

THE CONTSTANT PUBLIC OFFICE

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A former President liked to say that the closest thing on earth to immortality was a government program. In Kentucky, we certainly have a touch of that with some of our public offices that may no longer be necessary.

Recent legislation to end the office of constable was introduced in the General Assembly, similar to previous efforts. However, the path to doing so is not so easy. Like many Kentucky officials with little to no public duties, the constable is a creature of the state constitution and will require a full amendment process vote of the people to abolish.

The interest in eliminating the constable comes from the fact that this position carries with it the full authority of arrest and firearms as any other peace officer, yet there is no training or supervision for such persons. And a county government can still be legally liable for the constable's actions.

Before the adoption of Kentucky's modern judicial system, minor matters went to the old Quarterly Courts, consisting of the County Judge and Magistrates. Constables served the same function as sheriff's deputies have always done for Circuit Court. But without a court of record, there is now very little for constables to do. In some counties, a few minor duties have been set aside for constables who wish to undertake them, but the wiser choice might be to abolish the office.

So too, there is an elected office for a county surveyor, who has no practical duties but no move has been made to end this office. In many counties, such as Jefferson, the magistrates have no duties either but small counties, where they do, oppose any change. The office of county commissioner is not required by the state constitution, yet is now obsolete in Jefferson County. For now, though, the legislature has not gotten around to ending this office, so it will keep appearing on the ballot.

There is also some interest in ending the State Treasurer's office. This, too, would require amendment of the state constitution and may be too high a hurdle. The Treasurer has about five employees and still handles a few duties, in addition to having his name appear on government checks.

The most famous Kentucky Treasurer of all time was Richard "Honest Dick" Tate. He had been embezzling money for years and later absconded with a quarter-million dollars of the state's money in 1888, never to be seen again. Rumor has it he fled abroad and may have died later in China. Fortunately, nothing quite so brazen has happened in Frankfort since.

Obsolete offices are certainly not peculiar to Kentucky. In Britain, there have been many famous offices that became obsolete but somehow stuck around. For example, the Lord Privy Seal has not actually had a seal to affix for centuries, but the job is a kind of sinecure for the Prime Minister's close advisors. Likewise, the Lord High Constable has no duties other than to help organize coronations, royal marriages and funerals much like Kentucky magistrates, who still solemnize marriages for a fee...horse-drawn carriages being extra.