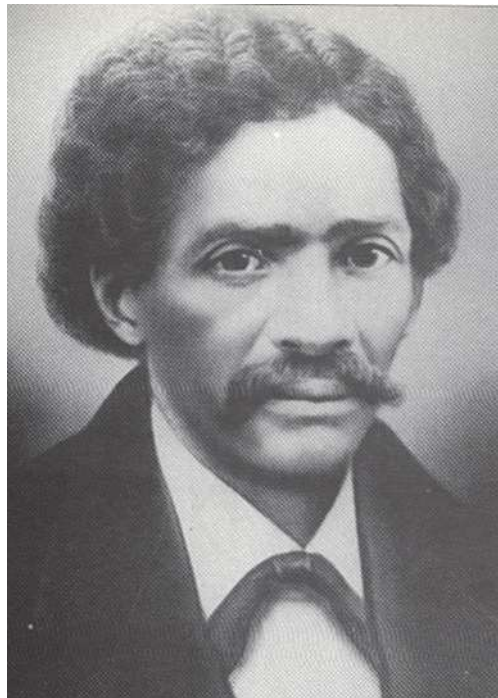


Edward Claybrook (c1830-1896)

By Jerry Long
c.2025



Edward Claybrook (c1830-1896)



Daviess County, Kentucky, 1815-2015, Celebrating Our Heritage, Daviess County Bicentennial Committee (Evansville, IN: M. T. Publishing Company, Inc., 2015) p.10:

Daviess County Bicentennial Chronology 200 Historical Events

By Jerry Long

- 1883, 4-2 Decision in suit of Edward Claybrook & other blacks against the city of Owensboro over the unequal distribution of tax funding between black & white schools was issued. The Federal District Court ruled that the Kentucky laws allowing school taxes from white citizens to be used only for whites while black schools were

supported only by taxes from blacks was in direct violation of the Fourteenth Amendment. The case impacted the dual education system throughout Kentucky. As a result of this case, the black schools were improved rapidly over what they had been. Later in 1883 Western School was opened on West 3rd Street in Owensboro and continued as the county school for blacks until the desegregation of schools in 1962. Edward Claybrook (c1821-1896) in 2001 was elected to the Kentucky Civil Rights Hall of Fame.



**The Kentucky Encyclopedia, John E. Kleber, Editor in Chief
(Lexington, KY: The University Press of Kentucky, 1992) pp.203-204:**

CLAYBROOK V. OWENSBORO.

By Lee A. Dew

Claybrook v. Owensboro, a suit brought by black citizens of Owensboro in 1883, challenged the 1866 Kentucky law setting aside taxes collected from "negroes and mulattoes" for the support of black schools. The suit was touched off when the General Assembly in 1880 authorized the establishment of a black school in Owensboro to serve the five hundred black children of that town. A group of black parents, citing the equal protection clause of the Fourteenth Amendment to the U.S. Constitution, contended that the black school was inferior, thus denying equal educational opportunity to their children. The suit claimed that the black school operated for only "about three months each year," with "only one inferior school-house," and "facilities of every kind very inferior to those of the white children." Judge John W. Barr of the Federal District Court for Western Kentucky agreed with the plaintiffs, and enjoined the Owensboro school board from paying out the percentage of money in the common school fund equal to the percentage of black children in the system, thus threatening to shut down the white schools. Since many other towns in Kentucky had a similar arrangement, the decision threatened the entire state school system. The result was that the General Assembly, on March 18, 1884, repealed the act establishing the separate funding system and placed all tax money in the hands of the public school board. This law was the first step toward the improvement of black education in Kentucky, and a gigantic first step for blacks on the road to full equality.

See Lew A. Dew and Aloma W. Dew, *Owensboro: The City on the Yellow Banks* (Bowling Green, Ky., 1988); Howard, *Black Liberation in Kentucky* (Lexington, Ky., 1983).



Messenger-Inquirer, Owensboro, KY, Thursday, 10 February 1977, p.1B:

Ex-slaves fought for education rights

By Keith Lawrence, Messenger-Inquirer

EDITOR'S NOTE: Afro-American History Month is being observed throughout the nation Feb. 1-28. The theme of Black Heritage provides a time for blacks in Owensboro to reflect on their accomplishments. Among those was the establishment of schools here 95 years ago.

In 1882, a small group of ex-slaves banded together in Owensboro and decided that their children would have the best education possible – an education as good as that given white children.

It took an act of the U.S. District Court in Paducah, but their determination brought results.

Kentucky law then provided that whites be taxed for white schools and blacks be taxed for black schools. Only 17 years had elapsed since the end of slavery and local blacks could provide little tax revenue for their schools. The first black school in Owensboro was established in 1878, but it was so poor that little education took place there.

On July 18, 1882, trustees of the two black schools met with a group of black parents. Leaders of the group were Richard Varian, chairman of the black school board; Giles Crump, chairman of the meeting; and Charles T. Jackson, secretary.

By meeting's end, they had drafted a resolution to present to City Hall. It read:

"The method of taxation for purposes of common schools in the state, the method of distributing the per capita between white and colored children and the existing laws governing said schools are all unconstitutional, because a discrimination is made in all respects between white citizens and their children and colored citizens and their children.

"We have not suitable school buildings nor money with which to defray the necessary expenses of establishing or conducting our schools in such a manner as to make them offer for colored children anything like the facilities now provided for white children, and by the existing laws we have no power to raise sufficient money for said purposes.

"We most respectfully petition the mayor and council to provide for us suitable buildings and sufficient money to give our children reasonably good facilities for obtaining a plain English education."

By Sept. 5, nothing had been done about the request. Local whites feared blacks would make an attempt to integrate the schools that fall. A mass meeting of black parents was held that night with Edward Claybrooks serving as chairman. The resolution that came from that meeting read:

"We, the colored citizens of Owensboro, feeling confident that we have been debarred from public school facilities guaranteed to us by the laws of the United States "Therefore, with all due respect, we will immediately proceed to lay our claims before the United States District Court at Paducah and there ascertain who has the right to make such provisions as will give us equal school facilities as the law requires."

The public schools opened Sept. 18, and five black leaders showed up at the Lower Ward School (now being razed) at Seventh and Walnut streets to attempt to enroll three black children.

Laura Hughes, the assistant principal there, told them she couldn't admit the children without permission from A.C. Goodwin, the superintendent. Goodwin also refused to admit the three children and the blacks left without a demonstration.

Owen Barrett, one of the leaders, told a reporter later that the group had expected to be turned away and had only gone to the schools to obtain more evidence for their federal suit in Paducah.

On April 2, 1883, U.S. Circuit Court Judge John W. Barr ruled in favor of Claybrooks and the others and granted an injunction against the Owensboro city treasurer to prevent the paying out

of more than five-thirteenths of the fund raised for common school purposes for other than black schools.

At that time, the number of white children locally was placed at 1,400 compared with 500 blacks.

When news of the federal court ruling reached Owensboro, there was some panic as the city said it had barely enough money from its 30 cents per \$100 valuation tax to maintain the white schools.

If the schools, which were chartered by the legislature, suspended for lack of funds, they couldn't reopen until the next legislature gave them a new charter.

The Messenger editorialized, "The abandonment of the present school system would be disastrous to the best interests of the city. It would drive away hundreds of citizens who were attracted here by our free schools, men who could make as good a living elsewhere and would go elsewhere to secure free tuition for their children."

City School Board President H. P. Tompkins said, "This talk of permanently abandoning our schools to thwart the Negroes in their effort to throw the burden of their education upon us strikes me as a scheme to cut off our noses to spite our faces."

He added, "We had just as well face the inevitable. This court has saddled this thing upon us. To do this, we will have to tax ourselves at least 40 and maybe 50 cents on the \$100, but having done so, we should see that the money is judiciously expended."

His plan, which was carried out, put the black schools under the white school board and hired white teachers from the North to teach them. Tompkins said, "If from the start we furnish them good schools and teachers, we will be permanently rid of these nuisances."

Barr's final ruling in the matter was based upon blacks being denied equal protection of the law and said Owensboro was violating the 14th amendment to the Constitution.

Separate, but more equal than before, schools opened here in September 1884. Two black schools were opened at Seventh and Hathaway streets and on Third Street between Elm and Poplar streets.

Other struggles would follow – to get black teachers for the black schools and still later to integrate the schools.

The U.S. Supreme Court in a landmark 1954 case – Brown vs. the Topeka, Kan., Board of Education – ruled that segregated school systems violate the Constitution because they are inherently unequal and discriminatory. The court ordered integration "with all deliberate speed."

In May 1956, the Owensboro Board of Education adopted its first policy on integrating city schools. By the fall of 1958, segregation was officially ended in city schools.

The black high school, Western, closed in 1962, ensuring full integration of Owensboro High School that fall – 80 years after that small band of black parents had determined to secure the best education possible for their descendents.



The Daviess County Historical Quarterly, Daviess County Historical Society, Owensboro, KY, Vol. VIII No. 1, January 1990, pp.3-15:

*Claybrook v. Owensboro: An Early Victory for
Equal Educational Opportunity in Kentucky*

By Lee A. Dew

On Monday, April 2, 1883, a momentous decision was handed down by Judge John W. Barr in the Federal District Court for Western Kentucky, sitting in Paducah. In this case Judge Barr ruled that a Kentucky law providing that school tax monies collected from white citizens could be used only for white schools and that "colored" schools could be supported only by taxes on black property owners was in direct violation of the fourteenth amendment to the United States Constitution.

Judge Barr noted that under the laws of the Commonwealth the white children of Owensboro, numbering some 800, enjoyed "two excellent school-houses, excellent school facilities, 18 teachers, and a school season of 9 Or 10 months each year." The black children, on the other hand, "have only one inferior school-house, three teachers, school facilities of every kind very inferior to those of the white children, and a school session of about three months each year." (1)

He declared the fourteenth amendment's guarantee of "Equal protection of the laws" would be voided if taxes could be levied and collected as the result of a division on the basis of color, place of birth, or other classification. "The equal protection of the laws ... can only mean that the laws of the states must be equal in their benefit as well as equal in their burdens..." he wrote, declaring the amendment to be a "priceless heritage to posterity long after the race in whose behalf it was adopted has ceased to need its especial protection." (2)

For black citizens of Owensboro this decision would mark the end of a dozen years of the most profound kind of racial discrimination in the city's educational system, and for the men who had brought the case, men less than twenty years out of slavery, it was a sweet victory. Edward Claybrook, whose name happened to head the list of petitioners and who therefore became petitioner of record in the case, was a common laborer. Others instrumental in bringing the suit reflected a demographic and economic cross-section of Owensboro's black population of the day. The Rev. C. Dabney and the Rev. M. Harding were ministers; Richard Vairian was a schoolteacher; while William Hunter was the proprietor of Hunter's hotel, saloon and billiard parlor on Front Street. Others had more prosaic jobs: Giles Crump worked at the wheel factory; Charles T. Jackson was a servant; Marshall "Chess" McLean was a waiter at the Planter's Hotel; Henry Johnson was a laborer and Walter Whitenhill and O G K Barrett worked in tobacco factories. (3) They were ordinary men, daring in the face of overwhelming white opposition to band together for the benefit of their children and in defense of what they considered to be their rights.

Their problems began in 1871, when the General Assembly enacted a law entitled: "An Act to Organize and Establish a System of Public Schools in the City of Owensboro for White Children in Said City." This act provided for the establishment of a school district, to beheaded by an elected board, which would provide for schools for "all white children over six years of age...". The board was empowered to issue bonds to the value of \$30,000 for building school houses and the city council was authorized to levy a tax, not to exceed twenty-five cents per one hundred dollars value, on real estate, and a capitation tax not exceeding two dollars on "each white male citizen in the city of Owensboro over twenty-one years of age." (4)

This act was amended in 1873 to specifically authorize the payment of monies raised through the capitation to the school board, and to raise the tax rate from twenty-five to thirty cents per one hundred dollars worth of property. A further act in 1878 permitted the city of Owensboro to issue bonds to consolidate and fund the railroad and school debts incurred, including two bond issues for schools, one in the sum of \$1,500 and the other for \$9,000. (5)

While these statutes were being enacted for the benefit of white children, the black population of Owensboro, and other towns and cities of the Commonwealth, were governed by an 1866 law entitled "An Act for the Benefit of the Negroes and Mulattoes in this Commonwealth." This law stated that "all taxes: hereafter collected from negroes and mulattoes ... shall be set apart and constitute a separate fund for their use and benefit, one half, if necessary, to go to the support of their paupers, and the remainder to the education of their children." In addition, a capitation tax of two dollars was authorized "on every male negro and mulatto over the age of eighteen years," and the commissioner of taxes in each county was ordered to list all the names of such persons, and all taxable property of negroes and mulattoes "in a separate book, or a separate column in his book..."(6)

This law was amended in 1867 to provide authority for the school boards of each county to "cause a school to be taught in their district for the education of negro and mulatto children in said district ... for not less than three months..." A payment of "two dollars and fifty cents (\$2.50) for each scholar who has attended school three months..." would be provided from the school fund. This law also required that all teachers in the negro schools be qualified and "a proper person to teach the schools herein provided for."(7)

It was not until 1880 that the General Assembly authorized the city of Owensboro to establish "free schools for the education of colored children" within its boundaries, the previous laws having dealt only with county school districts. Under the 1880 statute the city was authorized to collect the two dollar capitation and the thirty-cent property tax levy on blacks and their property. The mayor and city council were further authorized to appoint a school board of seven persons "who shall be trustees of the schools herein provided for..." This board was given power to build or rent "schoolrooms" and to establish and support schools "for the education and benefit of colored children between the ages of six and twenty years, resident in the said city."(8)

Owensboro's black population was dissatisfied with this arrangement, for no sooner had the schools been established pursuant to this statute than the blacks raised objections. A meeting was called on July 18, 1882, before the beginning of the second year of classes for the black school, to protest the obvious inequality of the system. Richard Vairian, a teacher and chairman of the board for the black school, called the meeting to order, and was elected chairman. A committee of seven members was appointed, and, while the Rev. Dabney and Rev. Harding addressed the crowd, the committee met to prepare a petition to be presented to the mayor and city council protesting the inequalities of the school system.

The petition claimed that the method of taxing for schools and the method of distributing school funds were unconstitutional because "discrimination is made in all these respects between the white citizens and their children and colored citizens and their children, by which discrimination the colored children are not afforded reasonably equal educational facilities with the white children."(9)

Citing the obvious inequalities in tax revenues and facilities, the petition pointed out that "by the existing laws we have no power to raise sufficient money" for improvement of the black schools. "We deem it best and most expedient," they hastened to add, that "separate schools for white and colored children" should be maintained, but called upon the mayor and council to provide facilities which would "approach, in a reasonable degree, the facilities now offered for the education of the white children..." The petition concluded with the statement that the blacks had "no desire" to attempt to enter the schools established for whites, and would not attempt to do so "if provisions are made for the education of colored children..."(10)

If the blacks had hopes that their petition would have any effect on the city government, they were doomed to disappointment. The city fathers, made no response whatever to the presentation, hoping, apparently, that the frustration and high feeling among the blacks would quickly dissipate. This was not to be the case, however. At another meeting, called for August 24, the mood of Owensboro's blacks was even more militant. Edward Claybrook was chosen chairman of this meeting, which passed the following resolution by a unanimous vote:(11)

Inasmuch as we have petitioned the legislature and council to do something for the education, of the colored children in the city of Owensboro, and as they have passed us by in silence, therefore be it

Resolved, That we appoint a committee to inform the school commission and school board that we intend to enter our children in the schools now established for white children when opened. And be it

Resolved, That a committee be appointed to employ a lawyer to bring suit in the United States district court at Paducah, Ky., in the event our children be refused admittance in said schools.

Although *The Owensboro Semi-Weekly Messenger* dismissed the threat as "A Big Bluff" in their headline describing the meeting, it soon became clear that the blacks were indeed serious in their efforts. A "considerable degree of interest was felt" as opening day approached for the fall school term, "on account of the threats of the negroes..." the paper reported. On September 18, the opening day, a committee of blacks, accompanied by three children, entered the Lower Ward school building, and informed the principal, Miss Laura Hughes, that they wanted to register their children for classes. She then told them that she did not have the authority to do this, and referred them to the superintendent, Prof. A. C. Goodwin, at the Upper Ward school. They then went to that building, where Goodwin informed them that their children could not be enrolled. They then left "without further demonstration." (12)

To reinforce the sought-for public image of peacefulness, one of the committee, Owen Barrett, later called at the *Messenger* office to explain their position. He said that they "were not surprised" to be turned away from the schools, but that their object was "to produce proof to be filed with a suit ... that their children were refused admission to the white schools." The blacks had already hired an attorney, the paper noted, Mr. E.W. Bagby, of Paducah." (13)

Bagby and his associate, C. S. C. Marshall, wasted no time in beginning the litigation. In November the mayor and treasurer of Owensboro were served notices of the impending action, and warning them that the plaintiffs were going to request the court to enjoin the officials from "paying out any part of the public school fund..." until issues were resolved. Owensboro's city attorney, W. T. Owen, immediately telegraphed the court in Paducah, asking that the case be postponed; citing the need to prepare a defense. (14)

Meanwhile feelings in Owensboro among the whites began to increase. This was, after all, only a few years after the end of the so-called Reconstruction period, and many Owensboro whites were bitter about the laws passed during this time and suspicious of the motives of any agency of the federal government. The *Messenger* summed up the feelings of many: (15)

The city is by no means alarmed at the course of the colored people, their instigators and attorneys, feeling that upon fair trial - if such can be had in the United States Circuit Court, which is a matter of grave doubt in the minds of many - that the absurdity of their complaint will be apparent and that it will be dismissed at once.

But the newspaper, which could have played the role of peacekeeper, abrogated that opportunity by publishing a long "interview" with "a prominent citizen," who claimed that the entire case was "started ... when certain white Republicans went to the polls ... and threatened the election officers with arrest unless they permitted the negroes to vote." This unidentified individual went on to claim that the law provided adequate income for the black schools; indeed, he claimed, the tax, if paid, would have raised approximately \$1,500, "which would have given the most excellent school facilities." "But did they pay it?" he continued. "No! Only about \$100 of the amount was ever collected, but it seems they could easily raise \$205 by subscription among themselves to prosecute a suit in which they simply ask something for nothing." "In my opinion," the interview concluded, "the city of Owensboro will close her public schools ... before she will pay a cent out of her white school fund for the education of the colored children..." The whole problem, he reiterated, was caused by "some white men" who "incited" the blacks to bring the suit in the first place.(16)

The important constitutional issue brought by the *Claybrook* case was the fundamental question of whether the federal courts, through the fourteenth amendment, had authority over municipalities and their instruments, which owed their existence to charters issued by state governments. If decided in favor of the blacks, the case would greatly expand the authority and interpretation of the amendment to include a vast new area of federal jurisdiction. Judge Barr's decision, then, becomes a cornerstone of the structure of law built around this amendment, and I believe was the first decision to claim such jurisdiction.(17)

During the proceedings attorneys for the city, admitted that the Kentucky statutes under which the two school-systems were operating produced inequalities between black and white children. They contended that either (1) that this was a lawful inequality; or, (2) that if it were not lawful, the federal court had no jurisdiction. They further argued that the enabling statutes were not for common schools, but rather the laws permitted the white residents and non-white residents to establish two separate corporations "with power and authority to establish public schools for the children of each race..." The taxes levied were a means of "assessing the members of the respective corporations as stockholders."(18)

"This is not a correct construction of these laws," Judge Barr declared in his decision. The 1871 statute, he continued, declared that the city of Owensboro "shall be a school-district," yet it expressly provided that "only white children be admitted to said schools." Yet, he continued, the taxing provisions of that law clearly authorized a fund to provide aid for the *common schools* of Owensboro. Further, he continued, while these schools had local control through the school board and were supported in part by these tax revenues, they also received money as a part of the common-school system of the state. The taxing power for the schools does not lie with the school board, or "upon the will of the taxpayer, but continued at the will of the state of Kentucky," further demonstrating continued state authority and control. The schools of Owensboro, he implied, were simply semiautonomous extensions of the state's power to tax and to educate through "common schools."(19)

Barr skirted the question of stockholdership, while denying that the schools were stock companies. "If ...the power of the state to prescribe the color or race of the stockholders in a private corporation which it creates be conceded, the existence of such a power would have no application to the case under consideration."(20)

The fourteenth amendment was placed into the Constitution, he continued, to demonstrate "the intention of this nation" regarding the rights of "those who had been slaves and were of the African race." The guarantees spelled out in this amendment, he declared, "were against the state,

and its laws and its officers." Its provisions were designed to protect all citizens from "the will of an all-powerful state majority" which might threaten minority rights.(21)

Specifically, he declared, the question before the court was whether the black citizens of Owensboro were being denied the equal protection of the laws, as guaranteed to them by the first section of the fourteenth amendment. It may be argued, he admitted, that "equal protection" does not mean "equal benefit" and that the educational inequalities in Owensboro were the results of the "benefits" of the law rather than the intentions of it. If this argument were sound, he reasoned, then all taxes could be levied and collected according to color, but also according to place of birth or social status. Taxes levied, for example, for the administration of justice, could be distributed "in proportion as taxes are paid by each class." "Such distribution of taxes would entirely ignore the spirit of our republican institutions," he concluded. "The equal protection of the laws is not possible if the taxes levied and collected for the governmental purposes are divided upon any such basis."(22)

Ruling that "the equal protection of the laws ... can only mean that the laws of the states must be equal in their benefit as well as equal in their burdens," Judge Barr ruled that the 1871 Act and its subsequent amendments was "within the inhibition of the first section of the fourteenth amendment and therefore void."(23)

Judge Barr, by his decision, enjoined the treasurer and trustees of the Owensboro school system from paying out five-thirteenths of the public school funds for the support of white schools, having concluded that with an enrollment of approximately 800 whites and 500 blacks, that five-thirteenths of the total fund was appropriate for the black schools. This followed the pattern already established in two school districts in the state, Louisville and Paducah, which provided for a division of a common school fund in proportion to the number of children in each race enrolled. The Paducah system, which had been instituted in 1882, was designed by the then city attorney, E. W. Bagby, the attorney for the Owensboro blacks.(24)

The case aroused considerable publicity, the St. Louis *Globe-Democrat* was one of a number of newspapers sending a reporter to cover the proceedings. His report, reprinted in The *Owensboro Semi-Weekly Messenger*, quoted Judge Barr as declaring the case to be the "the most troublesome question that he has ever been called upon to consider." For the blacks of Kentucky, on the other hand, the decision was of "immense importance," as "nearly all the larger towns of the state are conducting their schools upon a system of a similar discriminating character" to that of Owensboro.(25)

The decision was a shock for the people of Owensboro. The first response was one of hostility and intransigence. The treasurer, as much in protest of the decision as in respect for the injunction, refused to pay the teachers their salaries for the month, claiming he was "puzzled" by the ruling. The Messenger, always ready for an argument, raised the issue of whether the court's injunction on the funds meant a restriction on the money for the entire year, much of which was already spent, or only on the remainder. The paper also questioned the five-thirteenths figure, claiming that there were 1,400 white children of school age in the town and 500 black, so that an "equitable pro rate, therefore, would be nearer approximated in five-nineteenths."(26)

It was a fact, the paper contended, that there was not enough money left in the school treasury to divide between the school systems and still permit them to operate for the remainder of the school year. "The inevitable consequence is that the schools must close at once unless some inventive genius finds a solution of the problem of how to raise the deficit," the paper contended. The answer lay, it was claimed, with the legislature which must raise the tax levy, but that group would not meet until the following January. "How, then, to provide the funds necessary to carry

on the schools from the present until the assembling of the next Legislature is what is nonplussing the wiseheads," the paper observed.(27)

One solution to the problem, however, was totally unacceptable. The *Messenger* quoted President H. P. Tompkins of the school board, "This talk of permanently abandoning our schools to thwart the negroes in their effort to throw the burden of their education upon us, strikes (me as a scheme to cut off our noses to spite our faces." After commenting upon the damage such a move would have on Owensboro's economy, Tompkins concluded: "We had just as well face the inevitable. This court has saddled this thing upon us." He warned that the educational facilities offered to the blacks would have to be just as good as those for the whites, for "unless this is done they would in a short time be complaining..." White teachers, he suggested, might be brought in from the North, "where some people think a negro is as good as a white man." At any rate, he concluded, "if from the start we furnish them good school-houses and teachers we will be permanently rid of these nuisances."(28)

It was in this climate of passion that the Owensboro school board met in a secret session on April 16, 1883. "The mouths of the members were sealed after the meeting," the *Messenger* complained, reporting only that the board was determined to keep all of the schools open "at least until the 1st of June, it being estimated that the residue of the funds will hold out until that time." The city attorney was also requested to petition the court asking that the proportion of the funds enjoined be reduced to five-nineteenths of the total education-tax revenue.(29)

Although determined to fight the temporary injunction against the system, the trustees of the white schools were helpless until such time as the court acted on their petition. The schools finally reached the end of the term and closed for the summer. The teachers were paid, and necessary expenses accommodated, but no repairs were made on the buildings during the summer months, as was the custom, and no contracts, except for absolute essentials, were negotiated.

The fall term began with the schools continuing under the order of the court, but with the white schools being financed by the eight-thirteenths of their revenues, and the negro schools limping along on their limited funds. Everything remained in a state of suspended animation, waiting for action either by the court or by the General Assembly, which would meet in January, 1884.

Just as the legislature was getting under way, Judge Barr handed down his final decision on the school district's petition. He ordered that the temporary injunction against the white schools and their officers be made permanent, but altered the proportion of the money enjoined to one-fourth of the total revenues. His reasoning was that the court's information on school attendance figures was in error, and that there was in reality "one colored child of the school age in said city to three white children of that age." The permanent injunction, he added, did not apply to money received prior to the enactment of the temporary injunction, nor to the three-fourths of the money remaining which was raised for the white schools. Judge Barr addressed the issue of the constitutionality of the 1871 law only indirectly, suggesting that if the blacks were not satisfied with this ruling, they then could seek a further injunction restraining the school systems from collecting any taxes whatsoever under the law, but that this would involve a new argument, "by brief or orally or both, as either counsel may wish."(30)

The dual threat implied in Judge Barr's order, that of either an additional lawsuit or a permanent injunction against one-fourth of the city's school tax revenues, became mooted by actions of the General Assembly. Moved to action by the threat, not only to the Owensboro schools but to numerous other school systems throughout the state, the legislature, on March 3, 1884, passed an act modifying the charter for the public schools in the city of Owensboro. This new law

changed the wording of the enabling provision from "white children" to "all children" and stipulated that these children "shall have equal school privileges." Other changes struck out the word "white" wherever it occurred in the various acts dealing with the Owensboro public schools. The law maintained the thirty-cent rate on property, and also included a provision that thirty per cent of all "special taxes and licenses" collected by the city and all "ad valorem and ... special licenses" be allocated to the schools, thus increasing the potential educational revenues.(31)

The final end of the "free schools for the education of colored children" in Owensboro came on March 18, 1884 when the General Assembly passed an act repealing the act establishing the system, and authorizing that "the property and moneys now in the possession of said trustees of said free schools, and all money or property in the hands of the county school commissioner of Daviess County, Kentucky, belonging to, or intended for said schools, be turned over to the trustees of the Owensboro public schools on demand.(32)

The schools of Owensboro immediately changed over to the new structure as outlined by these statutes, and in June the *Messenger* could report that "all the schools now operate under one charter." But the new laws had not solved the financial problems which the schools faced. A new school for black students was needed, and the two white schools needed repairs. The answer lay in the release of the money enjoined by the courts, which totalled some \$3,000. If this fund were available, the paper reported, "the new building can be built without issuing bonds."(33)

In the fall, with the new school year under way and with both white and black pupils under the same calendar and curriculum for the most part, President Tompkins of the school board petitioned Judge Barr to lift the injunction on the funds, contending that the school district had now met all the stipulations of the Court. On November 17, hearing no objections, Judge Barr dissolved the injunction, thus freeing the accumulated money for immediate use. "This sum, with the 30 percent of special taxes recently obtained ... will add to the school fund about \$5,000, which will be used in building a new building for the colored schools, and repairing the white school buildings and providing additional room," the *Messenger* announced.(34)

Thus the crisis quietly ended. The black school was improved, and the white schools continued. The *Messenger* provided a fitting epitaph for the controversy: "Our public schools will thus be put in a much better condition than ever before, and within a short time we expect to see more creditable buildings erected."(35)

The brave black men who had stood up for the rights of themselves and their children in the face of intense public opposition, had triumphed. It would be three-quarters of a century before the system of segregated schools would be eliminated in Kentucky, but for the black citizens of the Commonwealth in 1884, the outcome of *Claybrook v. Owensboro* was a gigantic first step on the road to true equality.

The *Claybrook* case, furthermore, stands as a symbol of what a small dedicated band of citizens can accomplish by working through the system for legitimate change. The black men, with their brave white attorney, who fought this case did so at considerable risk, both to their modest wealth and to their personal safety, for Owensboro in 1880's was a dangerous place for "uppity" blacks. Yet they dared persevere in what they felt was right, and proved that the system of laws and courts exists to protect the rights of all citizens. The *Claybrook* case, in this light, is an obscure but important victory of the principle of democratic government and the rule of law.

Further, it established significant precedents. Its impact on Kentucky education is obvious. The implications of the decision were not lost on the other school districts which were operating systems similar to Owensboro's, and eventually the entire state was brought into compliance with

the rule of law laid down by Judge Barr - no longer would. the gross inequities of a seperate-tax school system be permitted.

On a broader scale the implications in the *Claybrook* case were reinforced through the years by a series of decisions at higher levels of the federal courts by which the powers of the fourteenth amendment are made applicable to all sorts of instrumentalities of the states. The fact that *Claybrook* is the *first* case to set this precedent is of interest not only to historians of the constitution, but also to all Kentuckians. It will find further articulation a decade later in the famous dissent by Kentucky-bred Justice John Marshall Harlan in the case of *Plessy v. Ferguson* in his condemnation of a decision which legitimized the structure of racial segregation under color of law.(36) Thus *Claybrook* begins an argument that will not end for nearly a century with the final statutory elimination of the institution of racial segregation in the United States.

1. *Claybrook and others v. City of Owensboro and others*: 16 *Federal Reports*, 297 (1883), 299.
2. *Ibid.*, 299, 302.
3. *The Owensboro Directory for the Year 1886* ... (Owensboro, n.d.). See alphabetical listing for appropriate pages.
4. *Acts of the General Assembly of the Commonwealth of Kentucky* ..., (Frankfort, 1871), 29-34. Other provisions of the statute included the requirement that the "German language shall be taught in all the public schools of Owensboro by competent German teachers." Another provision stated: "No catechism or other form of religious belief shall be taught or inculcated in, nor shall any class-book be used or adopted for said schools, which reflects upon any religious denomination; nor shall any school or class be so conducted as to interfere with the religious belief of parents or pupils."
5. *Ibid.*, 1873, 293; 1878, 428.
6. *A Digest of the General Laws of Kentucky* ... (Cincinnati, 1866), 738- 739.
7. *Legislative Document No. 3: Annual Report of the Superintendent of Public Instruction of Kentucky, for the School Year Ending December 31, 1866*. (Frankfort, 1867), 247-249.
8. *Acts of the General Assembly* ... (Frankfort, 1880), 257-259. This Act was made necessary by a previous Act, passed in 1876, entitled "An act to reduce into one all of the acts relating to the city of Owensboro." This law specifically exempted "the property of negroes" from "all taxes for purposes connected with public schools..." *Acts of the General Assembly* ... (Frankfort, 1876), 551-593, see especially p 575.
9. The **Owensboro Semi-Weekly Messenger**, July 21, 1882.
10. *Ibid.* The petitioners also stated their desire that their children obtain "a plain English education," apparently willing to forget about the German language offerings required of the white system.
11. *Ibid.*, August 28, 1882.
12. *Ibid.*, September 19, 1882.
13. *Ibid.*
14. *Ibid.*, November 24, 1882.
15. *Ibid.*
16. *Ibid.*
17. *Ibid.*, May 4, 1883, quoting an article in the St. Louis Globe-Democrat
18. *Claybrook v. Owensboro*, 299-300
19. *Ibid.*
20. *Ibid.*, 300.
21. *Ibid.*, 301.
22. *Ibid.*, 301-302.
23. *Ibid.*, 303. "In arriving at this conclusion," Judge Barr wrote, "I have assumed that Kentucky, in establishing and maintaining a common-school system, is exercising a governmental function, and that this school system is not a public charity which can be given to some and withheld from others, but that the state of Kentucky, having a right to tax for this purpose because, and only because, it

is for a governmental purpose, must give to all of its people the equal benefit and protection of these laws, as well as others."

24. The *Owensboro Semi-Weekly Messenger*, May 4, 1883, quoting the St. Louis *Globe-Democrat*.

25. *Ibid.*

26. *Ibid.*, April 13, 1883.

27. *Ibid.*

28. *Ibid.*

29. *Ibid.*, April 17, 1883.

30. *Ibid.*, January 29, 1884, contains the text of the Judge's order.

31. *Acts of the General Assembly...* (Frankfort, 1884), 570-571.

32. *Ibid.*, 742.

33. The *Owensboro Semi-Weekly Messenger*, June 17, 1884.

34. *Ibid.*, November 21, 1884.

35. *Ibid.*

36. *Plessy v. Ferguson* (163 U.S. 537), 1896. In his dissent from the majority opinion which upheld as constitutional a Louisiana law demanding racial segregation in facilities of public transportation, Harlan contended "Our constitution is color-blind, and neither knows nor tolerates classes among citizens In respect of civil rights, all citizens are equal before the law. The humblest is the peer of the most powerful. The law regards man as man, and takes no account of his surroundings or of his color when his civil rights as guaranteed by the supreme law of the land are involved. ...What can more certainly arouse race hate, what more certainly create and perpetuate feelings of distrust between these races, than state enactments which, in fact, proceed on the ground that colored citizens are. . . inferior and degraded. . ."



Messenger-Inquirer, Owensboro, KY, Sunday, 11 March 1990, p.1B:

Rights advocates to be honored

A "Celebration of Achievement Reception" will be at 5:30 p.m. Thursday at The Owensboro National Bank Penthouse, honoring the Rev. R. L. McFarland, mayor pro-tem.

The program, originally scheduled for Feb. 13, will recognize local residents who have advanced the cause of civil and human rights in Daviess County. Recipients of R. L. McFarland Black History Awards will be Charles Brown, the late H. Clay Helm, the late Edward Claybrook, the late Lavetta Baker and the late Pearle Greene.

The reception, open free to the public, is sponsored by the Owensboro Human Relations Commission. Reservations should be made by Monday by calling 685-8254.



Messenger-Inquirer, Owensboro, KY, Tuesday, 20 February 1996, p.1D:

The Road to Civil Rights

By Glenn Hodges, Messenger-Inquirer



Edward Claybrook, a former slave, led African American parents in filing a lawsuit in 1882 that led to better funding of schools for black children in Owensboro. Photograph courtesy Kentucky Room, Daviess County Public Library

African Americans in Daviess County became involved in their long struggle for equality two years after they were freed from slavery.

Aided by the Freedman's Bureau, blacks in Owensboro voted in their first election April 6, 1867, casting 301 ballots on an issue of using public bonds to build a railroad. They also voted in the mayoral contest in 1870.

In 1875, black workers organized the first local labor union and staged the first strike in the city's history. Also that year, former slave H. Clay Helm became the first black man to run for public office in Owensboro, getting 56 votes in an unsuccessful race for city councilman.

Local blacks' battle to use public accommodations began in March 1875, when a black woman attempted to get a room for the night at the Planters Hotel at Third and Frederica streets. She was refused. In June 1875, the list of frustrating setbacks increased as an Owensboro black man and his companion riding on the steamboat Morning Star sat down at a table with white people, but were forced to take another table.

A school for black children was established in Owensboro in 1878 on Poplar Street between Third and Fourth streets, but it was so poor that little education took place there. At that time, Kentucky law provided that whites be taxed for white schools and blacks be taxed for black schools. Only 17 years had passed since they were slaves, and local blacks could provide little tax revenue for their schools.

In July 1882, black parents petitioned City Hall, protesting the way in which their school was funded. The resolution sent to the city council read:

"The method for taxation for purpose of common schools in the state, the method of distributing the per capita between white and colored children and existing laws governing said schools are all unconstitutional, because a discrimination is made in all respects between white citizens and their children and colored citizens and their children."

"We have not suitable school buildings nor money with which to defray the necessary expense of establishing or conducting our schools in such a manner as to make them offer for colored children anything like the facilities now provided for white children, and by the existing laws we have no power to raise sufficient money for said purposes."

"We most respectfully petition the mayor and council to provide for us suitable buildings and sufficient money to give our children reasonably good facilities for obtaining a plain English education."

When city officials didn't respond to the petition, Owensboro blacks held a mass meeting Aug. 24, decided to enroll their children in the white schools and vowed to file a lawsuit in federal court if they were refused admission.

Owensboro newspapers dismissed the threat as a bluff, but when public schools opened Sept. 18, Edward Claybrook and several black leaders went to Lower Ward School at Seventh and Walnut streets to attempt to enroll three black children. They were turned away by school superintendent A.C. Goodwin.

The black parents forged ahead with their lawsuit, and federal Judge John W. Barr ruled in their favor on April 2, 1883, declaring that state laws that allowed municipal corporations to discriminate in the collection and distribution of funds in a way that resulted in substandard schools for blacks violated the 14th Amendment.

Barr noted that the 800 white children in Owensboro enjoyed "two excellent schoolhouses, excellent school facilities, 18 teachers, and a school session of nine or 10 months each year." Then he pointed out that the 500 black children "have only one inferior schoolhouse, three teachers, school facilities of every kind very inferior to those of the white children, and a school session of about three months in each year."

Barr enjoined the Owensboro school system from paying out of more than five-thirteenths of the fund raised for common school purposes for other than black schools.

The case drew considerable publicity, with newspapers reporters from as far away as St. Louis filing detailed accounts of the proceedings.

After the ruling, two separate, but more equal schools for black children were opened in September 1884 at Seventh and Hathaway streets and Third Street between Elm and Poplar streets.

The case had a statewide impact, and Owensboro and other cities in Kentucky grudgingly accepted the decision. However, discrimination against blacks in school funding continued into the 20th century. The difficult journey toward equal education resulted in the integration of Owensboro schools in 1956.

The late 1880s brought other fragments of progress in the local black civil rights movement. In April 1888, Daviess County sent a black delegate, Cal Thomas, to the Kentucky Democratic Convention in Lexington. Four blacks served on a federal grand jury here in February 1889 during the first session of U.S. District Court in Owensboro. Also that month, a black man from Breckinridge County was allowed to stay in Fordsville hotel and eat in the dining room.

But in October 1891, an incident occurred near Louisville that resulted in an onslaught of the first segregation bills in the state legislature. A white woman was shot and critically wounded on a L&N train by a drunken black man being ejected from the car. Racial segregation of railroad

passenger traffic was legalized in Kentucky on March 15, 1892, when the legislature passed the Separate Coach Law.

The law said all passenger trains running in the state must provide clearly labeled individual coaches for "colored" and "white" passengers. The law was similar to those of other states throughout the South.

Attorney John Feland of Owensboro was hired by blacks to represent them in fighting the new laws in court. In November 1893, Feland filed suit against the state. His clients, the Rev. and Mrs. W. H. Anderson of Evansville, had bought first-class tickets on the L&N railroad in Evansville but were put off the train in Henderson because they refused to change cars when entering Kentucky.

In the ensuing lawsuit, Barr, who had decided the Owensboro school case, ruled on June 4, 1894, that the Kentucky statute was unconstitutional because it interfered with interstate commerce.

After the ruling, Rev. Anderson purchased a ticket at Henderson for Evansville and took his seat in the white car. Whites, aware of the decision, got up from their seats and gave Anderson the car.

The following January the Court of Appeals ordered a hearing on Barr's ruling in the coach case.

In 1896, however, in the famous case of Plessy v Ferguson, the U.S. Supreme Court ruled that separate intrastate railroad coaches for the races were legal and, in 1900, upheld Kentucky's Separate Coach Law.



Messenger-Inquirer, Owensboro, KY, Thursday, 19 July 2001, p.1B:

KENTUCKY COMMISSION ON HUMAN RIGHTS

A photograph of a newspaper clipping with the headline "Claybrook inducted into Hall of Fame" in a bold, serif font.

Moore, Fields nominated

By Joy Campbell, Messenger-Inquirer

Owensboro's Edward Claybrook, well-known for his leadership in an 1883 landmark federal lawsuit that changed the way education for blacks in Owensboro was funded, is among 16 new inductees into the Kentucky Civil Rights Hall of Fame.

The honorees were announced Wednesday during a program in Louisville sponsored by the Kentucky Commission on Human Rights.

Claybrook left his mark on education in Owensboro before his death in 1896. He was born a slave, according to his nomination biography, and 17 years after slavery ended he fought and won a suit challenging an Owensboro statute. The statute provided for white property owners' taxes to be used for white schools and for black schools to be funded with taxes from black property owners. Since few blacks owned property then, funds for education of black children were drastically insufficient.

In Claybrook v. Owensboro, U.S. Circuit Judge John Barr ruled that the funding method was unfair. The word "integration" was used in the case for the first time in a legal context. Claybrook's actions foreshadowed events that led to desegregation in 1954.

Claybrook was honored locally in 1990 when the Owensboro Human Relations Commission honored him posthumously with the R.L. McFarland Black History Award.

The KCHR inducted 22 legends of civil rights into the Hall of Fame in its inaugural ceremony last year. Selection was based on exemplary leadership and achievement in civil rights in Kentucky by people living or deceased.

The Rev. Bill Moore of Owensboro and the late Harry Fields also were nominated for inclusion in the Hall of Fame this year.

Other inductees for 2001 were: Ira Bell, Monticello; Anne M. Braden, Louisville; Carl Braden, Louisville; I. Willis Cole, Louisville; former Gov. Bert T. Combs, Frankfort; Bishop Robert W. Estell, Lexington; Rev. William A. Jones, Sr., Lexington; Julia E. Lewis, Lexington, Dr. Abby L. Marlatt, Lexington; Dr. Frank O. Moxley, Bowling Green; Sen. Gerald A. Neal, Louisville; Prof. Paul Oberst, Lexington; Dr. Samuel Robinson, Louisville; Lucretia B. Ward, Louisville; and Jesse P. Warders, Louisville.



Messenger-Inquirer, Owensboro, KY, Thursday, 26 August 2021, p2C:



CINCINNATI — Emily H. Holloway of Cincinnati, formerly of Owensboro, passed away Saturday, Aug. 7, 2021, in Cincinnati. The Bloomington, Indiana, native was born to the late Milton T. Hall Sr. and Ethel C. Hall. Emily moved to Owensboro at an early age, where she graduated from high school. She attended Talladega College in Alabama and received her B.A. degree in education. It was during World War II, as she worked in Cincinnati for the government, that she met her future husband, Pete Holloway, at a dance and soon married. Later, she returned to school at the University of Cincinnati and received her M.A. degree in education. She became a teacher and supervisor of students with learning disabilities. She was an avid educator, who retired from the Cincinnati Public School System after 31 years.

Emily returned to Owensboro around 1994 and became involved in the Owensboro-Daviess County Historical Society working on getting recognition for her great-grandfather, Edward Claybrook, who worked to receive equal funding for Black schools in the area. He is now registered with the Kentucky Commission on Human Rights. After becoming acquainted with

Wesley Acton, another former educator, they worked tirelessly as co-chairs on the Greenwood Cemetery Restoration Committee beginning in 1996 toward one goal: to reclaim and restore to dignity and respect the local historic cemetery. With the help of over 200 volunteers from the local community, that goal was accomplished. She remained in Owensboro until 2018 when she returned to Cincinnati to reside in assisted living and be close to her son.

In addition to her parents, Mrs. Holloway also was preceded in death by her husband, Norman “Pete” Holloway, in 1979; sister Maxine Kirkwood; and brother Milton T. Hall Jr., one of the first Tuskegee Airmen.

Those left to cherish her memory include her loving son, Peter B. Holloway (Jackie Penrod) of Cincinnati; her grandchildren, Milton Holloway, Emily Ann Holloway and Arya M. Russell; lifelong friend, neighbor and distant relative, Pam Smith-Wright; and a host of other relatives and friends.

A private graveside service and burial will be held later in her beloved Greenwood Cemetery.

Expressions of sympathy may take the form of contributions to Talladega College, 627 W. Battle St., Talladega, AL 35160.

[Note – Emily Hall Holloway (1923-2021) was the daughter of Milton Thurston Hall & Ethel Claybrook (1893-1982). Emily’s grandmother, Emma Claybrook Perkins (1869-1950) was the daughter of Edward & Julia Claybrook.]



Notes on Edward Claybrook (c1830-1893)

By Jerry Long

The 1870 and 1880 US Federal Census reports and Civil War draft registration records suggest that Edward Claybrook was born during 1826-1833. In 1863 it became necessary for the federal government to enroll and draft men into the Union Army. The Conscription Act enacted 3 March 1863 declared that men between the ages of 20 and 45 were eligible for duty. In the registrations of residents of Daviess County, KY in 1863 Ed. Claybrook was listed as being age 30, born KY, he was a laborer and was owned by the Claybrook heirs.

Enrollment List of Persons Subject to Military Duty in the Second District of KY (Daviess County):

Ed. Claybrook – age 30 – colored – occupation laborer – place of birth KY – owner Claybrook heirs

17	Clement Wm	27	"	"	"	Geo Clement
18	Claybrook Edw.	30	"	"	"	Claybrook Wm
19	Claybrook Gopher	-	"	"	"	"
20	Claybrook Louis	27	"	"	"	"

In the annual Daviess County tax lists blacks were first listed in 1866 – in that year Ed, Archy, Jeff & Sam Claybrook were recorded as being age 21 and liable to pay the county levy.

The U.S., Freedmen's Bureau Records, 1865-1878 report that Edward Claybrook was a teacher at the Hopkins farm school near Owensboro, in Daviess County, KY during 1868-1869. In September 1868 twenty-three pupils were under his guidance at the Hopkins farm school. The following reports were filed in the Freedman Bureau records:

TEACHER'S MONTHLY

SCHOOL REPORT

For the month of *January* *1869*, 1869.

District or County, *Daviess*

State, *of Ky*

Name of School, *Hopkins farm*

Name of Teacher, *Edward Claybrook*
(near Owensboro)

1869

Owensboro Daviess County Ky March 16th 1869

Hopkins Farm School

But Col Ben P Runkle
w^g a Louisville Ky

Respected Sir

I have the honor to in close
With my monthly Report my School
Is in good Condition though it has
Decrease 12 Scholars this month the school were
Compel to have their Children to prepare
for their Crop

I am very Respectfully
your Obt Servant
Edward Claybrook

Edward Claybrook is listed in the 1870 and 1880 censuses of Owensboro, Daviess County, KY. The listings appeared as:

1870 - Claybrooks, Edward	black	33	laborer – real estate \$600	KY
Julia	black	28		KY
James	black	8		KY
Archie	black	7		KY
Susan	black	2		KY
Emily	black	6 months (born November)		KY

[in the 1870 census of Daviess County two other black Claybrooks families were listed: Jefferson, 34 KY and Archie, 31 KY; both died in Owensboro – Jeff on 4 August 1888 & Archie, a Baptist minister, on 9 October 1902. Their ages, proximity and rarity of surname suggests that Edward, Jeff & Archie may be brothers.]

1880 - Claybrook, Ed	black	53	laborer - Elm Street	KY-KY-KY
Julia	black	42	wife	“ “
James	black	18	son	“ “
Archie	black	15	son	“ “
Sam	black	12	son	“ “
Emma	black	10	daughter	“ “
Frank	black	4?	son	“ “
Cornelia	black	1	daughter	“ “

[also listed in the 1880 census of Davies County were the households of Jeff Claybrook, 44, black, born KY and Archie Claybrook, 35, black, born KY]

In the 1860 census of Daviess County, KY there were two white Claybrook families that were likely connected to the African-American Claybrooks of Daviess County. Black families frequently assumed the names of their slave owners. Living in Daviess County in 1860 were Robert W. (29 KY) & James R. Claybrook (24 KY, in 1860 he was elected Daviess County Attorney). Robert & James were sons of Thomas M. Claybrooke (1809-1861) of Washington County, KY. Robert & James each owned 7 slaves according to the 1860 Census Slave Schedule for Daviess County, KY; both had male slaves in the age range of Ed, Jeff & Archie Claybrook. The 1840 census of Washington County, KY shows that Thomas Claybrook owned 27 slaves.

Edward & Julia Claybrook were married during slavery days and consequently no official marriage document was recorded. The children of Edward & Julia included – James, Archie, Samuel, Emma, Felix, Frank and Cornelia. The US Social Security application for Edward & Julia Claybrooks’ son, Samuel Claybrooks, report that he was the son Edward Claybrooks and Julia Pearl, and was born in Owensboro, KY on 10 February 1868. The death certificate of Felix Claybrooks (1885-1953), son of Edward & Julia Claybrook, records his mother’s maiden name as Gangerfield.

The 1889 Owensboro City Directory (p42) lists Edward Claybrooks, laborer, resident of 403 Elm Street; also at the same residence were his children, Samuel and Emma, she was working as a tobacco stemmer. This edition also shows Rev. Archie Claybrooks, “pastor Center Street Baptist Church”.

Ed Claybrook on 30 April 1896 was committed to the Western Kentucky Asylum in Hopkinsville, KY, where he died on 22 June 1896, two days later he was buried in Owensboro. Edward’s great-granddaughter, Emily Hall Holloway, reported that he was buried in Owensboro’s Elmwood Cemetery.

Owensboro Messenger, Owensboro, KY, Wednesday, 8 January 1896, p.1:

Declared a Lunatic

Ed Claybrook, a well known old colored man, who resides on West Fifth street, wad declared a lunatic in Judge Karn's court yesterday and ordered to be sent to the Hopkinsville asylum as soon as there is room for him. Claybrook is seventy three years old and quite feeble.

Owensboro Daily Tribune, Owensboro, KY, Thursday, 30 April 1896 p.4 :

To the Asylum.

Ed. Claybrook, colored, who was some time ago adjudged insane and ordered to the insane asylum, was taken to Hopkinsville today by Deputy Sheriff Lyman Pierce. He would have been conveyed to the asylum sooner, but his relatives wanted him to remain with the citizens with them a while before he was carried away.

Owensboro Daily Tribune, Owensboro, KY, Wednesday, 24 June 1896 p.1:
An Old Negro.

Ed Claybrook, about 75 years of age, who died Monday night at the Western Lunatic Asylum, at Hopkinsville, was buried here today. He was sent from here to the asylum a month or two ago. He resided in this city for many years, and bore the reputation of an honest, clever old darky.

Edward Claybrook was prominent in the evolution of the Civil Rights movement. In 1880 he was serving on the Owensboro colored school board (Owensboro Messenger, Owensboro, KY, 24 August 1880, p.3 – “Proceedings of Colored School Board. Owensboro, KY., July 27, 1880. The Trustees of the colored public school met at the City Hall at 8:30 p. m... On motion, Messrs. O. G. K. Barrett and Ed. Claybrooks were appointed a Committee on Printing and Revision, with the chairman included in this committee.” In 1881 Ed Claybrook was appointed a trustee for the colored free schools of Owensboro (Owensboro Messenger, Owensboro, KY, 10 May 1881, p.3).

On 2 April 1883 a momentous decision was handed down in the suit of Edward Claybrook & others versus the city of Owensboro. The suit was filed due to the unequal distribution of tax funding between black & white schools. The Federal District Court ruled that the Kentucky laws allowing school taxes from white citizens to be used only for whites while black schools were supported only by taxes from blacks was in direct violation of the Fourteenth Amendment. The case impacted the dual education system throughout Kentucky.

As a result of this case, the black schools were improved rapidly over what they had been. Later in 1883 Western School was opened on West 3rd Street in Owensboro and continued as the county school for blacks until the desegregation of schools in 1962. Edward Claybrook in 2001 was elected to the Kentucky Civil Rights Hall of Fame.

See also:

- Blacks threaten to enter their children in the white schools, Owensboro Weekly Messenger & Examiner, Owensboro, KY, 30 August 1882, p.3;
- Blacks bring suit against city of Owensboro over schools, Owensboro Weekly Messenger & Examiner, Owensboro, KY, 6 September 1882, p.3; see also 13 September 1882, p.3; 20 September 1882, p.3; 22 November 1882, p.3; 29 November 1882, p.3;
- colored citizens sign petition for better schools & bring suit against city of Owensboro; Owensboro Semi-Weekly Messenger, Owensboro, KY, 21 July 1882, p.4; see also 29 August 1882, p.4; 1 September 1882, p.4; 8 September 1882, p.4; 19 September 1882, p.4; 17 October 1882, p.4; 24 November 1882, p.4; 28 November 1882, p.4;
- colored suit vs. Owensboro schools, “Claybrook vs. City of Owensboro”, Owensboro Weekly Messenger & Examiner, Owensboro, KY, 11 April 1883, p.2; see also 18 April 1883, p.3; 9 May 1883, p.2; 16 May 1883, p.3; 30 May 1883, p.2; 6 Jun 1883, p.3; 13 June 1883, p.3; 12 December 1883, p.3;
- Suit by Blacks against City and Owensboro Public Schools, Owensboro Semi-Weekly Messenger, Owensboro, KY, 16 February 1883, p.4; see also 6 April 1883, p.3; 13 April

1883, p.4 (US Court renders decision in suit); 17 April 1883, p.4; 11 May 1883, p.4; 29 May 1883, p.2; 1 June 1883, p.4; 2 November 1883, p.4; 20 November 1883, p.4;

- Decision in suit of Claybrook vs City of Owensboro; Owensboro Semi-Weekly Messenger, Owensboro, KY, 30 January 1884, p.3; see also 21 November 1884 p.4;
- “School for the Darkies” - decision rendered in suit, Claybrook vs. City of Owensboro, rendered, Owensboro Semi-Weekly Messenger, Owensboro, KY, 29 January 1884, p.4;
- “Ex-slaves fought for education rights”, Keith Lawrence, Messenger-Inquirer, Owensboro, KY, 10 February 1977, p.1B;
- Owensboro: The City on the Yellow Banks, Lee A. Dew & Aloma W. Dew, Rivendell Publications, Bowling Green, KY, 1988, pp.94-98;
- “Claybrook v. Owensboro: An Early Victory for Equal Educational Opportunity in Kentucky”, Lee A. Dew, The Daviess County Historical Quarterly, Vol. VIII, No. 1, January 1990, Daviess County Historical Society, Owensboro, KY, pp.3-15;
- “The Road to Civil Rights”, Glenn Hodges, Messenger-Inquirer, Owensboro, KY, 20 February 1996, p.1D;
- “Claybrook inducted into Hall of Fame”, Joy Campbell, Messenger-Inquirer, Owensboro, KY, 19 July 2001, p.1B.
- “Black History: Owensboro Newspaper Articles”, Jerry Long; website – West-Central Kentucky History & Genealogy, 2023;
- “Daviess County Black History Anthology”, Jerry Long, website – West-Central Kentucky History & Genealogy, 2023;
- “Daviess County Black History Anthology Part Two – The Road to School Integration”, Jerry Long, website – West-Central Kentucky History & Genealogy, 2023.

