

NEWPORT, KENTUCKY, AT THE AGE OF SEVENTY

By William Albert Fitzgerald

--o--

*Read at a meeting of the  
Christopher Gist Historical Society  
July 22, 1924.*

It is not the purpose of this study to do honor to those persons who were responsible for the settlement and the founding of the City of Newport, Campbell County, Kentucky. That must be the subject of another effort. It is the intention to review the acts of the General Assembly of the Commonwealth of Kentucky and the Ordinances of the City of Newport passed for the common good and progress of the community during the years between 1793 and 1863.

A law is often passed to correct a misuse of privilege, to protect life, health, and property, to safeguard the development and progress already made, and to insure to all the privilege of life, liberty, and a reasonable amount of pursuit of happiness. Sometimes legislative bodies are far-sighted enough to foresee future problems, and again, a law may be passed to try to close a barn door before all of the hares get out.

The lot of a law-maker is not always a happy one. Laws must necessarily restrict someone now and then and the law-maker often receives criticism from the ones he endeavors to protect.

As time goes on and the community develops new Needs arise and with the change of custom, practices, and times, laws once necessary become obsolete. Laws need to be passed, amended, and sometimes they should be repealed. It is not the intention of this paper to consider law enforcement.

Kentucky had become a state, or a Commonwealth, as we prefer to call it, in 1792. Campbell, the nineteenth county, was formed from parts of Scott, Harrison, and Mason counties in 1794. The pioneers, the restless frontiersmen had drifted further west into Missouri. The settlers along the banks of the Ohio were tired of traveling and fighting and wanted to settle down to the business of living. There were social, economic, and religious needs to be met and these are more easily satisfied by people living together as a community. What went on at this point is another subject, for another time.

On December 14, 1795, the General Assembly of the Commonwealth of Kentucky passed an act as follows: Whereas, it is represented to the present General Assembly, that one hundred acres of land, the property of James Taylor, in the County of Campbell, has been laid off into convenient lots and streets, by the said James Taylor, for the purpose of a town, and distinguished by the name of Newport, it is judged expedient to vest the said land in trustees,

and establish the town: Section I. Be it therefore enacted by the General Assembly, that the land comprehending the said town, agreeably to a plat made by John Roberts, deputy surveyor of said county, on a re-survey of said town, the 20th of August, 1795, and lodged in the office of said county, to be recorded in the court of said county, be and the same is hereby vested in Thomas Kennedy, Washington Berry, Henry Brasher, Thomas Lindsey, Nathan Kelly, James McClure, and Daniel Duggan, who are hereby appointed trustees for the same, except such parts<sup>as</sup> are hereafter excepted. And the said trustees, or a majority of them, are authorized to make such rules for the regular building on the lots as to them shall appear to be most conducive to the benefit and convenience of the inhabitants, and shall have full power to settle and determine all disputes concerning the bounds or lines of all lots in the said town, they shall have power to form rules for improving, clearing, and keeping the streets in good order, by applying to the county court, who shall appoint an overseer, with power to call on the inhabitants for that purpose, and any person so called on, neglecting or refusing to attend, shall forfeit the sum of one dollar, to be recovered before any justice of the peace within the county. Section IV. And the said trustees shall have power to levy and collect from the inhabitants any sum not exceeding

twenty pounds annually, for the purpose of defraying the necessary expense attending the discharge of their duty, in case such sum does not arise from fines and forfeitures.

By 1818 it appears that the residents of the newly formed Town of Newport were ready to select their own trustees, for on January 29, 1818, the General Assembly passed an act providing for the housekeepers, and also the owners of lots, to annually, on the first Monday of March, either personally or by proxy, elect the trustees.

*The* Our town grew, met problems and attempted to solve them, and on February 24, 1834, it was enacted by the General Assembly, that so much of the county of Campbell as is included within the present boundaries of the Town of Newport, shall be, and is hereby declared to be an incorporated town, and the inhabitants thereof are created a body corporate and politic, with perpetual succession, by the name and style of "The Town of Newport," and as much by that name shall be capable in law of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places, and in all matters whatsoever; and may have and use a corporate seal, and change, alter and renew the same at pleasure. That the fiscal, prudential

and municipal concern of the said town with the government and control thereof shall be vested in one principal officer, to be denominated the Mayor, and in six persons, to be called Trustees, who, together with the Mayor, shall form a board, to be denominated the Board of Mayor and Trustees; all of whom shall be elected for the first time on the first Monday in March next, by a majority of the free white male inhabitants of said town, being of lawful age, and residents for six months prior to the election, and citizens of the United States, , . . and the Trustees elected under this act shall hold their offices for one year from the date of their election, and until their successors shall be duly elected and qualified; and the Mayor shall hold his office for one year, and until his successor shall be so duly elected and qualified; all of whom (Mayor and Trustees) shall have resided in said town, and own real estate therein for one year next preceding the election, and be citizens of the State of Kentucky.

The Mayor and Trustees thus elected and qualified, shall form and constitute the Board of Mayor and Trustees as aforesaid, and they shall sit and act together as one body. The said Board shall meet at such times and at such place as they may appoint, in said town, but their

deliberations and acts shall be public. The Mayor shall be the chief executive officer and he shall not receive any salary or pay, other than the fees of his office. The Board of Mayor and Trustees shall have and possess all the powers and authority heretofore vested in the Trustees of Newport.

The Board of Mayor and Trustees shall have power and authority to pass all needful by-laws or ordinances, to carry the powers herein vested into full effect, with adequate penalties for the infraction of the same, not exceeding fifty dollars. The Mayor shall have the power and authority to solemnize the rights of matrimony in said town, upon obtaining license from the county court of Campbell County, and executing bond, with security, as is now required by law of ministers of the Gospel.

Somewhat this arrangement of election of Mayor and Trustees did not work out. On February 29, 1836, the General Assembly enacted that the Mayor of said town shall hereafter be appointed and hold his office as prescribed by the constitution of the State of Kentucky for the appointment and tenure of office of other judicial officers in this Commonwealth, and he shall have and exercise all the

power, authority, and jurisdiction, heretofore conferred, or attempted to be conferred, upon said Mayor, by the act incorporating said town . . . and he shall receive for his services an annual salary of one hundred dollars, and the fees of his office, as provided in said charter; which said salary shall be payable quarterly, out of the treasury of this Commonwealth, and which shall not be increased or diminished during his office.

The same act provided that it shall be the duty of the Trustees of the town, once each year, to elect from their own body a president of the board of Trustees, whose duty it shall be to preside over the deliberations of said board, <sup>6</sup> preserve order, and convene the board whenever he may think proper; and the actings and doings of said board shall be known and distinguished by the name and style of the President and Trustees of the Town of Newport.

On February 12, 1838 the Mayor's salary was reduced to the sum of ten dollars per annum.

In 1849, on the 21st of February, the General Assembly again changed the status of Newport by designating it the City of Newport, and the governing body was named the President and Common Council of the City of Newport. All rights, authority, etc., of the previous board were passed

on to the newly named body.

On March 10, 1856, all laws and enactments requiring a property qualification to hold office or to vote in Newport were repealed.

On February 6, 1858, the General Assembly provided that the municipal elections of the city shall be held annually, on the first Monday in March, between the hours of six o'clock in the morning and seven o'clock in the evening. It further provided that the legislative power of the city is vested in a board, to be styled the "City Council of the City of Newport," composed of two members from each ward, having the qualifications of voters of the city for one year next before their election, who shall be chosen annually by the qualified voters of the several wards. The City Council has power to pass all by-laws and ordinances necessary for the good government and general police of the city, and to carry into effect the provisions of this act, or any other act relating to the city.

The Mayor's status was again changed, for this same act provided that the Mayor of the City of Newport shall be elected at the same time, in the same manner, and for the same term, as the Presiding Judge of the Campbell County



Court, and have the same qualifications.

On February 18, 1860, the legislative body of Newport was decreed to consist of a President of the Council and of two members of each ward. The President was to be elected for one year. The Councilmen were to be elected for a term of two years; except at the first election after the passage of this act, one Councilman from each ward was to serve for only one year.

Vote by ballot, and ballot boxes were provided by an act on February 4, 1863. On January 23 of the next year, this act was repealed.

On June 3, 1865, the City Council was authorized to borrow money up to sixty thousand dollars at an interest rate not to exceed eight per cent.

On December 26, 1803, an act provided for the purchase, by the United States, of five acres and six square poles in the Town of Newport for the purpose of erecting an arsenal.

On February 24, 1834, the Mayor and Trustees were empowered to appoint and employ as many watchmen, either

for day or night as in their discretion they judge best, for the safety and advantage of the town; and such watchmen shall be conservators of the peace, and vested with power and authority to apprehend felons, gamblers, rioters, breakers or disturbers of peace, vagrants, persons of evil fame, and of riotous and disorderly conduct, and to carry them, with such evidence as they may possess, before the mayor, or some justice of the peace, to be dealt with according to law.

The same act gave the Mayor and Trustees further authority

to: Appoint Inspectors of beef, tobacco, whiskey, pork, butter, lard, etc., and to provide against fraud thereon.

- Organize Fire Companies for the town.
- Erect a workhouse.
- Prohibit dogs running at large.
- Assess, levy, and collect taxes on real and personal estate.
- License all taverns, grogers, victualers, confectioners, and houses of resort, except gambling houses and houses of ill-fame.
- License and regulate all carts, wagons, drays, and hackney coaches, and porters which may ply in the town for hire.
- Levy and collect tax on dogs.
- License theatrical or other shows.
- Procure or erect powder magazines beyond the present limits of the town.
- Cause any or all streets and alleys to be leveled, filled, or graded for the purpose of carrying off water, or preparatory to paving at the cost and expense of the town.
- Fix and regulate by ordinance the rates of wharfage

Hearn succeeded Mr. Stein as Secretary-Treasurer and served as such for a number of years.

In 1890, when electricity slowly started to take the place of manufactured gas for lighting purposes, both in home and on the streets, The Edison Electric Illuminating, Heating and Power Company of Newport became incorporated, the act passed by the General Assembly becoming effective on April 9, 1890, and the same year the name was changed from "Edison" to that of "Suburban". Finally in 1901 the Union Light, Heat and Power Company was incorporated under Kentucky laws and this company slowly came into ownership of the old Newport Light Company and the Suburban company.

Let us now learn who were the city officials, as well as those heading the school system of the city, in 1875. Municipal elections were held on the first Saturday in October. Council meetings were held on the second floor in the steam first engine house, on the south side of Bellevue Street between York and Monmouth Sts. The City Building was located on the Public Square at the northeast corner of York and Bellevue Streets.

Louis Comstans was Mayor in 1875, however his term of office expired in October of <sup>that</sup> year. David N. Lock was the city marshal and had his office at 63 York Street, his term expired in January, 1877. Joseph C. Taylor and John P. Jackson were his deputies. L. R. Hawthorn was the city clerk, with an office in the City Building, His term expired in January, 1877.

Members of the City Council were Louis Comstans, President; L. R. Hawthorn, clerk; Jonathon Morsfall, sergeant at arms; Jacob Hawthorn and William H. Marton, first ward; Edward O'Hara and William H. Jones, second ward; Matt Betz and Henry Schulte, third ward; John Phillips and George Tippenhauer, fourth ward; J. M. Boyd and Ada Ebert, fifth ward; James Pagan and M. Carr, sixth ward. The standing committee of the City Council were: Hawthorn, Jones and Ebert, ways and means; Schulte, Marton and Carr, law; Ebert, Hawthorn, O'Hara, Schulte, Tippenhauer and Pagan, improvements; Pagan, Ebert and Tippenhauer, public buildings; Boys, Carr and Betz, propositions and grievances; Betz, O'Hara

The Board of President and Trustees was further empowered to purchase a suitable quantity of land, situated within two miles of town, for a public cemetery. Lots were to be sold to the highest bidder.

March 1, 1848 power was given to improve, grade, and pave the ground along the river bank in front of town for the purpose of making wharfs and landings for boats, rafts, or other water craft whatsoever; and to charge such wharfage as deemed reasonable.

February 5, 1849, the Town Board was empowered to provide for lighting the town and to furnish water upon petition of a majority of the legal voters. Owners were required to improve sidewalks in front of their property. Records of the Board were declared to be public records. The Mayor was given authority to bind out orphan children. Power was given to levy a tax, not more than ten cents on a valuation of one hundred dollars, for the purpose of procuring fire fighting equipment. The Trustees were authorized to direct what branches shall be taught in school and to establish a high school with tuition of from five to twenty dollars a pupil.

On March 6, 1850, Bowling Alleys and Ym Pinc were added

to the list of businesses requiring license. The Board and the School Board were authorized to purchase ground and to erect an asylum for the housing of indigent poor, and to appoint an overseer.

On December 2, 1851, the General Assembly passed a lengthy act providing for the support and supervision of the public school system. Said schools to be free and accessible to all white children of the ages of six through seventeen residing within the corporate limits of Newport.

The Newport & Covington Bridge Company was incorporated on January 1, 1852.

On March 1, 1854, power was given to construct gas works and water works and the Trustees were authorized to take stock to an amount not exceeding two hundred thousand dollars in the Newport & Maysville railroad. The City of Newport seems to have been interested in the Louisville & Frankfort Railroad Company about this time.

Problems were arising in the public Schools. On February 17, 1861, an act provided for regulations for the expulsion and suspension from schools and academy of vicious, depraved, and ungovernable pupils. Provision

was made for the granting of certificates and diplomas  
and the School System was incorporated.

April 4, 1861. Sale of fresh meat at any location but  
public markets was prohibited. An act was passed for  
the benefit of Newport and the Campbell Turnpike  
Company to aid in acquiring rights and improving roads.

On February 4, 1863, an act authorized the City to  
appoint a weigher and measurer for the city, and a sup-  
ervisor of weights and measures, and prescribe his duties  
and fix his fees.

In a file box in the Court House at Alexandria was found  
a note reading as follows: "To the Honorable County Court  
of Campbell - I offer to them the use of my brick house  
in the Town of Visalia for the purpose of holding court  
in if they think proper to accept free of charge, and all  
persons having business at court shall be ferried across  
licking free! There was no date and the signature was  
illegible.

On January 23, 1864, another tax of ten cents was levied  
for the exclusive benefit of the fire department.

January 20, 1865, the Wharfmaster is vested with full  
power at all times, when same is not promptly paid on

demand, to levy for any wharfage due the city, and his costs, upon the boat or craft for which wharfage is due and payable or upon a sufficiency of tackle, furniture, or appurtenances, or any property of the person from whom wharfage is due.

The Covington Gas Light Company was incorporated on January 14, 1854. James Southgate, Robert Simmons, J. W. Finnell, John W. Menzies, Alexander Jeffry, Francis Smith, and T. G. Gaylord were the incorporators.

The Newport & Covington Water Works Company was incorporated on January 18, 1865, by John P. Jackson, John A. Williamson, William M. Lape, Jacob Hawthorne, Amos Shinkle, Jesse Wilcox, and William Ernst.

On February 5, 1866 the governor approved an act of the General Assembly incorporating the Newport Cemetery Company. N. B. Shaler, Charles Buchanan, and R. F. Caldwell were named Commissioners to organize the company.

This concluded the study of the acts of the General Assembly of the Commonwealth of Kentucky passed for the benefit of the City of Newport.

As provided by the General Assembly the Town of Newport, in April 1834, began the passage of ordinances. It is interesting to note the needs covered by this first official action. The first part of the first ordinance provided that no person, having died outside the city limits of Newport, shall be buried in the public Burying Ground without the permission of at least four members of the Board of Trustees. The second part prohibited the firing of musket, pistol, or fire arms within the city limits. It would appear that the city fathers advocated shooting them outside the city and burying them where they fell.

The first ordinance provided that all sidewalks hereafter laid on any street should be twelve feet wide, including curbing; the sidewalk of brick and the curbing of stone. It also stated that no person shall cast or leave exposed the dead carcass of any animal, or any putrid or unsound beef, pork, fish, or other unsound substance in any street or alley, common, or water course within the boundaries of the town. Bathing in the Ohio and Licking rivers, in front of the town, between the hours of 4 a.m. and 9 p.m. was prohibited.



On April 3, 1834, an ordinance provided that upon receipt of information of any house of ill-fame, or any disorderly, riotous, improper conduct carried on in any house, it shall be the duty of the mayor to issue a warrant and deal with the case according to law.

On April 21, 1834, a fine of from ten to twenty dollars was provided for exhibiting a jack or stud horse in the streets. The same ordinance states that no person shall be permitted to encumber any street, alley, or sidewalk with lumber, stone, brick, wood, boxes, casks, drays, wagons, or other articles (unless it shall become necessary for the purpose of building), for a longer period than twenty-four hours.

There was a lull in law-making between 1834 and 1846. It might be interesting to inquire why. On November 9, 1846, an ordinance imposed penalties for damaging streets, wharfs, trees, and for driving over curbs and sidewalks.

On November 26, 1846, the law-makers objected to the use of obscene language in public places. It attempted to discourage disturbances at night, quarrelling and hallooing, besetting houses with kettle drums, or other

discordant sounds to the annoyance of the inmates. Games and sports, marbles, or hoops were forbidden on the streets on the Sabbath.

The office of Fire Warden was created on November 26, 1846. The duties of the office were defined and regulations set up for the Fire Department. On March 6, 1854, the General Assembly passed an act to incorporate the Washington Fire Engine & Hose Company No. 1.

As of January 27, 1848, unruly cattle were not to be permitted to run at large. On October 2 it became unlawful to burn or cause to be burnt, any boat, or other combustible materials, at any of the wharfs.

Small pox visited Newport in 1849. On the fourth of June an attempt was made to isolate cases, quarantine, and require physicians to report daily on the spread of the disease.

The office of Superintendent of the Public Vault was created on January 24, 1850. The duties of the office were enumerated and the fees established. Penalty was provided for injury to the vault.

There were numerous acts and ordinances providing for

annexation of various tracts of land to the city and for the laying out of wards within the city. A map showing these additions to the city and the development of the wards would be most interesting and is suggested as a study for someone.

July 1 of the following year a weekly was provided for

What inspired this ordinance? On May 2, 1850, the carrying of sod, turf, or dirt from any public ground was prohibited, except it be for public works and upon Tuesday, Thursday, and Saturday market was held in the order of the President and Common Council. Officers of the city, or contractors for the city are not to Friday in the market house on Valentine street. Detailed appropriate sod for their own use and surplus dirt is regulated and was provided for the benefit of those not to belong to the contractor. Did they know that one hundred years later the dirt and sod would be needed for a flood wall?

On July 16, 1850, slaughter houses, tallow chandlers, soap makers' shops, hog pens, stable yards, back houses, were recognized as being capable of causing nuisance or any other animal, through or along any street, alley, and should be regulated. Handbills posted were not to be damaged or removed until after the date of the event announced thereon. So decreed an ordinance of November

5. The blowing of horns and the ringing of bells for mere pastime or sport was called a misdemeanor. A penalty was provided for cruelty to dumb animals.

On June 10, 1851, theatrical and other shows felt the heavy hand of the law and were required to pay a license fee based upon the price of an admission to the show.

Something must have happened on July 4, 1850, for on July 1 of the following year a penalty was provided for throwing stones, brick-bats, or other hard substances. Market days were established on September 2, 1851. Tuesday, Thursday, and Saturday market was held in the market house on Columbia street. Monday, Wednesday, and Friday in the market house on Eglantine street. Detailed regulations were provided for the conduct of these markets. The Market Master received a compensation of ninety dollars. The selling of fresh meat required a special license. Time marches on. No persons or person, shall be allowed to ride or to drive any horse or horses, mule or mules, or any other animal, through or along any street, alley, or common, at a rate to exceed a speed of six miles per hour. So declared the city fathers of Newport one hundred years ago.

June 24, 1852. Obstruction of sidewalks by sitting or standing in such numbers or in such positions as to

interrupt or hinder free passage of other persons over the sidewalks is prohibited. Noisy musical instruments were not to be played on Sunday after June 10, 1853.

A Wharf Master was elected by the President and Common Council on October 20, 1853, to serve until the general election in March, at which time a Wharf Master was to be elected by the people. Rates of wharfage were established for each keel boat, steam boat, barge, flat boat, raft, or other water craft. The rates were from twenty-five cents to two dollars for each twenty-four hour period. An ordinance requiring a license for the peddling of bread was repealed on March 30, 1854.

On June 15, 1854, the Mayor was empowered to order stray dogs destroyed. A fee was provided to the Marshal for this duty. He was to bury or remove the carcasses. After June 15, 1854, coffee houses must close on the Sabbath. At the same time an ordinance was passed regulating the handling and storage of gun powder. On November 23, 1854, there was an ordinance of several pages in length relative to bears and sows running at large in the city.

Concealed weapons, such as dirk, dagger, bowie knife, pistol, Colt, or slug shot, false knuckle, or sword

cane, were banned on June 7, 1855. On November 16, citizens of Newport were denied the privilege of smoking in or about the market houses during sale hours.

During the seventy year period covered by this study many acts and ordinances were passed relative to schools. It is expected that a report will be made on that subject at a later date.

May 15, 1856. Owners of coaches, hackneys, carts, wagons for hire were required to register them with the City Clerk.

Four years later, on September 27, 1860, an ordinance for the protection of the Court House fence which had been passed on June 4, 1856, was extended to apply to the fence built around the cemetery. Then followed several ordinances relating to the cemetery.

June 11, 1857. An ordinance providing for the lighting of the City of Newport by gas and granting to the Covington Gas Light Company the exclusive privilege of laying pipes, etc., and for the protection of lamps and other property connected with gas lights.

On July 1, 1858, Newport legislated pigeons out of the city. Some of them moved to Cincinnati.

March 3, 1859, the sale of veal under four weeks old or any other unwholesome meat is prohibited by law. Then followed other ordinances indicating a consciousness of the need to safeguard health by protecting food offered for sale.

August 18, 1859. A dry year. Water shall not be drawn out and carried away from any public cistern. This water was reserved for use in event of fire. On October 2, 1862, a fine of from five to ten dollars was provided for conviction of indecent exposure of person.

October 16, 1862. Except when descending the ferry landing to the river, no person or persons, shall drive over the streets with any wheel of his vehicle locked so that it will not revolve.

November 26, 1863. An ordinance relating to the office of Weigher and Measurer, and the sale of fire wood and coal was passed. A certificate of weight was required on each load of coal sold. Fire wood was measured at depots established at the crossing of Ringgold and Monmouth streets and at the old market place on Eglantine street. Capacity of carts used for hauling coal was to be plainly marked on them. Fee for meas-

uring a load of wood was ten cents. On November 23, 1865, the Board of Health was established and its responsibilities were listed.

It seems fitting to conclude with the ordinance of August 26, 1865, providing that every person found guilty of disorderly conduct, and all vagrants, loafers, or dissolute persons, or persons idling away their time without legitimate business or visible means of support, shall upon conviction thereof, be subject to a fine of not less than five dollars or more than twenty-five dollars, and costs, for each offense, and in default of immediate payment of any fine the offender shall be confined in the work-house and jail of the city, and shall work out the judgment according to law. And the court may order the prisoner to be fed on bread and water during any part, or all of such confinement. And the court may likewise order that they work out on the streets under the supervision of the City Marshal, or Jailer, dressed in such clothing as may be provided for them, with ball and chain attached to their person.



## SOURCES OF MATERIAL

Newport Public Library

Records in Court House at Alexandria, Ky.

Records of the General Assembly, found in  
the Library of the Kentucky Historical  
Society in Frankfort, Kentucky

Laws and Ordinances of the City of Newport,  
compiled by F. M. Webster, 1865, Newport, Ky.  
Published by Wm. S. Bailey, Printer.