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Early Corporate or Legislative  
History of the District of the  
Highlands and the City of Fort  
Thomas, Kentucky

By

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

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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



Newport Cemetery grounds; thence crossing the turnpike, with said cemetery line, a 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 justices 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 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 district 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 estate 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 denounced 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 County road tax for such road purposes. They may grade and pave or macadamize, 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 through which any such road may pass, and may levy special taxes on such real estate, to pay for such grading, paving or macadamizing; 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



for 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.

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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 town 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 18914, 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 judication 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 Stabberly, later known as General Stabberly, 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 Jamestown 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 2282.

Page 632, Chapter 455-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 Taliaferro'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.