCIAL RECORD BOOK, 1930--. 4 vols.

Financial record of county board of education, showing itemized list and dates of receipts and disbursements from school treasury. Arr. chron. by date of receipt or disbursement. No index. Hdw. on pr. fms. Vols. aver. 200 pp. 15x11x1. Co. sch. supt's. off.

138. SCHOOL BUDGETS, 1929--. 2 file boxes.

County board of education's school budgets, giving itemized list of estimated expenditures and liabilities, date of budget, and date recorded. Arr. chron. by date of budget. No index. Typed on pr. heads.  $4\frac{1}{2}x4\frac{1}{2}x10$ . Co. ct. clk's. vlt.

Census

139. (PRE-SCHOOL CENSUS), 1920--. 2 file boxes. Last documents, 1934.

Pre-school census record of children between the ages of three and six years, residing in county school districts, showing name of child, date of birth, number of school district. Arr. alph. by name of child. No index. Hdw. on pr. fms.  $4x24x2\frac{1}{2}$ . Co. sch. supt's. off.

140. PERMANENT CENSUS RECORD, 1935--. 4 file boxes (labeled as follows: 1-20, 21-40, 41-55, 56-72).

School census reports on children in county school districts, between ages of six and eighteen, showing date of birth, sex, grade of child, date entered in school, names of parents, census district number (district numbers 1-72). Arr. numer. by no. of district and alph. thereunder by name of child. No index. Hdw. on pr. fms.  $24x14x10$ . Co. sch. supt's. off.

For prior records, see entry 141.

141. (SCHOOL CENSUS REPORT), 1928--. 4 vols.

Census of children between ages of six and eighteen, residing in county district, showing name, age, birth date, and sex of child, names of parents, date of census, district number, name of enumerator. Arr. numer. by district no. No index. Hdw. on pr. fms. Vols. aver. 300 pp.  $14\frac{1}{2}x9\frac{1}{2}x1$ . Co. sch. supt's. off.

For additional records, see entry 140.

District Boundaries

142. RECORD BOOK OF COUNTY BOARD OF EDUCATION, 1930. 1 vol.

Record of boundaries of educational divisions, showing division number, name and number of school district within each boundary, boundary of each sub-district. Arr. numer. by district no. No index. Hdw. on pr. fms. 250 pp. 14x9x1. Co. sch. supt's. off.



#### XXIV. COUNTY SCHOOL SUPERINTENDENT

The first school superintendent of McCreary County was Wiley S. Gilreath, appointed by the governor when the county was created. Thereafter the county school superintendent was elected by the county for a four-year term. He was required to hold a diploma or state certificate as required by the state board of examiners. (Ky. Stat., 1909 ed., sec. 4401.).

An act of 1920, amended in 1922, made the county school superintendent the executive officer and secretary of the county board of education, requiring him to attend all meetings except when his own tenure, salary, or the administration of his office is under consideration. The school superintendent may advise on any question but may not vote. (Carroll, 1930 ed., sec. 4399a-2.). The board, however, may appoint as many assistant superintendents as it deems necessary (ibid., 1936 ed., sec. 4399-34).

The county school superintendent is authorized to: lay off, abolish, or consolidate districts; condemn unfit schoolhouses and equipment; visit school districts at least once a year and make a record of school attendance, names of children unable to purchase books, condition of school and property, conduct, discipline, and method of instruction; advise with teachers and admonish them for neglect of duties in regard to school property; and, by every means in his power, strive to promote and advance the cause of common schools (Ky. Stat., 1909 ed., sec. 4403).

It is the duty of the county school superintendent, further, to: report to the county judge the number and cost of textbooks needed to supply indigent children (ibid., sec. 4405); make additional reports required by the state superintendent of public instruction (ibid., sec. 4406); pay teachers' salaries (ibid., sec. 4407); settle with the county judge annually for the previous school year, forwarding to the superintendent of public instruction a copy certified by the county clerk and showing moneys received and disbursed; refund to the state treasurer any unused funds (ibid., sec. 4409); make a complete report to the superintendent of public instruction on August 1 (ibid., sec. 4410); and hold office at the county seat on the second Saturday of each month and at such other times as necessary to transact his official business (ibid., sec. 4415).

Further duties, later repealed, were: not to act as textbook agent (ibid., sec. 4416); to receive compensation as fixed by the fiscal court out of the county levy (ibid., sec. 4419); not to be interested in contracts to build or repair schoolhouses; to approve plans for building schools (ibid., sec. 4440a); to take separate receipts for all salaries paid out of the county fund and make settlement with the county judge (ibid., sec. 4463a-10); to organize and cause to be held an annual teacher's institute from five to ten days, for the educational improvement and better qualification of teachers from his county and see that the proceedings are published (ibid., secs. 4507-4517); to keep a county teachers' library under his care in his office, and be a member of the library committee (ibid., sec. 4518); and, to furnish a statement of boundaries of school districts for purposes of tax assessment to companies operating railroads or bridges, and to receive taxes from such

companies (ibid., secs. 4099, 4100).

By an act of 1934, the county school superintendent is required, before assuming his duties, to present to the board a statement signed by the state superintendent of public instruction that he has been issued a certificate of administration and supervision (ibid., sec. 4399-34). Former duties were retained in the provisions of this act in substantially the same form, the county school superintendent having power to enforce all laws, rules, et cetera, relating to schools; to appoint necessary clerks to prepare rules, regulations, bylaws, and statements of policy for approval and adoption by the board, and subject to control of the board; and to have general supervision of the conduct, course of instruction, management of teachers, discipline of pupils, and management of business affairs (ibid., secs. 4399-16, -34). The school superintendent is further empowered to appoint members to such free libraries as may be established in the county (ibid., sec. 938d-5). He is exempt from jury service during school session (ibid., sec. 2253a-2). He must make a yearly report at the close of the scholastic year to the state board of education, giving an itemized account of all funds received from the state and other sources, and a statement of all expenditures during the year (ibid., sec. 4370-5).

#### Enrollments

143. ENROLLMENT CARDS, 1936---. 2 file boxes.

Enrollment cards of children entering public schools, showing name, age, and sex of child, date of birth, grade, names of parents, and school number. Arr. numer. by district no. Alph. self-contained index direct by name of child. Hdw. on pr. fms. 14x4x12. Co. sch. supt's. off.

#### Maps

144. SCHOOL MAP OF McCREARY COUNTY, 1935. 1 map.

Physical map showing boundaries of school districts and sub-districts, roads traversing school area, location of schools. Author, McCreary Co. health dept., Whitley City, Ky. Pr. No scale. 36x30. Co. sch. supt's. off.

### XXV. HEALTH UNIT

#### County Board of Health

When McCreary County was created, existing statutes gave the state board of health power to appoint, for a term of two years, three intelligent, discreet, licensed, practicing physicians, residing in the county, who, together with the county judge and one person appointed by the fiscal court, constituted the county board of health (Acts, 1904, ch. 35, secs. 1, 2, pp. 106, 107).

An act of 1918 defined the duties of the board of health as they stand today and stipulated that the members were to draw no compensation (Acts,

1918, ch. 65, secs. 1-3, pp. 290-353).

The board has authority: to require heads of families and other persons to execute such sanitary regulations as it may consider expedient to prevent the outbreak and spread of cholera, small pox, yellow fever, scarlet fever, and other communicable diseases; to bring infected populations under prompt and proper treatment during premonitory or other stages of the diseases; to inspect premises believed unclean and infectious; to determine and fix the location of an eruptive hospital for the county sufficiently remote from habitation and public highways; to enforce rules and regulations adopted by the state board of health; and to subject persons failing to comply with them to a fine of not less than \$10 or more than \$100 for each day of non-compliance. It is the duty of local physicians and heads of families in the county to report all the above-mentioned or other communicable diseases.

The board makes reports to the state board of health at least every three 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 of health in arresting progress of epidemics; and fourth, the visible effects of such action. The county board also makes such special reports as required or desired by the state board. (Carroll, sec. 2055.).

#### County Health Officer

The county health officer in McCreary County is appointed by the county board of health. He serves as secretary of the board and sees that the rules and regulations of the state board are enforced.

He holds office at the pleasure of the county board and receives such salary as fixed by the fiscal court (Acts, 1918, ch. 65, secs. 1-3, pp. 290-353; Carroll, sec. 2055).

#### Vital Statistics

145. DEATH RECORD, 1930--. 3 vols. (labeled by dates). Record of deaths in county, showing name, age, sex, and color of deceased, date and cause of death, name of attending physician. Arr. chron. by date of death. No index. Hdw. on pr. fms. 17x11x8. Co. health off.

#### Cases Treated

146. (PATIENTS' IDENTIFICATION CARDS), 1930--. 4 file boxes. County health officer's record of applicants for medical treatment, showing name, address, and age of applicant, nature of disease, date of application. Arr. alph. by name of applicant. No index. Typed on pr. fms. 12x6x24. Co. health off.

XXVI. SURVEYOR

A surveyor is elected in McCreary County every four years (Const. of 1891, sec. 99). He must be at least twenty-four years of age and a resident of the county, and he must give such bond as is required by law. He is compensated by fees regulated by law. (Ibid., secs. 100, 103, 106.). Before entering the duties of his office, he must file with the county clerk a certificate from some college or from the circuit judge that he is competent to perform the duties of the office of county surveyor (Carroll, sec. 4672a-1).

Surveying or civil engineering work which the court may order the surveyor to do must be considered as belonging to the office of county surveyor, unless another surveyor is appointed by order of the court. The surveyor's failure to comply with the court's orders subjects him to a fine which the court can assess. This work might include processing of land, locating lost corners and dividing lines, surveying and dividing an estate when land is being sold by order of the court, and surveying, locating, and superintending construction of roads, canals, levees, and ditches that are financed by taxation. In all orders of the court the surveyor has the selection of chainmen and other necessary help. (Ibid., sec. 4672a-2.). The surveyor is also a member of committees or commissioners appointed by the courts to locate, inspect, care for, and report on bridges and other public improvements (ibid., sec. 4672a-3).

The surveyor must execute every court order of survey of lands lying in the county; he must make out and return a plat and certificate thereof (ibid., sec. 4674). It is his duty to keep a record of all plats and explanatory notes of surveys made by him or his deputy in a book furnished by the county court, and all such records are the property of the county court, to be kept in the surveyor's office at the county seat (ibid., sec. 4672a-4, -5). If no record plat books are kept, the fiscal court, by contract with the surveyor, may order him to report by plat and explanatory notes such surveys as he has made while in office and other surveys made by his predecessor if deemed necessary (ibid., sec. 4672a-6).

In considering the application or the appointment of another surveyor for special work, the court must give preference to the county surveyor (ibid., sec. 4672a-7). On recommendation of the surveyor one or more deputies may be appointed by the county court who may act in any case in which a principal could act and for whose acts the principal is answerable (ibid., sec. 4673). An order of survey may be directed to any person in any case at the discretion of the court or by consent of the parties concerned, and the county surveyor or his deputies may administer oaths to commissioners appointed to make surveys (ibid., secs. 4678, 4679).

It is the surveyor's duty to append to the field notes of every survey made by him, the date of such survey and the variation of the needle from the true meridian at the time of making such survey (ibid., sec. 4676). When the office of surveyor becomes vacant, the county court orders the clerk to take charge of the books and papers of such office until another surveyor has qualified (ibid., sec. 4677) and fills the office temporarily until the

successor is elected (ibid., sec. 1526). Before permitting the entry of any land survey or patent, the surveyor must require of the applicant an affidavit that such lands are vacant, and, after surveying the land by order of the court, he must forward to the register of the land office, together with his plat and certificate of that land, his own affidavit that the land has not been patented before (ibid., sec. 4705).

The surveyor in McCreary County keeps no records.

#### XXVII. COUNTY ROAD ENGINEER

The office of county road engineer was created in 1912 (Acts, 1912, ch. 110, secs. 1-9, pp. 309, 353). As provided by this act and an amendment two years later, the county road engineer is appointed for a term of two years by the county judge subject to the approval of the fiscal court. He must be either a reputable civil engineer or a man who has had practical experience as a road supervisor or builder for two years and has passed a creditable examination by the state commissioner of public roads or one of his representatives. (Ky. Stat., 1915 ed., sec. 4325).

Duties of the county road engineer are to: exercise general charge of all public roads and bridges within the county except turnpikes or bridges privately owned, keep them repaired, supervise all construction, make such reports as directed by the county judge and fiscal court; advise and direct those employed by various contractors how best to repair, maintain, and improve such roads and bridges; examine the various forms and deposits of gravel for the purpose of ascertaining the best material suited; submit such samples when requested to the state commissioner of public roads; provide for the necessary grades and drainage; consider plans, specifications, and estimates submitted for erection, repair, and maintenance of public roads; hold road meetings in each magisterial district each year; inspect or cause to be inspected each road or bridge during its construction or improvement and certify to the fiscal court that work is carried on according to contract; and, when such work is not according to contract, stop the work until the fiscal court passes on it (ibid., 1936 ed., sec. 4328).

The county road engineer is also authorized to: hear and examine complaints (ibid., sec. 4332); certify claims of contractors (ibid., sec. 4333); inspect roads every six months; remove obstructions; post guide boards; place foot bridges across streams (ibid., sec. 4334); acquire gravel beds and stone quarries for grading purposes with the approval of the fiscal court (ibid., sec. 4337); and enter any lands adjacent to public roads to drain same (ibid., sec. 4352). He may also: hold hearings to adjust damages (ibid., sec. 4353); bring suits to enforce public rights in the name of the county (ibid., sec. 4356d); see that owners keep approaches in repair (ibid., sec. 4356b); examine toll bridges (ibid., sec. 4356c); lease necessary machinery (ibid., sec. 4336); plant shade trees, care for, and control the same (ibid., secs. 4354, 4355); have water troughs maintained (ibid., sec. 4356); have roads measured when directed to do so by the state commissioner of public roads (ibid., sec. 4356a); and post notices of closed roads (ibid., sec. 4356f). The county

road engineer turns over his books to his successor (ibid., sec. 4356h).

The county road engineer in McCreary County keeps no records.

#### XXVIII. COUNTY AGRICULTURAL AGENT

In McCreary County, although no specific provision is made by law for the office of the county agricultural agent, acts of Congress passed in 1914, 1928, and 1930 provide appropriations for the carrying on of the cooperative extension work in agriculture and the employment of extension agents in counties of the several states (U. S. Code, Title 7, secs. 341, et seq.). This work consists of the giving of instruction and practical demonstrations in agriculture to persons not attending colleges. It is carried on in such manner as is mutually agreed upon by the secretary of agriculture and the University of Kentucky. (Carroll, sec. 4636f-9.)

The Kentucky General Assembly in 1916 and 1930 assented to the provisions and requirements of these acts and authorized the trustees of the University of Kentucky to receive the grants of money thus appropriated and to conduct agricultural extension work, carried on in connection with the university (ibid., secs. 4636f-9, 4636h-1). The fiscal court and board of education of the county are authorized to appropriate such sums of money out of their annual funds as, in their wisdom, are necessary to aid in carrying on the extension work (ibid., sec. 4639g-2).

The powers and duties of the county agricultural agent are not enumerated by statute, but depend upon agreements and regulations made by the Secretary of Agriculture, trustees of the University of Kentucky, and the county fiscal courts.

Aerial maps, entry 151, have proved useful in the county agricultural agent's work in land planning and its phases of erosion control, crop adjustment, and related matters. These aerial photographs of McCreary County were made by the U. S. Forestry Service.

#### Expense Budgets

147. EXPENSE BUDGETS, 1936--. 1 file box.

Expense budgets for county agricultural conservation, showing title of account, rate and number of estimated days to be worked, receipts for service or supplies furnished, names of recipients. Arr. chron. by date of filing. No index. Hdw. on pr. fms. 24x8x20. Co. agricultural agent's off.

#### Enrollments

148. 4-H CLUB ENROLLMENT CARDS, 1935--. 2 file boxes.

Enrollment cards of extension work in agriculture, showing name, age, address, and status of training of enrollee, date of enrollment, names and addresses of parents or guardians. Arr. alph. by name of enrollee. No index. Hdw. on pr. fms. 12x8x12. Co. agricultural agent's off.

Soil Conservation

149. SOIL CONSERVATION FORM ECR 10-11, 1937--. 1 file box.  
Name and address of owner, types of crops, number of soil building practices, names and addresses of tenants on farm, date form made. Arr. alph. by name of tenant. No index. Typed on pr. fms. 12x8x12. Co. agricultural agent's off.

150. WORK SHEET, 1936--. 1 file box.  
Work sheets of soil conservation association, showing names of owner, share tenant, person making out work sheet, amount of harvest acreage. Arr. alph. by name of tenant. No index. Hdw. on pr. fms. 12x8x12. Co. agricultural agent's off.

Maps

151. PHOTO MAPS (Physical), 1937. 100 maps.  
Aerial photo maps of the physical condition of land in the county, showing plains, hills, fertile sections, and portions unfit for cultivation. U. S. Forestry Service. Pr. Scale, 1" = 66'. 30x24. Co. agricultural agent's off.

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