United States Department of the Interior
National Park Service

National Register of Historic Places Registration Form

1. Name of Property

historic name Livingston County Courthouse and Clerk's Offices

other names/site number LV-S-9

2. Location

street & number 351 Court Street NA not for publication

city or town Smithland NA vicinity

state Kentucky code KY county Livingston code 139 zip code 42081

3. State/Federal Agency Certification

As the designated authority under the National Historic Preservation Act, as amended,

I hereby certify that this _x_ nomination ___ request for determination of eligibility meets the documentation standards for registering properties in the National Register of Historic Places and meets the procedural and professional requirements set forth in 36 CFR Part 60.

In my opinion, the property _x_ meets ___ does not meet the National Register Criteria. I recommend that this property be considered significant at the following level(s) of significance:

___ **national** ___ **statewide** _x_ **local**

Signature of certifying official/Title **Mark Dennen/SHPO** Date

Kentucky Heritage Council/State Historic Preservation Office
State or Federal agency/bureau or Tribal Government

In my opinion, the property ___ meets ___ does not meet the National Register criteria.

Signature of commenting official Date

Title State or Federal agency/bureau or Tribal Government

4. National Park Service Certification

I hereby certify that this property is:

___ entered in the National Register ___ determined eligible for the National Register

___ determined not eligible for the National Register ___ removed from the National Register

___ other (explain:) _____

Signature of the Keeper Date of Action

5. Classification

Livingston County Courthouse & Clerk's Offices
Name of Property

Livingston Kentucky
County and State

Ownership of Property
(Check as many boxes as apply.)

	private
x	public - Local
	public - State
	public - Federal

Category of Property
(Check only **one** box.)

x	building(s)
	district
	site
	structure
	object

Number of Resources within Property
(Do not include previously listed resources in the count.)

Contributing	Noncontributing	
2	0	buildings
		sites
		structures
		objects
2	0	**Total**

Name of related multiple property listing
(Enter "N/A" if property is not part of a multiple property listing)

NA

Number of contributing resources previously listed in the National Register

0

6. Function or Use

Historic Functions
(Enter categories from instructions.)

GOVERNMENT/courthouse

Current Functions
(Enter categories from instructions.)

GOVERNMENT/courthouse

7. Description

Architectural Classification
(Enter categories from instructions.)

Greek Revival

Romanesque

Italianate

Materials
(Enter categories from instructions.)

foundation: limestone

walls: brick

roof: Asphalt shingles

other:

Narrative Description

Summary Paragraph

The Livingston County Courthouse and Clerk's Offices (LV-S-9) is property consisting in 2 buildings, a brick building of predominately Greek Revival style erected in 1845 and a Clerk's Office, constructed in 1853. The property today consists of the original courthouse and two county clerk's offices, connected by an addition constructed in the 1960s. The buildings sit in downtown Smithland, the county's seat situated near the confluence of the Ohio River flowing from the north and the Cumberland flowing from the south.

Site Development and Character

The site is just 3 blocks from two major waterways. Navigable rivers define much of Livingston County's border. The Ohio River forms nearly the entire northern side of the county. Immediately south of Livingston are two large man-made lakes: The US Army Corps of Engineers made Lake Barkley by damming the Cumberland River in 1966, and TVA created Kentucky Lake in 1944 by impounding the Tennessee River. These waterways become flowing rivers again to join the Ohio, where they make contact with Livingston County. The Cumberland River crosses through the middle of Livingston County, splitting it into northern and southern halves. Smithland is situated within that southern half, leaning against that final mile of the Cumberland before it joins the Ohio River.

The Livingston County Courthouse fronts on Court Street, a road that runs in a southeasterly direction from Riverfront Drive, which follows the Cumberland River's terminal bank. The building faces close to true northeast, but county residents reckon the front as the east side. The courthouse and office building is located on a lot that is nearly one acre. The lot is relatively flat, and has on it some large mature deciduous trees. A jail and jailer's residence once stood on a portion of these lots, also.

The courthouse stands within a mixed use area, with the new county office building and library on one side and a Methodist church on the other. Across the street is the historic Richard Olive home, built in 1841.

Description of Courthouse Exterior

The building plans date to 1842, and call for a two-story brick building with a 40' x 50' footprint and a cut limestone foundation. The window treatment is drawn from Romanesque and Italianate architectural styles, but the building's frontal symmetry relates more to the then-prevailing Greek Revival style.

The courthouse's form resembles other institutional buildings, looking more like a church or school than the seat of county governmental power. The building is 3-bays wide, 5-bays deep, and covered by a front-gable roof of modest pitch. An octagonal louvered cupola tops the roof. The front façade steps in slightly from the rest of the building, making it somewhat narrower than the remainder of the side. The building's articulation of detail is more modest than pretentious.

Two windows flank the primary opening, each a 6-over-6 double-hung sash topped by a segmental arch (the Italianate touch), finished with a stone keystone. On the second floor of the main façade, full arched windows (the Romanesque influence), also with 6-over-6 double-hung sash, align above the first floor openings. Both floor's windows have projecting curved brick lintels. Between the second floor front windows is an old doorway opening that reads now as if it is a round-topped window, which has a very shallow balcony. Original glass is present in one ornamental window on the front façade, but the large windows on two sides of the structure have replacement glass. Decorative accents that once appeared at the roof have been removed.

The main entry on the first floor, below the balcony, is a full arch supported by simple pilasters. The current entry framework was installed during a 19th–century renovation. At each front corner of the façade are tall thin brick pilasters that rise to small square stone capitals. A dentil row made of brick divides the façade from the pediment above, and within the pediment has a small circular cast iron attic vent within an embedded stone cross.

An addition was placed on the northern side of the building in the 1960s. That brick addition is 2 stories, has a variety of multi-light double-hung windows; has a hipped roof. Entrance to the second story rooms has to be made through the court room. The windows have narrow stone sills. It is devoid of ornament that could be used to define a style. The wing was added to in 1999, also more functional than stylish in appearance.

Description of Courthouse Interior

The original entry hall was open and accessible for those on horseback; the entry is now enclosed with added double doors of modern type. When stepping into the entry area, visible are 11'2" ceiling and a centered hanging light fixture. On the North side are the painted doors of a janitor's closet and the elevator. On the opposite side is a wood staircase wrapping around a small area for seating and posting of notices and advertisements. The stairway has a second midway landing before turning upward in the opposite direction to the second-story courtroom entrance. From the first floor entry area is an arched opening into the 9'8" wide main hallway with continuing ceiling heights. At the back entrance of the straight hallway is a small portion of the addition with lower dropped ceiling and entrances to two restrooms with entrances on opposite sides of the hallway. The hallway has hanging light fixtures and sconces on the walls. Walls are painted sheetrock with a wainscot of wood paneling topped by a painted chair rail. Floors are tiled. From the main hallway there is a doorway on each side.

The North doorway leads to the present County Court Clerk office and the addition built for purposes of expansion and storage of documents. This section of the original 1842 portion of the courthouse contains three rooms and a vault. The first room is an entry containing brochures available to the public and features a shotgun style to the remaining rooms and vault with exception of the newer addition. The rooms and vault are covered with paneling and drop ceilings. The second room is the present County Court Clerk office. Next is the 1872 vault and then the final original room is for conference and additional duties of the office, such as elections. Floors are covered with tile or carpet. The addition contains two rooms with paneling and painted block. It has an outside entrance. The addition's front room houses the general business of the office. The back room contains all the county's public documents.

The doorway located on the South side of the hallways leads to a vacant office used for storage and various special functions of county offices. It previously housed the Circuit Court Clerk, before that office relocated into other office spaces outside of the courthouse. The original office space was divided by the fire proof 1872 vault, which is now covered with paneling and a dropped ceiling. The walls are of painted or natural wood paneling. Floors are carpeted or tiled. This side of the courthouse has a doorway leading to the Old Clerk's Offices.

The second story is given to the original courtroom and to jury and judges' chambers along the northern wall. The courtroom is essentially the same as it was when constructed. The room is open to the elegantly embossed tin ceiling, with supporting poles, including one which houses a rope and pulleys attached to the attic's bell. The benches for seating are thought to be the original hand-hewn ones from the 1840s. Historic murals reflecting Livingston County's past were added to the back walls of the room in the 1990s.

The wooden floorboards are intact, but covered by carpet. There are large glass windows on the court room's three sides. The fourth side was enclosed to allow for an interior wooden staircase, itself over one hundred years old. Many county functions continue to take place in the old courthouse, including Property Valuation, vehicle registration, and the safe keeping of deeds and records. The upstairs courtroom is a favored meeting place for civic groups such as Friends of the Library and the various historical interests.

Description of Clerk's Offices Exterior

The Clerks' offices, presently attached to the south side of the Courthouse via a sealed passageway of concrete block construction (1960), is a one-story brick structure with an original footprint twenty-two feet wide and fifty feet long. The structure has four doors on the front façade. These doors have been replaced and shifted, and in the last 30 years have received decorative molding of broad Federal style. A concrete addition has been built along the length of the west side (rear) of the structure. Interior chimneys (four) have been walled in, and the building's interior is wood paneled and modernized. The side gable roof, with ridge running parallel to the front of the building, has been covered with asphalt shingles in the 1980s. Earlier plans show the roof was covered in metal and had a skylight running along most of its north to south axis. It is hoped that the metal roof and portions of the skylight may yet be intact.

Description of the Clerk's Offices Interior

The building is presently in use, housing county offices. All functions of the Sheriff's office, County Judge Executive's office, and County Attorney remain in the 1853 Clerks' offices until occupancy of the new County building, expected to be completed in fall of 2011. The reception areas for the three offices mentioned are housed in the original Clerks' office. Walls are all paneled and most are painted. The original brick chimneys for the coal stoves are visible but covered with wood paneling. Additions have been added to three sides: north, south, and west. Floors are carpeted. All offices connect to the courthouse by a line of interior common passageways. .

List of Main Changes to Property over Time

Livingston County citizen Mrs. Spim appeared before the Fiscal Court in April of 1962, and stated "the main Court House needs to be sandblasted and bring it back to the original brick color" (County Fiscal Order Book 6: 499). Throughout the years, the bricks had been whitewashed, as documented in the County Court Order Books and as is shown in old photos of the courthouse.

The courthouse was made handicapped accessible during the 1980s through 1990s, and there is now an outside ramp for access at the front doors, as well as an interior elevator to allow access to the upstairs courtroom. The structure is generally well maintained, and all the functions of county government took place there until the new county justice center opened in 2009.

A true renovation of the original structure began in January of 1999. This renovation included improvements to the bathrooms, hallway, lobby and stairwell of the courthouse. The building also received its first elevator and other improvements to make it accessible to all. A local artist was commissioned to paint historic murals on the courtroom walls, including depictions of the Civil War occupation, and the Cherokee Trail of Tears. It was also during this period that the county made a request for the district to the Administration Office of Court in Frankfort for the construction of a new Justice Center Facility, a grant that would eventually be realized and result in the construction of said facility, the purpose of which is to house circuit court clerk's office, and to conduct the business of the courts.

8. Statement of Significance

Applicable National Register Criteria

- [x] A Property is associated with events that have made a significant contribution to the broad patterns of our history.
- [ ] B Property is associated with the lives of persons significant in our past.
- [ ] C Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.
- [ ] D Property has yielded, or is likely to yield, information important in prehistory or history.

Criteria Considerations

Property is:

- [ ] A Owned by a religious institution or used for religious purposes.
- [ ] B removed from its original location.
- [ ] C a birthplace or grave.
- [ ] D a cemetery.
- [ ] E a reconstructed building, object, or structure.
- [ ] F a commemorative property.
- [ ] G less than 50 years old or achieving significance within the past 50 years.

Areas of Significance

Politics/government

Period of Significance

1845-1961

Significant Dates

August 8, 1845-completion of courthouse

1853—completion of Clerks' Offices

Significant Person

(Complete only if Criterion B is marked above.)

NA

Cultural Affiliation

NA

Architect/Builder

Grace, Preston (builder)

Period of Significance: 1845-1961

This Period was selected as the span of time from which the building was completed, to the conventional close of the historic period, 50 years before the present. This choice follows National Register conventions for assigning Period of Significance, beginning with the construction of the focal resource and considering any change that occurred up to the end of the historic period as potentially significant. This building has been the county's most significant resource all the years of the Period of Significance, and continues to exert a strong hold on the people of the county.

Criteria Considerations NA

Statement of Significance

Summary Paragraph

Livingston County Courthouse and Clerks' Offices (LV-S-9) meet National Register Criterion A. The buildings' historic significance is understood within the context, "The Place of County Government in Livingston County, Kentucky, 1798-1960." When Livingston was established in 1798, it consisted of a thinly-populated large area, and began to follow a course followed by many counties established in 18th-century Kentucky. That is, various crossroads and shipping towns soon arose distant from the county seat; as people saw their interests align more with those newer urban areas than with the county seat, people in a part of the county would elect to separate and to form their own county. This public behavior is not confined to county governments: for instance, we see factions emerge in churches which lead one congregation to become two; on a larger scale, our country was born of a split from England, and conflict between regional interests in the US reached their climax in the American Civil War. One key factor that stabilized the evolution of Livingston County government was the courthouse in Smithland. The seat in Livingston hopped from one town and then another, not settling in Smithland until 1842, more than 40 years after the county was established. We see in the court orders for each courthouse in the succession of earlier county seats, thoughtfulness in the construction and design specifications for the building that would house county government. While each court built the finest structure it could manage, given the fiscal affairs and construction technologies available, voters still would tire of one town and vote another to become the seat, or would divorce from Livingston to form their own county. The courthouse that took form in 1845 Smithland is the courthouse that survives today, a building that grounded county government after that in Smithland. The seat remained in the town even after it lost a later election to a rival town, presumably demonstrating that a building's power exceeds the power of the vote. The nominated property's story tells of many ways that county residents have come to identify with this building. Those residents recall many of the events that have occurred there, the many judges presiding over the court, and the variety of non-governmental uses that the public square has served over the years.

Historic Context: The Place of County Government in Livingston County, Kentucky, 1798-1960

Smithland was established around 1780. Early deeds include references to "Indian lands," the courthouse lot being no exception. As Livingston County evolved, it would become the mother to present day Caldwell, Crittenden, Lyon and Trigg counties. The so-called "permanent seat of justice" enjoyed short stays at Eddyville (1800-1804) and the historic Centreville (aka Centerville, 1804-1809), as well as Salem (1809-1842), before Smithland was chosen, likely for its easy year-round access via river. Court had been held there since the 1790s, as local tradition holds, beneath a large tree on the banks of the Cumberland in front of Bell's Tavern (aka Gower House). Yet the courthouse and the decision to make Smithland the county's center, would be several years and as many removes in coming.

After a four year stay in Eddyville, County Court Order Book A: 7, May 1804, describes the decision to "determine the centre of county…the place where the road leading from William Prince's dwelling house to James Ritchey's crosses Livingston Creek is the centre of the inhabitable part of the county exclusive of the Indian lands." County Court Order Book D, dated 24 April, 1809, states that the permanent seat of Justice for Livingston County would be set on

> "a publick square of sufficient size to be not less than two acres and to erect thereon a hewed log court house twenty-four Feet square in the clear with a shingle roof with one half of the house a plank floor with necessary doors windows &c with glass in the windows…and also a square log Jail twelve feet in the clear with cabin roof and strong lock to the door and floor and loft of the same Kind of timber with

> the body and also to erect a strong and convenient stray pen and to dog a well on sd. Publick square that shall always contain a sufficiency of good water and fix a pump in the same in compleat order and have the jail and well finished by the first day of September next…and constantly keep a convenient cabbin for the courts to sit in until the same is done and agree to give the Timber off forty acres of land convenient to sd. Court house for the use of the Citizens of that place and also give the timber off one hundred acres of land within one and a half miles of sd. Court house. In consideration whereof we the undersigned have agreed to fix the permanent seat of Justice for sd. County on the lands of sd. Rodgers on any spot of land the court shall fix on." (County Court Order Book D)

The site of this long-gone structure was near present-day Salem, an inland town in the northern half of the county. Its once-prominent role is signaled by the several roads which converge on the town. Those who wanted to build near this structure were encouraged by the free timber, as well as by the future promised by a public square and courthouse. This log house would last until 1819, when a more modern structure replaced it—at a cost of $1133. For a while, it seemed the wandering of Livingston County's government had come to an end.

The court order document shows that, from the beginning of its history, the court square and its structures were integral to the stabilization of Livingston County. The settlement of a county requires a vision, something to order local affairs. This set of specifications for the courthouse contained interesting details, speaking of items with not only functional but with symbolic value: a strong lock, cleansing water, glassed windows. Citizens knew: Build too shabby a courthouse, and the county's citizens in a rival community might just vote another location as the seat of government. A strong building would proclaim the government it served was also strong.

Still, the efforts of Salem's government officials to attach county functions to that town did not prevail. When part of Livingston County was parceled off to create Crittenden County in 1842, Salem was no longer near the county's center. Many citizens wanted a more centrally-located town with good access via the rivers. The decision to move all public functions of the county to Smithland came in 1842, when it was ordered that the courthouse "be located on out lott No. 7 in sd. Town of Smithland and the same known as the Lillard Lott," being land dedicated by the citizens of Smithland for the sum of five hundred dollars in hand for the purpose of building a public square and courthouse (County Court Order Book I: 387; Deed Book GG: 433-434). The initial specifications required that the building be the largest courthouse in Livingston county's history: "to be forty feet by fifty feet and two Storys high" and for bids to be advertised in Nashville and Louisville at the same time as they would be let out in Smithland on the second Monday in August, 1842 "before the Tavern Door of Thomas McCormick in sd. Town" (County Court Order Book I: 387).

Commissioners reported back to the court on December 5, 1842, that the bid had been "stricken off to Preston Grace of Princeton, Kentucky at the sum of six thousand eight hundred dollars" (County Court Order Book I: 408-410). The specifications of the Court House indicate even more detail than for the Salem courthouse of 1809. This greater set of instructions tell us of the increasing development within the county, that Livingston's tax payers expected a much higher level of structural sophistication than had been satisfactory a little more than 30 years before. The county officials wanted a structure whose high quality would enable the building to stand the test of time. Some of the courthouse details are as follows:

> The foundation to be two feet thick, one foot six inches under ground, to be laid with good large stone in strong mortar of lime and sand and two feet above ground of dressed limestone…To be laid with hard well burnt true brick, edge wise…the floors to be on one and one fourths inch white oak, ash or yellow

> pine plank neatly dressed and tongue and grooved and laid down upon good sleepers well secured twelve by two and one half inches and not to exceed fifteen inches apart from center to center…the wall of the House to be of good Merchantable brick, to be laid in strong mortar made of lime and sand, to be two brick or eighteen inches thick, to be laid by a line and plum outside and inside and jointed and penciled neatly on both sides …all the outside Doors to have dressed steps of limestone, according to the plan also to have dressed limestone sills twenty inches wide and six inches thick, all the windows to have sills of dressed limestone ten inches wide and four inches thick…strong white oak lintels to be over the doors and windows beside the stone Case… Doors and windows to be finished with single Architrave and band moulding of proper width for such windows and doors. ..the joists of the second floor to be fourteen inches by two and one half of poplar and to be framed into the girders with double tenants, the floor to be good yellow poplar well seasoned dressed tongue and groove and secret nailed with eight or ten ounce nails, the plank not to exceed one inch wide…The House is to be lathed and plastered over head in each story with two good coats and to be finished nicely by being well white washed, to have two good locks and keys on the lower door…the whole of the wood work including the cupola except the roof to be well painted with three good coats of paint, the venetian Blinds to be painted green with Paris green, the valances white, all the outside of the building white, the door to be grained to resemble oak, the railing, banisters and inside painting above the bar and Judges bench to be of suitable color…the roof to be covered with good cypress shingles to be eighteen inches long, four inches wide and three quarters of an inch thick at the butt, well shaved free from windshake or worm eat, to shew only five inches to the weather, the cupola according to plan, lower part be square with imitation of a clock face on each square, the second part to be eight square with venetian blinds, pilasters and plinths, the top with round edge framing to the plan, with an ball, dart and spear, the ball of size to give proper proportion and to be handsomely gilded, also the dart and spear to be gilded…(County Court Order Book I: 408-411).

This description enables us to note that much of the 1845 building remains today.

During the three years required to let bids and to build the courthouse, court was held in Smithland at the Episcopalian Church (August 1842-June 1844) and the Gower House (June 1844-February 1845). Under the direction of contractor Preston Grace, the courthouse was declared as complete and finished on August 8, 1845, and was made available for "public worships or other useful purposes at the discretion of any one of the magistrates" (County Court Order Book J: 44).

The good men of the Court who came up with the building's detailed description, would see their work cause the building's first major controversy. Shortly after its completion, the people of the county began to voice their distaste for that "ball, dart and spear…handsomely gilded." One of Smithland's early newspapers, *The Jackson Republican*, published letters in May of 1846 which describe said ball, dart and spear in even greater detail:

> When you built the court-house, you made the people pay for it. It's the people's property, then. That's acknowledged, we take it for granted. Why, then, did you fix that thing on the top—that big ball with the iron rod running through it? Did you put it there to attract the first flash from Heaven's Anger, that might pass by, in order that you might see, "how soon, He who guideth the winds and ruleth the stars could lay level with the earth the workmanship of man's hand?" (Livingston County Historical and Genealogical Society, quarterly newsletter vol. 2 number 2).

A second letter reiterates some of these points, and still leaves readers unsure of whether the real reason for displeasure has more to do with fear of God and lightning, or is more of a backhanded slap at displays of vanity:

> That "eye sore," and we much fear us, it is yet to prove a "heart sore" which sticks up on the top of the courthouse has not been removed. Why is this so, gentlemen justices? Do you wish to let it remain until our beautiful court house shall have been leveled to the ground by a bolt from Heaven, and perhaps, a number of citizens killed? It would be an insult to your kindness of heart, if not your integrity of character to suppose such to be your wish. Come up then and do your duty: have that abominable ball and spear taken down-Have it done right at once and don't parley any longer about it. It must come down-we'll never rest easy until it does. (Quarterly Newsletter vol. 2 number 2)

These documents are important for demonstrating the connection citizens of the county felt between the courthouse and their own identities. It is good to note the sense of ownership—"our beautiful court house"—as well as the expression of concern for the safety of the building, and then the citizens who might be killed. It is fair to say that, at the time, there was nothing bigger or perhaps as important to the county as the court house, and the court was quick to respond: "Levi L. Stroud this day produced to the court and amount against the county amounting to Twenty Dollars, for taking the spear Ball & Dart off the Cupola of the Court house" (County Court Order Book J: 134). That twenty dollars paid for several days of skilled labor, judging by other bills covered by the court at the time. Whether the gilded globe went on to another position of glory, or was quietly laid to rest, remains unknown.

The need for a separate office building for clerks was made official in November of 1852, when commissioners were appointed to "superintend the Building of a Circuit and County Court Clerks' Office in the public square" (County Court Order Book L: 111). During this time, the circuit and county clerk positions were held by the same individual. And so the plan was established to build a brick building fifty feet by twenty-two feet "on a stone foundation one and one half feet in the ground and two feet above the level of the ground" a perfect complement to the quality of construction required of the Courthouse. The building would be divided into two rooms of equal size, with two doors and two windows each, and a partition door "between the rooms, chimney and fireplace with cold grates in the middle of the building. A brick floor, iron window frames and door frames, door covered with sheet iron, windows secured by iron gates" show us that the building was meant to be very secure—in fact, it might be seen as state of the art for its time. Curiously, it was to have "a metal roof with a sky light the whole length of the building."

Again, the surviving documents describing the plan for the office building in such detail offer a unique opportunity in its future restoration. It is thought by some present-day citizens of the county that the skylight is still a part of the structure, covered over by several roofing projects through the years. If so, the likelihood of finding another Kentucky building of its vintage and equal is highly unlikely. Further detail includes the plan for "the walls to be twelve feet high from the floor to the ceiling plasture. Estimated cost from $1500 to $1800" (County Clerk Papers, Box 14). The land for the clerks' offices was purchased from the Patterson family for the sum of two hundred and fifty dollars in February 7, 1853. The parcel was a portion of out lot No. 8 (County Court Order Book L: 123). It is clear that the county leaders of that time viewed the offices as a part of the Court house and Court square, and the design of the new structure was to be in keeping with the style of the existing one.

There was an unforeseen disruption concerning property rights and ownership as the clerks' offices were being constructed, which resulted in the offices being completed before the property was actually purchased. In July of 1853, the court ordered "that James K. Huey sheriff of Livingston County…be restrained from paying over to D.W. Patterson, Trustee for D. C. Patterson & others or to any other person claiming the right to receive the same, the sum of two hundred and fifty dollars being for the purchase money of the lot upon which the new clerks office is being built, until the further order of this court (County Court Order Book L: 149). County Court Order Book L also shows the roof of the clerk's office being painted in October of 1853, and further improvements to the property being made throughout that month. It is not until February of 1854 that the court order book shows "the suit of Mrs. G. Chalmors against Samuel Pattersons…in the McCracken county court has been settled and dismissed and the sheriff having been enjoined from paying over to D.W. Patterson the $250 heretofore allowed by this court for the purchase of the lot on which the clerk's office now stands. It is now ordered that said injunction be discharged and that the sheriff pay same to D.C. Patterson the present Trustee (County Court Order Book L: 180).

The Public Square from 1853-1899

The records reflect that the completion of the clerks offices elicited a sense of civic pride in the court square, as commissioners were appointed to "set out trees or procure the trees to be set out in the Court House yard and they will draw an order on the sheriff of the county for the money necessary to be and in the case" (County Court Order Book L: 239).

It would perhaps be reasonable to assume that the importance of the court square to the identity of Smithland was clearly established with the completion of the clerks' offices. James River Guide, published in 1856, describes the town thusly:

> Smithland, county seat of Livingston co., Ky., just below the mouth of the Cumberland river. It is a place of considerable commercial importance, being favorably situated for reshipping goods to and from the interior of Kentucky and Tennessee. Smithland contains a court-house, jail, and county offices, 2 churches, 1 foundry and machine shop, a boatyard, an extensive tannery, and a population of 1500. (James 122)

Smithland's courthouse, like almost every courthouse in Kentucky, was in great peril during the years of the Civil War's unofficial and official occupation. It was the habit of the departing troops to leave the Courthouses in flames, but the nominated property was spared that insult. Perhaps this is because the town played a disproportionately large role in nursing the wounded of both sides. The conflict interrupted regular life in Smithland. Townspeople tended to the injured; federal troops stood watch over the community. In this climate, the traditional role of the local justice system in stabilizing order was thrown off balance. Although the court function was suspended, the courthouse was protected:

> The Court House being occupied by the United States troops so that Court cannot be holden therein, It is ordered that the court be adjourned till Thursday morning next at the Oclock at such place as may be provided by the County Judge for the purpose of holding the Court (Circuit Court Order Book Q: 164; 13 Feb. 1865)…Court met pursuant to adjournment at the House in Smithland known as the Wilson House provided by the County Judge for the use of the Court: the Court House still occupied by the Military (Circuit Court Order Book Q: 165; 15 Feb. 1865).

By 1871, the first orders begin for the repair, refurbishing, and refurnishing of the court house itself, a work that would continue for ten years. The documents of that time are even more detailed, including not only the number of window lights purchased in February of 1870 (ninety-five, to be exact), but their dimensions and price (fifty cents was apparently standard for a six inch by six inch square, putty included). And because so many names of the laborers and craftsmen are included, the orders and accounts read as a sort of census of the residents of the town and county. For instance, J. W. Richardson is identified as a skilled metal worker. The early repairs seem to mostly be for windows and doors, but one interesting entry includes "making a gate for the Court House Yard and repairing two others" (County Clerk Papers, Box 18). Circa 1900 photographs show a finely wrought iron fence separating the Court Yard from Court Street for the full length of the court house and clerks offices, and beyond. There are also early photos showing a wooden fence, which would secure the yard from livestock. It is also possible that these fences co-existed at times.

Improvements to the building in 1871 and 1872 indicate that the local economy had recovered from the War and the court square was once again able to function as a prominent social gathering place. In September of 1871, an account was granted to "Benjamin Ramage for building a water closet and repairs on Court House" (County Court Order Book N: 158). In 1872, commissioners launched a major plan for "enlarging and remodeling the courthouse." A committee of commissioners was authorized to borrow money and increase property taxes, 20 cents per $100 of taxable property above the current levied amount, to pay for the $7,000 upgrade (County Court Order Book N: 230). There is also an additional order in July of 1872 to "let out and have Fire Proof Vaults in the Clerks Offices, one in each office, in the Court House as remodeled" and "to have at least two suitable privies built on the public square for public use" (County Court Order Book N: 257). The expansion of the building put the circuit clerk and county clerk offices, as well as the judge and sheriff offices, all under one roof. A commissioner was then appointed "to lease out the old clerks' offices in the 1853 building…for a term not exceeding five years."

Records show that not all were charmed by these improvements; some wished the county officials would have shown more frugality. Citizens went so far as to circulate and sign petitions opposing the tax, forcing county officials to seek an Act of the General Assembly of the Commonwealth in 1876 to legalize it (County Clerk Papers, Box 18). Those officials did demonstrate an ability to conserve the county's resources, seen in a payment to J. M. Grace in March of 1873. They paid J.M. Grace $1000 for installing fireproof vaults and for work on the building's chimney, cupola, and bell frame, yet still collected $17 from him, "by amount of old materials sold" to him (County Clerk Papers, Box 18). As on some public structures today, citizens being taxed for repairs and furnishings do not completely agree upon their necessity.

Challenges to Smithland's status as County Seat

In the 1880s, the public square added a cistern and more water closets. The jail and adjacent jailer's quarters, a separate structure on the square behind the courthouse, required repairs equivalent to those made on the courthouse. Despite whatever fiscal health these improvements might suggest, Smithland's financial soundness was called into question. Nearby Paducah, which had not incorporated until 1830, invested in a railroad, laying tracks by the early 1850s. In 1884, a foundry and ironworks had been built in Paducah to expand the railroad industry. By contrast, Smithland seemed on the decline, losing business and prestige to Paducah. County residents had chosen not to open the door to rail service. Smithland had steadily thrived into the 1850s on the basis of steamboat traffic and boat repair yards, which led many to view the railroad as a passing fad. By the 1880s, the once-thriving town now began to seem on the decline.

In 1884, citizens proposed a change in the county seat to renew the county's fortunes. In March that year, a committee of county judges from McCracken, Lyon, Crittenden, and Marshall Counties were empanelled to scout for new a new location for Livingston County government. Their search began at the geographical center of the county, north of the Cumberland River. The central spot contained no town, nor any village in the vicinity. The committee went south, settling on a piece of land on the North bank of the Cumberland River, recently made available through the death of its owner. They agreed to purchase the acreage from the widow for $25.00. (County Court Order Book P: 417)

Though all of the paperwork was complete, and all fees and expenses paid, the remove did not occur. There is no real explanation for what occurred, but repair work to the Courthouse, jail, jailer's house, and Clerk's offices continued after 1884, with several large expenditures during 1889. Scarcely a decade after this first removal decision, the county began a far more complicated version of changing the county seat, which included a countywide vote. After ten years of debate, it seemed citizens could not agree on what to do. An election was called by the County Clerk, to be held on November 6, 1894, to settle the matter (County Court Order Book R 129-130). The electorate was asked whether the county seat should remain in Smithland or move to the town of Hampton. Even though the precise site in Hampton had not been specifically described, the vote for removal triumphed, receiving 889 votes against 848 votes for retaining Smithland as the seat.

Despite this outcome, we see the court continuing business as usual in Smithland. Barely two months later, the court ordered that a concrete floor be added to the vault of the clerk's office. In March of 1895, an action was filed to prevent the levying of new taxes for the removal of the public buildings and erection of new ones at the Hampton site, which had become referred to as "Cleveland." The action states that "a large majority of the taxpayers of said county are opposed to said tax" and would "do any and all things which may be necessary to prevent the levying, collecting and paying of said debt" (County Court Order Book R: 257-258). This episode provides a lesson in two different values—power, in the form of a voted issue, and materials, in the form of the existing buildings of the public square in Smithland. This lesson shows that political will, expressed by a vote—though without a strong vision and concrete plan for implementation—cannot overcome the reality of the standing buildings on the courthouse square. The inertia of that physical mass possessed a greater power than a mere polling could provide.

Twentieth Century Meanings of the Courthouse

Embedded in the term "courthouse" is the word "court," indicating the judicial function that takes place within its walls. A courthouse is the place for local disputes to be settled, for lawbreakers to be brought to justice. When the Jail and Jailer's residence occupied the Livingston County Courthouse site, the identification of the nominated property with crime and punishment was even more pronounced.

From the earliest days, the courthouse provided a very personal forum in which to observe the meting out of justice on the local level. Changes in the penal code have removed us from the days when murder trials ended with a hanging on public square. Such an event often had a sensational impact, not only from the unmediated witness it afforded, but also because both victim and convicted were often well-known by the townspeople.

In the 1930s, Kentucky put an end to public hangings. Some Livingston County residents were alive when the state's second last one occurred there, on April 19, 1935. The account of Willie Deboe's final hours contains details fitting for telling around a campfire. Before the Commonwealth took responsibility for this

highest form of punishment, Kentucky's county courthouses were places that held the power of life and death, potentially, over any citizen.

Even that amount of power occasionally bows to larger forces of nature. The courthouse was impacted by the great flood of 1937 as any building was. Several documents mention that the courthouse served as a place of refuge during the flood. The central hall was open at that time, and several residents who presently make their homes in Smithland recall taking boats through the courthouse, almost a way of confronting two mighty powers—the overflowing Ohio River and the local justice center. Whether or not the effect of the flood motivated it, a year after the flood, in February of 1938, county officials voted to build a new courthouse:

> On motion of Cruce and seconded by English it is ordered that G.W. Heater, County Judge be and he is hereby authorized and empowered by this Court to enter into an agreement with Laurence Casner, of Hopkins County, Kentucky an architect in regard to the building of a new court house for Livingston County, and said Judge is authorized…for applying for funds from W.P.A. for funds to construct a court house for Livingston County. (County Fiscal Court Order Book 5: 302)

Fiscal Court reconsidered its decision in January of 1939, and ceased to seek funding for a new structure. The courthouse survived another flood and another vote that promised to spell its demise.

Since the 1960s, numerous social practices that have religious origin and connotations have been removed from public buildings. In reaction, several Kentucky judges in recent years have attempted to display the Ten Commandments somewhere in their courthouse for a variety of self-interested or civic-uplift reasons. These efforts have largely been deemed illegal. This contrasts with what was normal prior to World War II. For many years, the Livingston County courthouse and most other Kentucky city and county buildings, did not as strictly observe the separation of church and state. The tradition of holding revival and church meetings on Smithland's public square continued until the mid-20th century, in spite of a terrible accident in late May, 1933, in which the courthouse's exterior stairway tore away, from the weight of nearly 100 people squeezed together on it, who fell onto another 150 people on the ground below.

Evaluation of the Significance of the Livingston County Courthouse within its historic context.

The Livingston County Courthouse is historically significant within its historic context. It is an important property through which people in the area have drawn their civic identity. It is an important symbol of the strength of the government.

It has historic value in a discussion of which is the more powerful factor behind public decision-making: public will vs. the physical reality of our buildings. A group of county judges from surrounding counties in 1884, and a vote by citizens in 1894, both decided to remove the county seat. In both instances, the physical building seems to have triumphed over the voice of authority and of the people. The lesson this teaches is that as time goes on, the tangible entity gains a greater gravitas, while without a concrete vision for the alternative, the move becomes too much trouble for most to undertake.

The Livingston County Courthouse, once the most imposing building in this district, is now overshadowed by the immense multi-winged Justice Center and the new county offices/library, the county's first three-story public facility. The citizens of the county attach many personal associations to the courthouse property. Important local figures presided there. Its floorboards felt the feet of some of the great men of the

Civil War-Generals, yes, but also that local hero, Andrew Jackson Smith. There is hardly a citizen of this county who has not done some business there—the happy business of acquiring a marriage license or recording a deed; the painful business of filing for divorce, or settling a will, or defending oneself unsuccessfully against a traffic ticket or even a murder charge. It is fair to say that, even in the case of painful business, there is something profoundly comforting and homelike about that old courthouse. It feels dependable, as if our fathers knew the powerful human dramas that would play themselves out there, and built a fitting and dignified place for themselves and their children's children-or, to be more accurate, for the children of Livingston County; a place to stand the tests of time.

Evaluation of the Integrity of the Livingston County Courthouse and Clerk's Offices' Historic Significance

The significance of the Livingston County Courthouse and Clerk's Offices have been evaluated through the terms of Criterion A, which sees significance from the events of local government for over 150 years. The factors which define this significance are integrity of location, setting, design and association.

The Livingston County Courthouse and Clerk's Offices possess integrity of **location** because they have been in the same location since being constructed. Their locations were the result of a purchase of lands in areas convenient for all citizens. Prior to their construction, the county seat had been situated in three different locations. The move to Smithland was the result of the desire for a permanent location accessible to the majority of county residents and easy access to other major cities located along the rivers. With the county seat so moveable early in the county's history, the long-life of this courthouse in this place is an important dimension of the nominated property's contribution to county history. The building has provided a sense of stability and order to the affairs of county government since its construction.

The Livingston County Courthouse and Clerk's Offices possess integrity of **setting** because it retains the historic setting that it has enjoyed since being constructed. The setting is a mixture of business and residential, which provide a sense of balance in this small town setting. Even with the construction of a nearby Justice Center and a new county office building/library next door, the Courthouse and Clerk's Offices continue to possess the integrity of setting. The many associations with the courthouse are situated within the setting of the public square, more so than within the building exclusively.

In spite of several restorations and remodeling, the Livingston County Courthouse and Clerk's Offices still possess integrity of **design**. Additions have been made to both sides of the courthouse. Even though non-historic materials were used, the original designs are evident and exhibit function without being pretentious. At first glance, the courthouse could easily be confused with a school or church. The interior of both buildings contain all of the offices and facilities required for their intended use.

The integrity of location, setting and design blend together to demonstrate the integrity of **association** of the Livingston County Courthouse and Clerk's Offices.

9. Major Bibliographical References

Bibliography

Coltharp, Rick. A physical description of the Livingston County Courthouse. *via* request from Jerry Bebout.

Livingston County Court Order Book A: May 1804; 7. *

Livingston County Court Order Book D: April 1809.

Livingston County Court Order Book I: 1842; 387+.

Livingston County Deed Book GG:433+.

Livingston County Court Order Book J: 1845; 44+.

"The Jackson Republican, Smithland, Ky., 1846." *Livingston County Historical & Genealogical Society Quarterly Newsletter*, Winter 1989.

Livingston County Court Order Book L: 1852;111+.

Livingston County Deed Book 2:180.

Livingston County Clerk Papers Box 14: 1853.

James, Uriah Pierson. *James River Guide*. Cinn., 1856. Microform: Louisville: Lost Cause Press, 1976.

Livingston County Circuit Court Order Book Q; 1865; 164+.

Livingston County Court Order Book N: 1871; 158+.

Livingston County Clerk Papers Box 18: 1876.

Livingston County Court Order Book P:1884; 417+.

Livingston County Clerk Papers Box 24: 1884.

Livingston County Court Order Book R: 1895; 257+.

Commonwealth of Kentucky vs. Willie Deboe; Kentucky Dept of Libraries and Archives, Frankfort, 1935.

Livingston County Fiscal Court Order Book 5; 1938; 302.

"Many Hurt in Crash of Stairway." *The Paducah Sun Democrat*. 29 May 1933:A1.

Livingston County Fiscal Court Order Book 6: 1962;499.

*All Order Books, Deed Books, and Livingston County Clerk Papers presently housed in the Livingston County Courthouse

Previous documentation on file (NPS):

____preliminary determination of individual listing (36 CFR 67 has been requested)
____previously listed in the National Register
____previously determined eligible by the National Register
____designated a National Historic Landmark
_X_recorded by Historic American Buildings Survey #_LVS-9_____
____recorded by Historic American Engineering Record # _____
____recorded by Historic American Landscape Survey # _____

Primary location of additional data:

____State Historic Preservation Office
____Other State agency
____Federal agency
_X_Local government
____University
____Other
Name of repository: _____

Designated a Kentucky Landmark
Historic Resources Survey Number LVS-9

10. Geographical Data

Acreage of Property 1.098

UTM References
Smithland Quad
Calculated by GIS (KYGEONET)
UTM Values given according to 1983 NAD (1927 NAD: 16/375313.17/4111002.67)

	Zone	Easting	Northing		Zone	Easting	Northing
1	16	375 312.91	4111 212.40	3			
2				4			

Verbal Boundary Description
The property proposed for listing has a boundary that is defined by the Property Valuation Administrator under the map and account number Map 043-01 04 009.00. It is located at the corner of Court Street and Wilson Street, with the remaining sides bounded by county-owned buildings and land. This property is part of the town's original out lot No 7 (1842) and part of out lot No 8 (1853).

Boundary Justification
This property proposed for listing is the fullest extent of property that historically has been associated with the courthouse function, and which contains the highest degree of integrity.

11. Form Prepared By

name/title Tracy Cothran Jordan; Brenda Joyce Jerome; Jerry Bebout
organization Livingston County Historical & Genealogical Society, Inc. date June, 2011
street & number 117 State Street telephone 270.928.4656; 270.556.5530
city or town Smithland state KY zip code 42081
e-mail livingstoncohistory@hotmail.com; jbebout@hughes.net

Photographs:

Submit clear and descriptive photographs. The size of each image must be 1600x1200 pixels at 300 ppi (pixels per inch) or larger. Key all photographs to the sketch map.

Name of Property: Livingston County Courthouse and Clerk's Office

City or Vicinity: Smithland

County: Livingston State: KY

Photographer: Josh Brown

Date Photographed: 06/22/2011

Description of Photograph(s) and number:

1 of 6
(Courthouse and Clerk's Office from the North)
KY_Livingston County_Courthouse & Clerk's Offices_001

2 of 6
(Courthouse and Clerk's Office from the East)
KY_Livingston County_Courthouse & Clerk's Offices_002

3 of 6
(Clerk's Offices)
KY_Livingston County_Courthouse & Clerk's Offices_003

4 of 6
(Courthouse and Clerk's Office from the South)
KY_Livingston County_Courthouse & Clerk's Offices_004

5 of 6
(1st Floor Stairway base and center Hallway of Courthouse)
KY_Livingston County_Courthouse & Clerk's Offices_005

6 of 6
(2nd Floor Court Room)
KY_Livingston County_Courthouse & Clerk's Offices_006

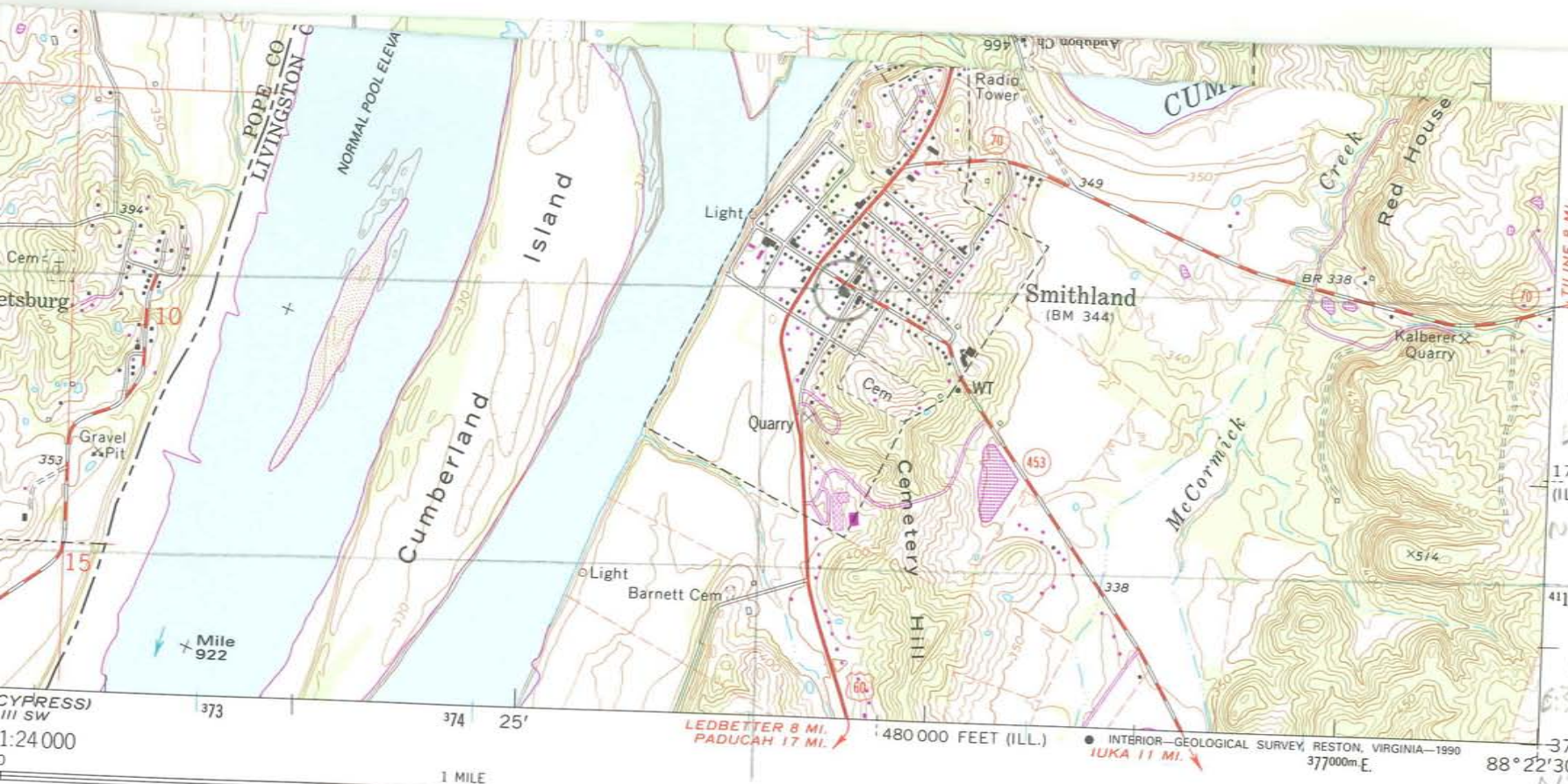
Property Owner:

(Complete this item at the request of the SHPO or FPO.)

name County Court of Livingston

street & number 335 Court Street telephone 270.928.2105

city or town Smithland state KY zip code 42081



Livingston County Courthouse and Clerk's Offices
Livingston Co., Ky
Zone 16
NAD 27
Easting 375308
northing 4111000
NAD 83
E 375 308
N. 4111 210

Revisions shown in purple compiled in cooperation with U.S. Forest Service from aerial photographs taken 1988 and other sources. Partially field checked by U.S. Forest Service. Map edited 1990

SMITHLAND, KY.—ILL.

NW/4 SMITHLAND 15' QUADRANGLE
37088-B4-TF-024

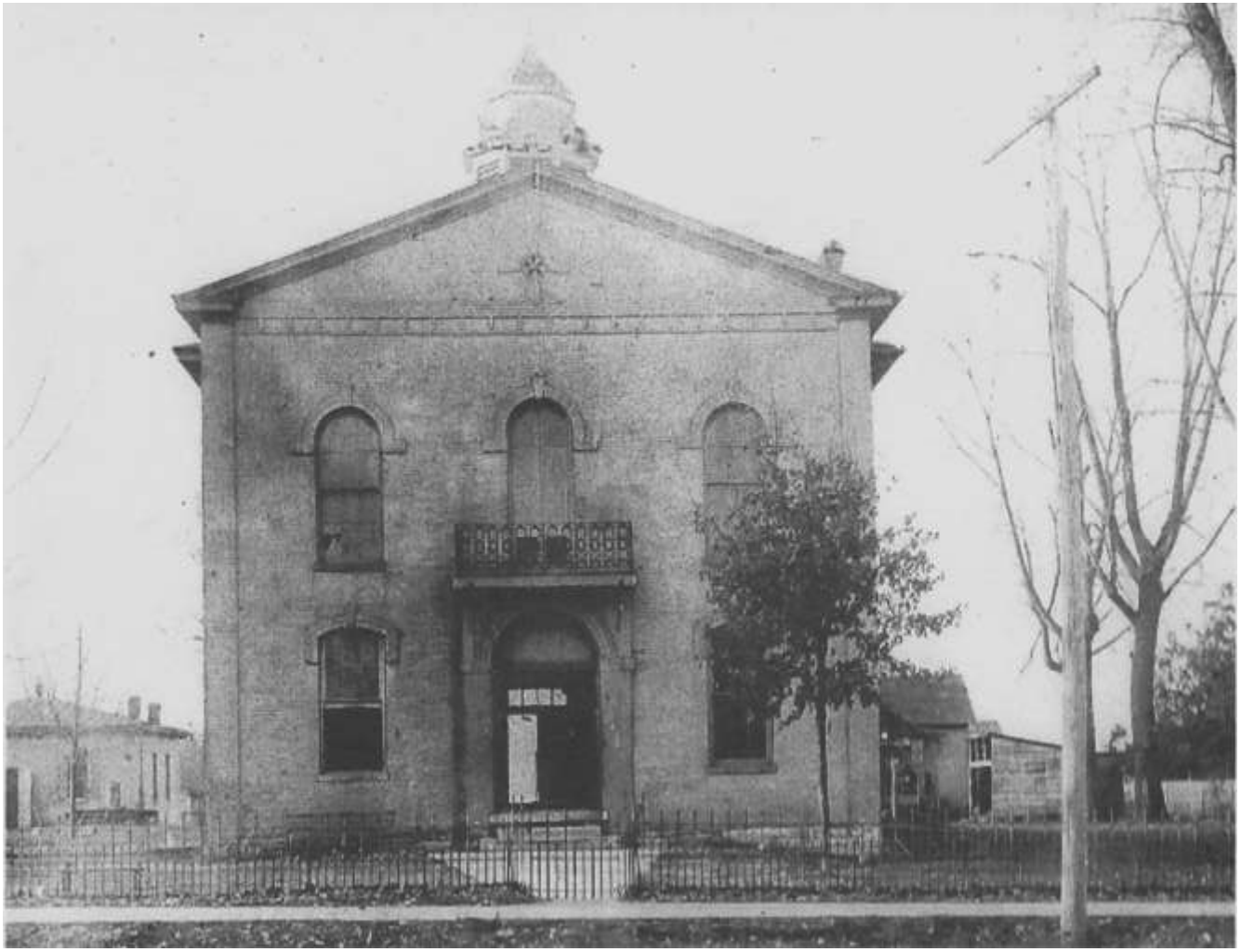
1967
PHOTOREVISED 1990
DMA 3358 III NW – SERIES V853

Photograph Log

Name of Property: Livingston County Courthouse and Clerk's Office
City or Vicinity: Smithland
County: Livingston
State: KY
Name of Photographer: Unknown
Date of Photographer: Circa 1870
Location of Original Digital File: ?

Livingston County Courthouse and Clerk's Office, Smithland, Livingston County, KY_001
Photo 1 of 9

Description:
Oldest known photo of Courthouse



Photograph Log

Name of Property: Livingston County Courthouse and Clerk's Office
City or Vicinity: Smithland
County: Livingston
State: KY
Name of Photographer: Unknown
Date of Photographer: 1944
Location of Original Digital File: ?

Livingston County Courthouse and Clerk's Office, Smithland, Livingston County, KY_002
Photo 2 of 9

Description: Old photo of Courthouse and Clerk's Office

Photograph Log

Name of Property: Livingston County Courthouse and Clerk's Office
City or Vicinity: Smithland
County: Livingston
State: KY
Name of Photographer: Unknown
Date of Photographer: 1995
Location of Original Digital File: ?

Livingston County Courthouse and Clerk's Office, Smithland, Livingston County, KY_003
Photo 3 of 9

Description:
Courthouse and Additions

Photograph Log

Name of Property: Livingston County Courthouse and Clerk's Office
City or Vicinity: Smithland
County: Livingston
State: KY
Name of Photographer: Dr. Dianne O'Bryan
Date of Photographer: 2010
Location of Original Digital File: ?

Livingston County Courthouse and Clerk's Office, Smithland, Livingston County, KY_004
Photo 4 of 9

Description:
Courthouse and Old Offices

Photograph Log

Name of Property: Livingston County Courthouse and Clerk's Office
City or Vicinity: Smithland
County: Livingston
State: KY
Name of Photographer: Jim Terry
Date of Photographer: 2011
Location of Original Digital File: ?

Livingston County Courthouse and Clerk's Office, Smithland, Livingston County, KY_005
Photo 5 of 9

Description:
East side of Courthouse and back addition to
Old Clerk's Office

Photograph Log

Name of Property: Livingston County Courthouse and Clerk's Office
City or Vicinity: Smithland
County: Livingston
State: KY
Name of Photographer: Jim Terry
Date of Photographer: 2011
Location of Original Digital File: ?

Livingston County Courthouse and Clerk's Office, Smithland, Livingston County, KY_006
Photo 6 of 9

Description:
Hallway inside Court House main front entrance

Photograph Log

Name of Property: Livingston County Courthouse and Clerk's Office
City or Vicinity: Smithland
County: Livingston
State: KY
Name of Photographer: Jim Terry
Date of Photographer: 2011
Location of Original Digital File: ?

Livingston County Courthouse and Clerk's Office, Smithland, Livingston County, KY_007
Photo 7 of 9

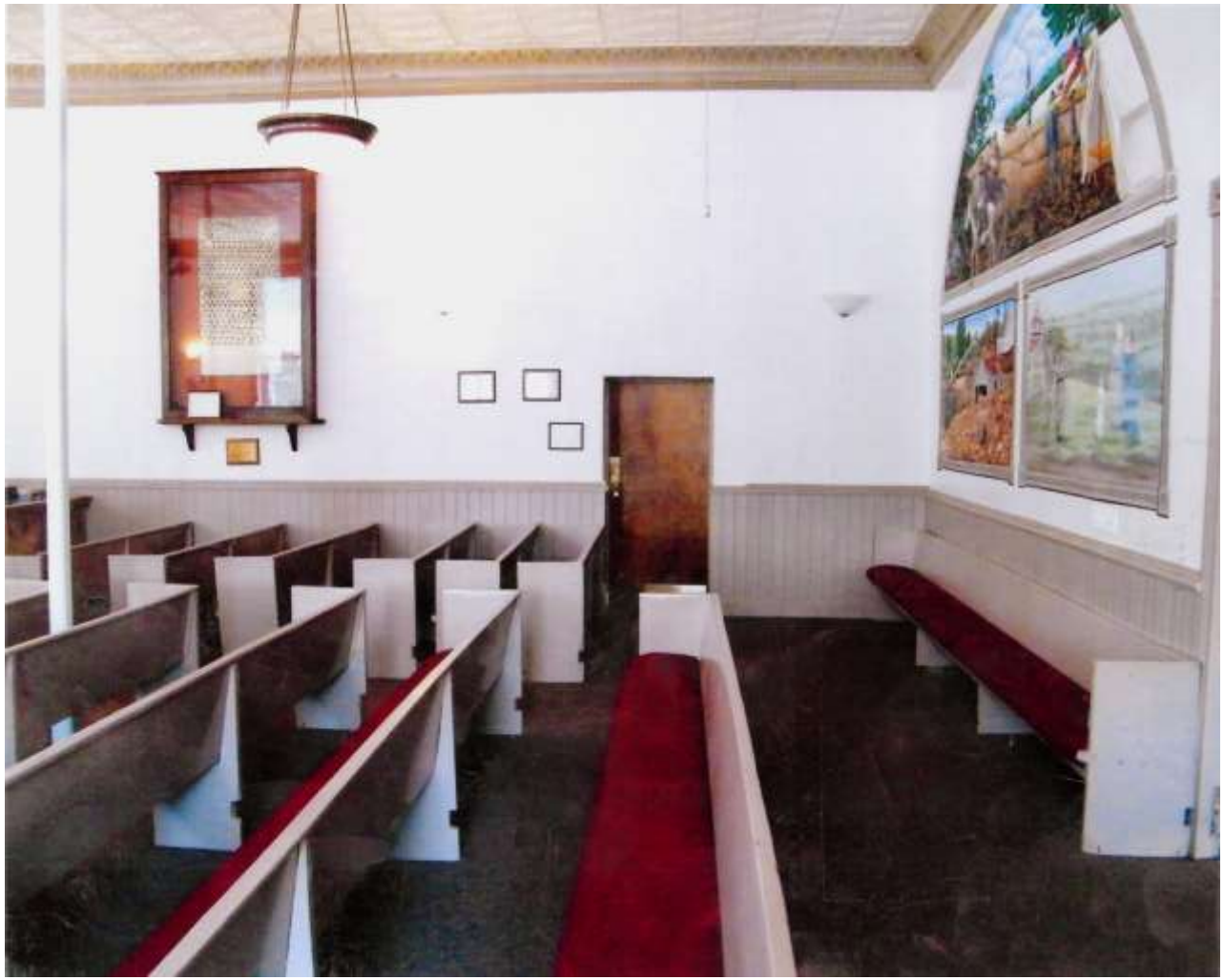
Description:
Court Room and Hand-hewn benches

Photograph Log

Name of Property: Livingston County Courthouse and Clerk's Office
City or Vicinity: Smithland
County: Livingston
State: KY
Name of Photographer: Jim Terry
Date of Photographer: 2011
Location of Original Digital File: ?

Livingston County Courthouse and Clerk's Office, Smithland, Livingston County, KY_008
Photo 8 of 9

Description:
Murals painted by artist on North wall of
Court Room



Photograph Log

Name of Property: Livingston County Courthouse and Clerk's Office
City or Vicinity: Smithland
County: Livingston
State: KY
Name of Photographer: Jim Terry
Date of Photographer: 2011
Location of Original Digital File: ?

Livingston County Courthouse and Clerk's Office, Smithland, Livingston County, KY_009
Photo 9 of 9

Description:
Old Clerk's Office with end addition

Page 1-Photos of Courthouse and Old Clerks' Offices
(on file in the Livingston Co KY PVA Office.)

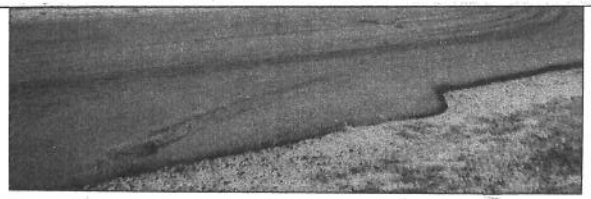
Page 2-PVA Card-Building measurement/Plan and
Market Value

62A038 (9-90) 043 - 01 (MAP) 04 (BLOCK) 009.00 (PARCEL) **PROPERTY DATA CARD** Acct 810-01 1 of 4

OLD PARCEL NO. Sm 4-9

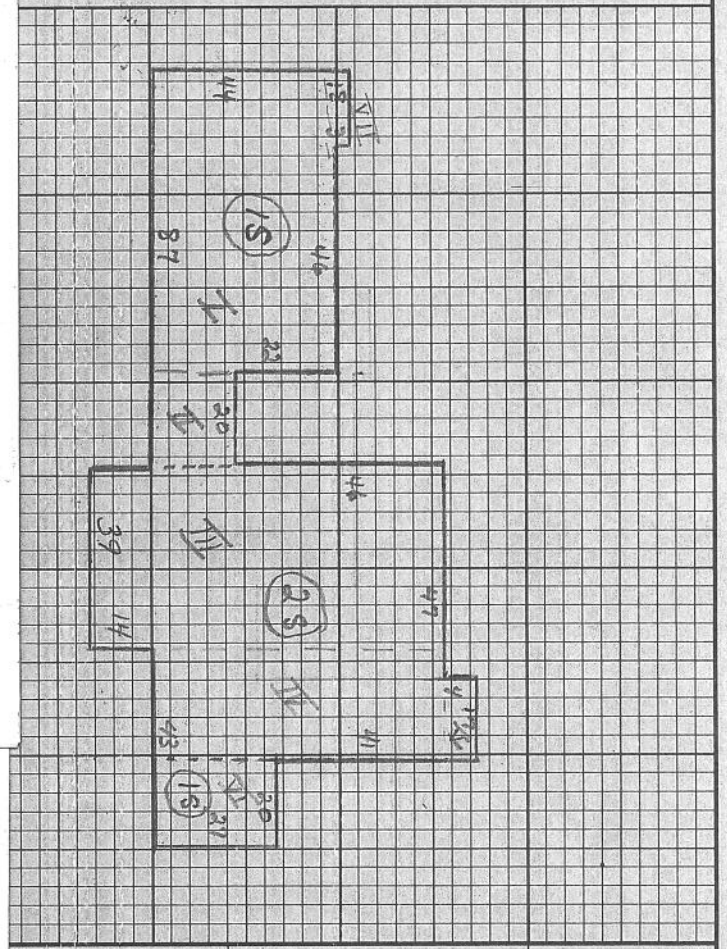
1. RECORD ID (Map Number or Account Number): Sm 4-9
2. DATE: 10 98 (Mo. Yr.)
3. PROPERTY OWNER: LIVINGSTON COUNTY
4. STREET ADDRESS OF SUBJECT PROPERTY: COURT STREET
5. CITY: SMITHLAND
6. STATE: KY
7. ZIP CODE: 42081
8. CLIMATIC REGION: 2 Moderate
9. REPORT FORM: 1 Summary Only 2 Itemized (Detailed)
10. LAND VALUE $ _____ Acres _____ Front Ft.
11. COMMENTS
12. COMMENTS
13. COMMENTS
14. APPRAISER

Sm 4-9



Sm 4-9

BUILDING SKETCH AND AREA CALCULATION (SQ = 4')



BUILDING SECTION DATA

Complete required items 15 through 19 and optional items 20 through 50 for each building section.

15. SECTION NUMBER: 1
16. OCCUPANCY (Enter three-digit code from next column.): 204

OCCUPANCY DESCRIPTION (Overrides standard description.): Court House

17. CONSTRUCTION CLASSIFICATION
    - 1 Wood Frame
    - 2 Masonry Exterior Walls, Wood Floors and Roof
    - 3 Pre-engineered Steel Frame
    - 4 Steel Frame
    - 5 Fireproofed Steel Frame
    - 6 Reinforced Concrete Frame

Year	Land Value	Improvement Value	Total Assessed Value
08	80000	350000	430000
09	80000	350000	430000
10	80000	350000	430000
11	90000	350,000	440,000
05	50000	451900	501900
06	50000	451900	501900
07	50000	451900	501900

Section	Width	X Length	Area
= 15	44	67	2948
= 15	20	22	440
= 15 X III = 25	(39	82) X 2	6396
= 15	41	23	943
II = 15	4	17	68
VI = 15	20	27	540
VII =			

Major Alterations or Additions	Date

18. TOTAL NUMBER OF STORIES: 2
19. GROSS FLOOR AREA: 11389 Square Feet