

February 1, 1958.

Honorable Frank B. Stegeman, Mayor
or
Honorable Donaldson Brown, Ex-Officio Mayor
City of Fort Thomas
Also all Members of Council
c/o Honorable Charles H. Kuhn, City Engineer
City Building
Fort Thomas, Kentucky.

Honorable Gentlemen:

You will find enclosed brief corporate or legislative history of the District of Highlands and the City of Fort Thomas, Kentucky, which may be of some interest to you.

You will note by this brief memorandum that the City of Fort Thomas with its predecessor community, the District of Highlands, will be ninety-one (91) years old on Thursday, February 27, 1958, or this year. However, if one wanted to go back in history he would find that the area where the City of Fort Thomas is now situated was first mentioned in legal documents as far back as 1780, or to be specific, on September 6, 1787, when the original land grants or Treasury Warrants were approved on September 6, 1787, to Messrs. Samuel and David Ferry by the Commonwealth of Virginia, which would be 171 years ago this coming September 6th.

Now during the past several weeks the officers of the Christopher Gist Historical Society have received numerous requests from high school and college students living in Fort Thomas, requesting information as to the early history of Fort Thomas, or it's predecessor community, the District of Highlands, and just what year the District of Highlands was chartered or incorporated, and, in view of the fact that the District of Highlands was established and incorporated on February 27, 1867, or ninety-one (91) years ago, we are of the opinion that your honorable City Council might want to adopt some sort of a Resolution on or before that date and give such action to the public through our local newspapers, radio or television stations, for we believe that such action would bring considerable favorable publicity to your city.

It is simply surprising the lack of knowledge of our citizens relative to local historical events, as well as that of distinguished personages, as well as institutions, that is relative to the date or dates of their establishment, and our local historical society receives from twenty to twenty-five letters each week seeking such information.

Most all of the early corporate or legislative history of the District of Highlands, or up until the time the district was incorporated as the City of Fort Thomas by judicial action, may be found in the several acts of the Kentucky General Assembly, which may be found in the library of the Kentucky Historical Society at Frankfort, the library of the College of Law of the University of Kentucky, at Lexington; the library of the Hamilton County Law Library in the Cincinnati Court House, or the library of the United States Court of Appeals in the Federal Building in Cincinnati, however, there are a number of the bound volumes of the Kentucky Acts missing from this latter library, but the Hamilton County Law Library has a complete list with much other data or information relative to the Kentucky Acts which may

at the time be of much interest to your Honorable Board, although, whether your City Attorney is a member of the Hamilton County Law Library Association which would give him free access to all the books in the library, and I am not representing this Law Library, however, I did not notice his name on the roster of members when I was last in this library.

In connection with this first enclosed Memorandum, you will also find enclosed a Supplement, of the several measures that were enacted into law relative to the District of Highlands which were passed after the initial act chartering the District which might be of some interest to you.

Now history is nothing more than a record of what men and women have done; it treats of the rise and fall of communities, states and nations; their manners and customs, and the part each has taken in the progress of mankind, however, in this day and age, it might also be added-what boys and girls have done, for today they are taking their places alongside that of the men in almost every vocation in life and even upon the battlefields of the world, so I believe that the high points of the history of Fort Thomas, as well as its predecessor, the District of Highlands, should and would be of much information to all citizens of Fort Thomas, and especially the school children of your city, and should you look with favor on my suggestion, the high points of the progress of your city could and should be incorporated in such a Resolution to be adopted and approved by your Board of Council. I well know the fact that if such a Resolution is adopted and given to our local newspapers, radio and television stations, for publication, that it will save me much time and labor in writing and giving this information to the citizens of your city, and especially the school children of your city, of both the common and private schools; and maybe, all of the schools in your city might want to stage some kind of a program on the history, especially its early history, for the benefit of the citizens of your city.

It is hardly necessary for me to recall to your memory that when Hitler^R (1889-1945), or Mussolini, (1883-1945), or even Stalin, (1879-1953) came to be the supreme dictators of their subject countries of Germany, Italy and Russia, that the very first thing they did was to order the destruction of all history books and libraries, for they did not want their subjects to become familiar with the history of the past of those countries, and especially in their quest for liberty and independence, according to foreign newspaper correspondents assigned to those countries, as well as articles written by our own educators and historians. This alone should and would be the instrumentality to have every patriotic citizen of your city to know something of the history, past early history, of your growing and progressive city.

Several years ago, I was requested by the then President of the Committee For Fort Thomas, to aid this committee in writing a history of Fort Thomas, for none has ever been written and published, and I wrote quite a number of pages for him and gave your very able and efficient City Engineer, Mr. Charles H. Kuhn, a copy of what I had written for his own use. However, for some reason or other, the Committee For Fort Thomas must have dropped the project, for I have never heard no more about it. However, it may have frightened this Committee at the time when I referred to the fact that two major crimes or felons had been committed in Fort Thomas, but really this is in error, for only one such crime was really committed in Fort Thomas proper. Of course the lynching of Peter Kline on March 16, 1879 was committed in Fort Thomas, but then known as the District of Highlands and before the organization of a police department, for that year the community was guarded by but one policeman or constable, but Peter Kline was taken from the Newport jail and brought to Fort Thomas and lynched for his heinous crime, although, he was not a native of Cincinnati, or rather I should say, he was

a native of Fort Thomas, but that of Cincinnati, Ohio, and not even Kentucky, and had been an inmate of the Ohio penitentiary before coming that day to the District of Highlands and committing his crime on a white woman of your city. The other crime referred to was that against Miss Pearly Bryan of Indiana, but that crime was committed in Cincinnati and her body just left in Fort Thomas, many years ago. However, the two alleged perpetrators of that crime paid for their lives when they were hanged in the Newport Court House yard. However, ninety-nine years is an exceedingly long time with only two major crimes or felonies being committed in a community, and then by persons not residents of the community, and one of the crimes really having been committed outside of the community.

Now two of the officers of our local historical society are members of your official city family, they being Mr. Howard Wendling, a member of your City Council, who is the official printer for our local historical society, and Mr. Fredrick W. Winkler, chairman of your Park and Recreation Board, who is a Trustee of the Christopher Gist Historical Society, and both will be able to inform you of the work we are engaged in doing in the gathering and preserving of the historical records of distinguished personages, events and institutions in our local area.

We trust that you will look with favor upon adopting some kind of a Resolution, calling attention to the citizens and school children of Fort Thomas, that that on next February 27th. will be the 91st anniversary of the chartering of the old District of Highlands and now known as the City of Fort Thomas, Kentucky, I am

Very sincerely yours,

C. B. Truesdell, Secretary
The Christopher Gist Historical Society
1180 Grand Avenue
Newport, Kentucky.

Early corporate or legislative history of the District of Highlands
the City of Fort Thomas, Kentucky.

By C. B. Truesdell, Secretary, The Christopher Gist
Historical Society, 1180 Grand Avenue, Newport, Kentucky.

The District of Highlands, now known as the City of Fort Thomas, Campbell County, Kentucky, was chartered and incorporated by a special act of the Kentucky General Assembly, in 1867; therefore, the community is and will be ninety-one (91) years old, this year, (1958), and in the year of 1967 will be in position to celebrate the centennial of its birth as a district, community, or city. However, the local area of Fort Thomas was first heard of as far back as 1780 and 1787, when the State of Virginia issued land grants or warrants to two brothers, Samuel and David Perry, for 1000 and 1200 acres respectively each in what is now the area of the City of Fort Thomas.

Now according to records in the Land Grant Office at Frankfort, Kentucky, and the Auditor's office in Richmond, Virginia, they say:

"Whereas, Samuel Perry in consideration of a Treasury Warrant No. 5174, issued May 3, 1780, there was granted by said Commissioner of Virginia, unto Samuel Perry, 1000 acres, being opposite the Mouth of the Little Miami River. This land grant was accepted by said Samuel Perry on September 6, 1787." and

"Whereas, on September 6, 1787, the Commonwealth of Virginia, conveyed to said David H. Perry, 1200 acres of land opposite the Mouth of the Little Miami River in consideration of a Treasury Warrant, said Warrant being dated in 1780," extracts from the Land Grant Office at Frankfort, Kentucky, and the Auditor's office in Richmond, Virginia."

Therefore, it will be noted that the present area of the City of Fort Thomas was in existence and noted by court and state records as far back as 1780 and 1787, when our pioneer citizens, two of them in particular, Samuel and David H. Perry, secured land grants or treasury warrants from the State of Virginia, or the United States Government, for services rendered to that State and our Federal Government. At later dates, others who received such warrants in their original form, or were transferred from other owners of such warrants, were Robert H., W. H., and John Caldwell, Lucy Ellen Caldwell, William H. Caldwell, Andrew D. Smalley and his wife, Mrs. Agnes P. Smalley, Simon Kenton, Henry Crist, Joseph Perry, General James Taylor, Jacob Hawthorne, James Lindsey, Richard Southgate, John Byrd, Patrick Campbell, Robert L. and Sallie A. Stillwell, William Kennedy, Ben Logan, George Muse, R. D. Richardson, Rees Gaddis, Andrew, Sarah and Elizabeth Hamilton. (Reference-Records in the Fayette County, Mason County, Bourbon County, Harrison County, Scott County, and the Campbell County Court House at Alexandria.)

(District of Highlands established and incorporated in 1867.)
Previous to the adoption of our present State Constitution on September 28, 1891, all communities were chartered and incorporated through the passage of special acts by the Kentucky General Assembly, therefore, we note the following:

" Page 42, Chapter 1478, Acts of Adjourned Session of January, 1867, Volume 2 of the printed acts of that session.--To establish and incorporate the District of Highlands in Campbell County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (Boundry of District.) That so much of the County of Campbell as may be embraced within the following boundry, to wit: Beginning at the fourth mile post from the City of Newport, on the Campbell turnpike road, and running thence so as to include the farm and residence of Jacob Hawthorne, to the mouth of Three Mile creek, on the Ohio River; thence with the Ohio River, down the same, to the lower corner of the land now owned by James T. Berry; thence in a direct line southwesterly to the Jamestown Road, at the dividing line between Henry and James Walker; thence in a direct line to the Campbell turnpike road opposite the Two Mile house; thence with the turnpike road, southerly to a point opposite to the farther line of the

...cemetery grounds; thence crossing the turnpike, with said cemetery
...distance of fifty (50) poles; thence in a line parallel with the
turnpike--and its meanders, excluding the Catholic Cemetery grounds, to a
point opposite the beginning; thence in a direct line to the beginning, is
hereby established as a separate justice and election district in said
county, and the inhabitants thereof are created a body politic and corporate,
by the name and style of the District of Highlands in Campbell County, for the
the purposes hereinafter mentioned.

Section 2. (Two Justices of the Peace and one Constable to be elected)
Two justices of the peace and one constable shall be elected for said dis-
trict by the qualified voters thereof, at the times, and in the manner, and
having the qualifications required by the Constitution and laws of this
Commonwealth; and all elections for said district shall be held at the first
toll-gate house on the Twelve-mile turnpike road; but the trustees of said
district may appoint a different place for holding any election by posting
notice thereof at the several public points of said district, not less than
fifteen (15) days before the election.

Section 3. (Government of the District Confided to Seven Trustees-
First Trustees) The government of said corporation shall be confided to a
board of seven trustees having the qualifications of owners of real estate
within the limits of said district, who shall be chosen annually, on the
first Saturday in January, in each year, by the qualified voters and owners
of real estate within said district, and shall serve for one year, and until
their successors are elected and qualified; and until the first election:
Eli Kinney, Thomas Irwin, Jacob Hawthorne, John Lilley, John Cline, George
H. Hilton, and Henry Stanberry, and such qualified persons as they may
appoint to fill vacancies, are empowered after being sworn according to the
Constitution and laws, to act as such trustees.

Section 4. (Chairman to be Selected; clerk, treasurer and policeman
appointed. When to meet. To keep record, make by-laws etc.. May prevent
running at large in said district. May levy a tax for district purposes,
Have management of Public Roads in said District--may grade and improve same;
May fill vacancies.) The trustees shall have power to select one of their
own number or members as chairman, who shall preside at their meetings, and
in case of his absence, a chairman pro-tem; they shall elect a clerk, treasurer
and other corporation officers during their pleasure and appoint others in
their stead; they may meet at such times and places as they may see fit, or
as their chairman may appoint, and a majority of them shall be a quorum to
do business; they shall keep a record of their proceedings, and may pass such
by-laws, rules and regulations, for the good government and police of said
district, as they may see fit, not inconsistent with the Constitution and
state laws, and provide for their observance by adequate penalties, which may
be enforced before the Justice of the Peace for said district; they may make
regulations to prevent stock of all kinds running at large in said district,
and to provide a pound for impounding said stock, at the cost of the owners
thereof, and shall have a lien on such stock for such costs, to be enforced
before a Justice of the Peace for said district in such manner as the by-laws
may provide; they shall have power to levy a tax of not exceeding five (5)
cents on each one hundred (\$100.00) dollars of valuation of all the real es-
tate in said district for ordinary purposes, and such additional taxes,
general and special, as a majority of all the owners of real estate in said
district may assent to, but no levy shall be in force for longer than one year
except for the collection of what money be due and imposed thereon. They shall
have the management, supervision of all public roads in said district except
the chartered turnpikes passing through the same, and shall keep the same in
good repair and for failure to do so, shall be liable to the penalties de-
nounced by law against surveyors of public highways for such dereliction, and
to be enforced in like manner; and they shall be entitled to receive their
just proportion of the Campbell Countt road tax for such road purposes. They
may grade and pave or macademize, either with rock or gravel, any public road
passing through or into said district within the limits thereof, and erect
gates and demand and receive tolls from persons passing in accordance with the
laws in force relating to turnpikes in this State; and with the assent of two-
thirds of the owners of real estate, by or thorough which any such road may
pass, and may levy special taxes on such real estate, to pay for such grading,
paving or macademizing; and may receive and collect subscriptions for said
work, giving to each subscriber when his subscription shall have been paid, a
Certificate of Stock to the amount subscribed, and in case of taxation a like
certificate to the amount of the tax collected from him. They shall also have
power to fill vacancies which may happen in their own members by choosing fit

persons to serve until the next election.

Section 5. (Suits to be in the Name of the Trustees) All suits or actions presented or defended for said certification, and all proceedings for the enforcement of the by-laws for said district, shall be in the name of the Trustees of the District of Highlands in Campbell County.

Section 6. (Boundries of the District to be Surveyed and Marked.) As soon as possible after their first organization, the trustees shall cause to be surveyed and marked the boundries of said district, and shall cause a plat thereof to be recorded in the deed book of the county clerk's office at Newport, all at the expense of said district.

Section 7. (Where to Vote) at the state and county elections hereinafter, the qualified voters residing in said district may vote at the voting place of said district, and not elsewhere.

Section 8. (Emergency Clause) This act shall take effect from its passage.

Approved February 27, 1867.

(Signed) John L. Helm, Governor of the Commonwealth of Kentucky.

At the 1912 session of the Kentucky General Assembly efforts were made to have the District of Highlands reclassified from that of a Sixth Class City, or rather from that of an incorporated district to that of a city of the Fifth Class under provisions of the State Constitution of 1891.

Under provisions of Chapter Seventy five (75) of the acts of 1912 we find that the amendment to the bill which sought to re-classify the cities and towns of the state this language: "Add after the words Barbourville, Knox County," in the list of cities of the Sixth Class the words "Highlands Campbell County." This section of the act pertaining to the District of Highlands was held to be unconstitutional by the Kentucky Court of Appeals, however, in 1894, the District of Highlands was incorporated under the State Constitution of 1891 by a petition filed with the Campbell County Circuit Court, which provided that the town be one quarter of a mile square in the center of the town, and later on ordinances were enacted annexing other sections to the town, thus there was accomplished by judicial action what could not be accomplished by legislation action. The name of the community was also changed by this judicial action from that of the "District of Highlands" to that of "The City of Fort Thomas, Kentucky," thereby making the community a city of the sixth class under provisions of our State Constitution, and named in honor and in memory of General George Thomas, this great General George Henry Thomas having been known as the "Rock of Chickamauga", for as a Union Major General in the War Between the States, he was able to render the Confederate victory a barren one at this point. Then too, when the name was changed from that of the District of Highlands it also followed in line with that of the Fort Thomas Army Post which had been established several years previous.

The community of Fort Thomas continued to grow from 1915 to 1920, when, at the instance of the Fort Thomas Board of Education, and in order to secure better school facilities under provisions of a proposed Fourth Class City School Act, enacted at that session, a bill was introduced by the then State Representative from Campbell County, representing Fort Thomas, who also piloted it to passage, which reclassified Fort Thomas from a City of the Sixth Class to that of a Fourth Class City, and for the past thirty eight (38) years it has been governed under the laws covering fourth class cities in the Commonwealth of Kentucky, which are said to be superior to the laws governing cities of the Third Class.

- Reference-The above information has been secured from personal knowledge, as well as information secured from the various acts of the General Assembly of the Commonwealth of Kentucky on the shelves of the Kentucky Historical Society Library at Frankfort; the Hamilton County, Ohio Law Library in the Court House in Cincinnati, Ohio, and the United States Court of Appeals Law Library in the Cincinnati Federal Building.

SUPPLEMENT

Brief summary of early corporate or legislative history of the
District of Highlands, now the City of Fort Thomas, Kentucky.
By C. B. Truesdell.

The first treasurer of the District of Highlands was Eli Kinney, who built what has been referred to throughout the years as the "Kinney Mansion", now known as "Carmel Manor", a home for the aged, operated by the Carmelite Sisters on the brow of a hill overlooking the Ohio and Miami River valleys, just east of the Veterans Administration Hospital in Fort Thomas. Mr. Kinney was a large land owner and a Cincinnati banker where he operated two of the major banks in that city, however, because of his speculations in grain he was compelled to go into bankruptcy and all his vast holdings, including the Kinney Mansion in Fort Thomas, were sold to satisfy his creditors by the United States Court in Cincinnati.

Judge Thomas Irwin was the first Chairman of the Board of Trustees of the District of Highlands. Judge George H. Hilton and the Hon. Jacob Hawthorne drafted the first code of ordinances for the district.

Attorney Henry Staberry, later known as General Staberry, when he became Attorney General under the administration of President Andrew Johnson, however, he resigned this post to defend President Johnson in impeachment proceedings in the United States Senate. He was one of the first members of the Board of Trustees of the District of Highlands and acted as the first city or district attorney.

The first meeting of the Board of Trustees was held on March 15, 1867 at the home of Joseph Metcalfe on what was then known as Mount Vernon Avenue. The home of Mr. Metcalfe was later known as the Metcalfe Hotel, now the Samuel Woodfill School house. The officers took their oath of office before Major Theodore Hallam, later a noted Campbell County attorney.

Page 93, Chapter 633, Acts of 1869. This act changes the boundary lines of the district so that the lower line shall run from the present beginning point as now, (1868) to where it intersects or rather intersects the old line of the Jametsown District, and thence to the Ohio River. Elijah Pierce and Richardson or rather Richard Robertson property were involved, so see next paragraph. A voting place was established at John Lilley's tavern.

In other words, the boundary of the district shall be the lower line of the district and shall run from the present beginning point of said district as now constituted, to where it intersects the old line of the Jametsown District, and thence with said Jametsown District line to the Ohio River; and that the boundary line be extended upwards along the line parallel with the Campbell Turnpike Pike road to a point opposite the dividing line between Elijah Pierce and Richard Robinson, to the Ohio River, and thence down the Ohio River until it strikes the proper corner of the old Jametsown District. Section 2. The voting place is hereby established at the tavern house of John Lilley; and all the territory by provisions of this act are cut out from the District of Highlands and added to the Jametsown District.

Approved February 28, 1868.

(Signed) John W. Stevenson, Governor of the Commonwealth
of Kentucky.

Page 587-Chapter 2262-Acts of 1869. An act to restore the old boundary lines of the District of Highlands. That the boundary line as provided in the original act to establish and incorporate said district, be, and the same is hereby reestablished, and that the territory cut off from said district by the provisions of this act is hereby restored to the Cold Spring District; but before any territory shall be taken from the Jametsown District, the question shall be submitted to the qualified voters of said district at the next August election; if a majority of all the votes cast at said election shall be in favor, it shall then become a part of the District of Highlands, and be incorporated therewith; and if not, it shall remain as it is. All qualified persons shall be entitled to vote.

Approved March 16, 1879.

(Signed) John W. Stevenson, Governor of the Commonwealth of Kentucky.

Page 494, Chapter 976, Acts of 1872. An act to revise, amend and reduce into one the several acts pertaining to the District of Highlands. The present boundaries as described shall be continued, in Chapter 1478, approved February 27, 1867; and the several acts cited and repealed are as follows: to wit: An act approved February 27, 1867, Chapter 1478; an act approved February 28, 1868, Chapter 633, and an act approved March 16, 1869, Chapter 2262.

Page 632, Chapter 435-Acts of 1880.- This act adds a small section of Campbell County to the District of Highlands; beginning at a point at which (near Thomas Farmer's home)-(House), where the Highlands District line crosses thereof to a point at which the district line crosses the Covert Run turnpike; thence running with said turnpike road to a point at which the county road leading to W. Richard T. Liaferro's house separates from the said turnpike, and proceeding thence in a direct line to the northwest corner of Robert Porter's land, and running thence with said Porter's line till it intersects the Highland District line, between the northwest and the southwest corners of said Porter's land, and leaving all the southeast of the herein district line in the Highland District. There is an emergency clause attached to this act which makes it effective from and after its passage.

Approved March 29, 1880.

(Signed) Simon B. Buckner, Governor of the Commonwealth of Kentucky.

Page 528, Chapter 1067-Acts of 1882. This act authorizes the Board of Trustees of the District of Highlands to contract with the Campbell Turnpike Company to collect toll. It provides that Chapter 976 of the local acts of the state, passed at the 1871-1872 session, be amended and that the Board of Trustees may, instead of erecting a toll gate and collecting toll thereat, on the Highlands Turnpike Road, known as Highland Avenue, (running from the Twelve Mile Turnpike road to the Campbell Turnpike Road) contract with the Campbell Turnpike company, or their board of directors, for the collection of toll for travel on said Highland Turnpike road, at Gate No. 1, out of Newport, and the said Campbell Turnpike road company, or their board of trustees, shall have the right under such contract, when made, to collect toll at such place at the rate allowed by the act to ~~which~~ which this is an amendment, and not to exceed the rate authorized by the General Assembly of Kentucky.

Approved April 15, 1882.

(Signed) Luke P. Blackburn, Governor of the Commonwealth of Kentucky.

Page 1268-Chapter 699-Acts of 1884. This act authorizes the District of Highlands trustees to procure land for school purposes, not exceeding four acres. The board was authorized to purchase same at public or private sale. Also, the board is empowered to condemn land under proceedings to be filed in the Campbell County Circuit Court. The board is authorized not to spend more than \$8,000.00 for such land and is authorized to sell the building then used for school purposes. The act also authorized the board to issue bonds not exceeding \$8,000.00 with each bond of \$100.00 to bear interest at the rate of five percent per annum, payable semi-annually. The County Court of Campbell was authorized to levy a tax for road purposes on property in said district of Highlands, and the district trustees were authorized to assign persons to work on such roads not more than two days per year. The trustees of the District of Highlands were empowered to levy a tax of or for road purposes on all taxable property in the district, not exceeding ten cents on each one hundred dollars valuation or the assessed value of property; and were also authorized to levy a tax of twelve cents for school purposes, and for other purposes three cents, however, this was just an enabling act and said board could levy such a tax, however, it was not mandatory. The act also amended the boundary lines of the district, and cut off certain lands lying on the west side of the Campbell Turnpike road and north of the line dividing the Caldwell-Kinney farms; also the north part of the Jamestown Road between James and Henry Walker.