

ROWAN COUNTY'S COURT HOUSE HAS BEEN TWICE DECAPITATED: HAD PREDECESSORS.  
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According to the Centennial Edition of the Rowan County News, Morehead's first courthouse was a log building that burned either in 1880 or 1885. It was succeeded by a large two story frame structure, of which several photographs survive. One photograph, the property of the late Norman Wells, showed the militia on the courthouse lawn July 4, 1885. Separate buildings housed the sheriff and the ~~circuit~~ <sup>clerk's</sup> ~~office~~ <sup>office</sup> court. The Superintendent of Schools had no office at all and the fiscal court in May 1895 ordered a door constructed "on the outside of the office now occupied by the Sheriff of Rowan County to the back room of said building." Obviously, there was overcrowding.

At the March 1896 term of the Rowan County Court, a grand jury recommended that a new court house be constructed, the old one "being inadequate for the purpose for which it was built." The Fiscal Court took up the matter the next month and agreed to put the proposition to the voters in November 1897.

In the Spring of 1897 "a good and sufficient fence" was ordered "built around the Public Square, fence to be a picket fence and locust post with plank at bottom." At the same time the courthouse was ordered "repaired so as to be safe and comfortable." The voters favored a new building. And on the last day of November 1897 the Fiscal Court ordered "that a new court house be built where or near where the old one now stands and that the old one be torn down and sold to best advantage." The money was to be raised through the sale of \$100 bonds. The \$15,000 cost was to be paid off in thirds, the first \$5000 being payable in ten years.

Not until July 1898 was a Court House Commission organized. J.M. Carey and W.A. Young were authorized to make arrangements for the construction of the stone or brick building. On September 13th, the commissioners laid before the Fiscal Court the plans of H.L. Rowe, a Lexington architect and on that day entered into a contract with the Lexington construction firm of Clarke and Howard. \$14,660,000 was agreed upon as follows--"\$5000 when the foundation to the house is complete; \$5000 when the roof is on and the remainder \$4000 when the ... work as agreed is finished." The matter of furnishing the structure with pews, seats, desks, tables, blinds for the windows, lamps, and stoves was left to October when up to \$1000 was earmarked for such purposes, half to be paid for through the 1899 tax levee and the other half through 1900 revenues.

Due to the placement of the new courthouse and the need for revenue, the Fiscal Court decided to keep the offices of the Clerk and the County Attorney on the Public Square and "to rent said offices to the best advantage." In 1900 two vaults were purchased from the Art Metal Construction Company for \$600 each. There are signs that the county was getting itself into a financial bind and in December of 1901 the First National Bank of Lexington had two suits filed in the Rowan County Circuit Court. Not until November 1902 did the County decide it was better to settle the matter quietly. Not until 1903 was the county in a position to pay for seats it purchased in 1900 from the Grand Rapids School Furniture Works. In 1903 also, the Fiscal Court had to pay for repairs to the nearly new building when ~~the~~ <sup>a</sup> brick chimney fell through the roof.

Perhaps it is reassuring with all the squabbling and fuss of past years regarding a new building to realize that Rowan County has gone through that trauma once before.

BELIEVE IT OR NOT! COAL WAS MINED IN ROWAN COUNTY  
KENTUCKY YESTERDAYS  
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An 1898 issue of the Advance carried an account reprinted in the 1956 Centennial Edition of the Rowan County News under the heading "Man, Signing Himself as an Expert Miner, Said Rowan Had Rich Coal Deposits" has been taken with a grain of salt. The key section of the letter dated Morehead, May 27, 1898, follows:

Proceeding up Dry Creek to near the source is a valuable coal mine recently located by A.W. Vinton of this place. The vein of coal is  $4\frac{1}{2}$  feet wide with three feet of slate on top interspersed with coal, which is a sure indication of running to coal as depth is attained, thereby making a vein of coal at least six feet in width. The quality of the coal is bituminous and will make good coke. The mine is situated between six and seven miles in a southeasterly course from this place and is easy of access, as it is down grade from the mine to this place.

It would be easy to dismiss this as just another get rich scheme, such as was the Queen City, Rowan County speculation some twenty years earlier, except for one fact. Coal production figures for Kentucky for 1920 indicate that more than 2,000 tons, a drop in a coal scuttle compared to the state's total, were produced in Rowan county! Before World War I, most of the coal mined in Eastern Kentucky came from Northeastern Kentucky. Indeed an 1887 map showed Boyd and Carter counties as two of the more important producers. Thus, prospecting to the West of Carter seems logical.

another battle, however, an appeal to the Kentucky Supreme Court was coming up. All this time, the libraries had been closed to the public. The Machiavellians were winning --they had time on their side. The legal battle had taken from May 12, 1979 to September 12, 1980.

#### Kentucky Supreme Court

The Carter County Fiscal Court hired, at the expense of the tax payers, a Louisville law firm to take this case to the Kentucky Supreme Court--Amshoff & Amshoff. The total cost of this venture has yet to be revealed. The Fiscal Court members still sit in their powerful seats, thumbing their noses at the State law, and some are chewing tobacco in the courtroom. The Kentucky Supreme Court heard the same case that the Court of Appeals did, and came to almost the same conclusions. They reversed the Appeal's ruling of the taxing year--changing it from 1979 to 1980--upholding the Circuit Court's original ruling. (The technical point involved here was the term, "next annual tax bill"). The decision was rendered on February 17, 1981. We were still closed. It will come as no surprise that another appeal was then filed-- with the United States Supreme Court. (This law, the petition law, is a state issue not a federal one, which is part of the reason the Civil War was fought.)

Since the law allows much time to pass before appeals need be filed, and in this case, 90 days, the Louisville law firm took its full time to appeal. The timing was wonderful as the appeal was filed right before the Supreme Court went on vacation. (Incidentally, I was also on vacation--I became one of those much talked about statistical wonders by joining the ranks of the unemployed.)

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Finally, on October 5, 1981, the first day back on the job, the U. S. Supreme Court dismissed for want of substantial federal question<sup>16</sup> the appeal. These legal proceedings to enforce an already established state law took over two years. We were still closed.

After the Legal Battles

Celebration time! We have finally won all there is to win. What more could happen one might ask--one should have. (Politics should have only had 4 letters in it). An election in November, so soon after our October victory, held more than just possible losers and possible winners. In October, notification was supposed to be sent to all tax payers that their assessments had gone up--to meet state requirements. The Property Valuation Administer was up for reelection so the notices were not mailed out. He then lost the election, and let the "winner" send out the notices, as well as prepare the 1981 tax bills. The tax bills for 1981 were mailed on April 1, 1982. We could not open our libraries without the tax revenue, so the Board met and voted to put the staff back to work as soon as the bills were mailed. This meeting was held on March 23, 1982, and we finally could see the light at the end of the tunnel. We went home feeling euphoric, because something we had worked and fought so hard for was finally going to be a reality. We had weathered the political hassles.

This appears to be the happy end to a long, sad story, and it should have been, by law. But the perils of Pauline continue. The month of March wrought more than just the Ides-- a group of anti-library people united to form the ALPTC ( Anti-Library Petition Tax Committee), and they made loud noises. Incorrect information was broadcast by them and false accusations thrown at us. Mr. Caummisar

was called at all hours of the night and no one answered. He was told several times to get out of town. I got to listen to heavy breathing and obscene desires when I answered my telephone. The anti's main objective, other than harrassing us, is to abolish the petition law--which would definitely affect the other 77 counties that have been set up this way. This group, unfortunately, was able to get our State Representative to help them. He attached an amendment to their liking to another bill that already been introduced to the Legislature. (This Representative was the County Judge while the legal battles were raging). The new County Judge (who was the Sheriff while the legal battles were raging), and a few other persons took a trip to Frankfort and visited with the State Librarian, James Nelson. These men were anti-library people and they submitted anti-library names to Mr. Nelson to be forwarded to the County Judge for appointment to our library board. During the ALPTC's noise one board member resigned and two other's terms had expired. The delegation from Carter county gave 6 names to Mr. Nelson to fill these three positions. The law on appointments to a library board states: Upon the creation of a district, the fiscal court of each county in the district shall at once notify the department of library and archives of the establishment of the district. The department of library and archives shall then recommend to the county judge/executive of each county in the district the names of suitable persons from that county to be appointed to the board. The department of library and archives in recommending persons to the county judge/executive for appointment to the board shall recommend twice as many persons for each county as the county is entitled to have members appointed <sup>17</sup> (KRS 173.725). Any vacancy

occurring in the terms of office of members shall be filed for the unexpired term by the county judge/executive, with the approval of the fiscal court, by appointment on recommendation of the department of library and archives of two (2) names for each vacancy from the county in which the vacancy occurred<sup>18</sup> (KRS 173.730). Without even a telephone call to our board chairman to check these people out, Nelson submitted these names to the county judge. Mr. Caummisar's comment on this action was: "He (Mr. Nelson) didn't have the courtesy to call, write , or to even send a carbon copy of the letter to Joe Kitchen (county judge) to me."<sup>19</sup> Caummisar characterized Nelson's action as a "blatant case of old fashioned hardball politics, a type of politics the Brown administration has renounced."<sup>20</sup> Nelson's comment to Caummisar: "...The new appointments represented a change in direction for the Carter county libraries but not the closing of the libraries."<sup>21</sup> Two of the names submitted and later appointed were members of the fiscal court who we sued through 4 courts in this nation. Mr. Nelson would have done well to have checked these people out. Caummisar was told by Nelson that Carter county was a sacrificial lamb for the other 77 libraries in the state that were set up by the petition method. The truth of the sacrifice, however, is not what Nelson thinks it is. The board chairman of Carter county public library fought through the highest court in this nation to protect the petition law and the other 77 counties--This is what saves the libraries set up by petition, not the State Librarian setting a precedent of allowing anti-library politicians and small delegations to put people on library boards. This one decision could mean the death of libraries in many counties.

Several of Mr. Caummisar's comments deserve to be quoted as they exemplify the feelings that one has after building something wonderful and someone else sets it on fire. "All these months and years of standing firm and we had succeeded. Here comes a hand grenade in our own camp from our own general (Nelson)."<sup>22</sup> Concerning the ALPTC, Caummisar stated: "...When law abiding tax payers see that the tax is only 3.8¢ (House Bill 44) ... they will say, was this what that was all about? Is this why I went to 2 public meetings and spent \$15.00 worth of gas?"<sup>23</sup> And for the politicians, he added: "It is time, I think, to call an end to what starts becoming lawbreaking. If some of the politicians who have stuck a finger in the pie to curry favor had stood firm and said, it's over, the law's constitutionality has been upheld, let's go on, we would be better off. What if 400 people said they don't want stop signs anymore. Are you going to repeal laws about stop signs? Of course not."<sup>24</sup> As to Nelson's appointments: " (This) is tantamount to the old fox in the chicken coop (or) the abortionist in the maternity ward."<sup>25</sup> Nelson said that it is the position of his department that the library board appointed by the county judge is the official board of Carter county.<sup>26</sup> Mr. Nelson has made a gross error, but so far no relief from him is in sight. He has actually violated several technical points of the appointment law, and should rescind the six anti-library names. These points are: the six names submitted are "unsuitable" as they oppose library taxing, the names were submitted before the fiscal court established us as a district, and the third point is that only 2 names per appointment vacancy can be submitted. Nelson did mail another list of "good" names to the county judge, but he called this list a supplemental list not a



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substitute for the other. That meant that a total of 12 names had been submitted for 3 vacancies to be filled. Nelson claimed that the law on the number of names per appointment vacancy was vague<sup>27</sup> but the law is not vague--it clearly states two (2) .

Nelson's comments should not go unnoticed: Nelson said that "he doesn't know what will happen when a board opposed to the library takes charge. We don't know what happens if they refuse to spend the tax money. We've never had this happen before."<sup>28</sup> Another first for us to endure, and the most unnecessary one to date. This is a classical example of the Machiavellian politics at work. There was no sense in Nelson's action or his defense of it, and it has yet to be properly explained to us. The new board has met, and two of Nelson's choices are definitely opposed to using the library tax money to operate the libraries--they favor private donations.<sup>29</sup> Mr. Nelson is about to find out what happens when anti-library people are put on library boards. The new board wants to open the libraries with donations only which means a cut in staff, in pay, and worst of all, in collection and services. We are legally entitled to our tax money and the new board is refusing to let us have it for libraries. The new chairman stated: "He would check with his contacts and determine if he could get a donation of \$5000.00 for the library by May 1. We could go ahead and open it, operate it that way, and if we don't get any new money (through donations) we can make a decision to stop operating the library or to use the tax money."<sup>30</sup> The board postponed all decisions until April 30, 1982. Meanwhile, the libraries are still closed, the staff is still unemployed and do not know if they will ever be employed, and Mr. Nelson is discovering what happens.

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I am angry. I am angry that any of this had to take place at all. Since it did, I am angry that we won and then one man, who should have gone to Keeneland, showed up for work instead and made a decision-- a political decision that sacrificed not only a public library but the people who had fought so hard to have one. I found more than just a job at the library--a belief and a love for information and reading--knowledge. For three years I have waited for this belief to be a reality for the community, me, and my children. To the state, Carter county is an inanimate object, but I am not, and neither are the many people who want the library. There are heroes and villains in all stories and this one is no exception. May Robert L. Caummisar, attorney at law and chairman of the Carter County District Board of Trustees, be recognized as one of the heroes of libraries, and hopefully, one day, his good will and dedication to the cause will return to him a better reward than what he received in March of 1982. There are many who will not like this story, because it happened or because it was revealed, but it had to be told. It is not over yet, but there is no doubt that more laws will be broken and the only recourse will be to sue--again--which takes time. And time has run out for Carter county.

## Notes

<sup>1</sup> KRS 171.201-205. (All additional references to KRS laws will be cited in the contents of the paper).

<sup>8</sup> Carter Circuit Court, number 79 CI 105 (1979), p. 4, #16. (TS).

<sup>9</sup> Brief prepared by Amshoff and Amshoff for the U.S. Supreme Court, October Term, 1980, p. 7.

<sup>10</sup> Carter Circuit Court, p.4, C.

<sup>11</sup> Carter Circuit Court, #9.

<sup>12</sup> Carter Circuit Court, Judgement.

<sup>15</sup> Court of Appeals, 80-CA-4-MR

<sup>16</sup> U.S. 102. S.C.t 75(1981).

<sup>19</sup> Journal Enquirer Newspaper, March 30, 1982.

<sup>20</sup> Ibid.

<sup>21</sup> Ibid.

<sup>22</sup> The Daily Independent, March 30, 1982.

<sup>23</sup> Ibid.

<sup>24</sup> Ibid.

<sup>25</sup> Lexington Herald, April 3, 1982.

<sup>26</sup> The Daily Independent, April 2, 1982.

<sup>27</sup> Journal Enquirer, April 6, 1982.

<sup>28</sup> Lexington Herald, April 3, 1982.

<sup>29</sup> The Daily Independent, April 8, 1982.

<sup>30</sup> Ibid.

## KENTUCKY SOURCES

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1. Kentucky Historical Society Library  
Old Capitol Annex  
P.O. Box H  
Frankfort, KY 40602  
(502) 564-3016  
Open 8-4:30 Mon.-Sun.  
except New Year's Day,  
Easter, Thanksgiving,  
Christmas

Genealogical collection includes surname files, tax and census lists, church and Bible records, regional genealogical materials, newspapers, photos, maps and many other primary and secondary sources.

2. Kentucky Genealogical Society  
Mary Jane Rodgers  
P.O. Box 153  
Frankfort, KY 40602  
Open 8-4:15 Mon.-Fri.  
Extended hours after  
March 1 include Sats.  
and Tues. evenings

Collection housed at Kentucky Department for Libraries and Archives, 300 Coffee Tree Road, Frankfort, Ky.

3. Special Collection Department  
University of Kentucky Library  
Lexington, KY 40506

Includes some microfilmed material as well as unprocessed material from several private genealogical collections.

4. Latter Day Saints Library  
P.O. Box 12101  
(1789 Bates Creek Pike)  
Lexington, KY 40580  
(606) 269-7602

They have a card catalog on microfilm of their holdings from their main library at Salt Lake City. Material can be borrowed from the main library for use in the regional libraries.