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INVENTORY
of the
COUNTY ARCHIVES
OF GEORGIA

NO. 106 MUSCOGEE COUNTY
(Columbus)

GOVERNMENT PUBLICATIONS

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THE GEORGIA HISTORICAL RECORDS SURVEY
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Muscogee County Courthouse
Columbus, Georgia

INVENTORY OF THE COUNTY ARCHIVES

OF GEORGIA

NO. 106. MUSCOGEE COUNTY

(COLUMBUS)

Prepared by

The Georgia Historical Records Survey
Division of Professional and Service Projects
Work Projects Administration

Atlanta, Georgia
The Georgia Historical Records Survey
January 1941

Historical Records Survey Projects

Sargent B. Child, National Director
Frederick S. Hulse, State Supervisor

Research and Records Section

Harvey E. Becknell, Director
Milton W. Blanton, Regional Supervisor
R. V. Connerat, State Supervisor

Division of Professional and Service Projects

Florence Kerr, Assistant Commissioner
Blanche M. Ralston, Chief Regional Supervisor
Jane Van De Vrede, State Director

WORK PROJECTS ADMINISTRATION

Howard O. Hunter, Acting Commissioner
Robert L. MacDougall, Regional Director
H. E. Harman, Jr., State Administrator

Georgia State Planning Board, Sponsor
Muscogee County Commissioners of
Roads and Revenues, Cosponsor

FOREWORD

The Inventory of the County Archives of Georgia is one of a number of guides to historical materials prepared throughout the United States by workers on the Historical Records Survey projects of the Work Projects Administration. The publication herewith presented, an inventory of the archives of Muscogee County, is No. 106 of the Georgia series.

The Historical Records Survey program was undertaken in the winter of 1935-36 for the purpose of providing useful employment to needy unemployed historians, lawyers, teachers, and research and clerical workers. In carrying out this objective, the project was organized to compile inventories of historical materials, particularly the unpublished government documents and records which are basic in the administration of local government, and which provide invaluable data for students of political, economic, and social history. The archival guide herewith presented is intended to meet the requirements of day-to-day administration by the officials of the county, and also the needs of lawyers, businessmen, and other citizens who require facts from the public records for the proper conduct of their affairs. The volume is so designed that it can be used by the historian in his research in unprinted sources in the same way he uses the library card catalog for printed sources.

The inventories produced by the Historical Records Survey projects attempt to do more than give merely a list of records - they attempt further to sketch in the historical background of the county or other unit of government, and to describe precisely and in detail the organization and functions of the government agencies whose records they list. The county, town, and other local inventories for the entire country will, when completed, constitute an encyclopedia of local government as well as a bibliography of local archives.

The successful conclusion of the work of the Historical Records Survey projects, even in a single county, would not be possible without the support of public officials, historical and legal specialists, and many other groups in the community. Their cooperation is gratefully acknowledged.

The Survey program was organized by Luther H. Evans, who served as Director until March 1, 1940, when he was succeeded by Sargent B. Child, who had been National Field Supervisor since the inauguration of the Survey. The Survey operates as a Nation-wide series of locally sponsored projects in the Division of Professional and Service Projects, of which Mrs. Florence Kerr, Assistant Commissioner, is in charge.

HOWARD O. HUNTER
Acting Commissioner

PREFACE

The Historical Records Survey was initiated in Georgia in October 1936, as a unit of a Nation-wide program under the supervision of Dr. Luther H. Evans, National Director. The project at the beginning was set up as a part of the Federal Writers' Project, but functioned thereunder for only a few weeks. The Survey became an independent unit of Federal Project No. 1 on November 1, 1936, and operated as such until September 1, 1939, when the transfer of the Survey to the status of a locally sponsored State-wide project was effected. The present State Supervisor of the Survey was appointed on October 10, 1940.

The principal objective of the Survey in Georgia is to prepare complete inventories of the public archives of the State and its political subdivisions, and to make readily accessible to research students and historians this large store of source material. A list of the publications of the Georgia Historical Records Survey appears on page 319. Such a survey should greatly aid and encourage a more systematic study of local governmental structure and point the way to an improvement in the methods of storage and preservation of both current and noncurrent records.

The arrangement of agencies in Part B of the inventory classifies them according to governmental function: Administration; registration of property titles; administration of justice; law enforcement; finance; elections; education; health; welfare; public works; and miscellaneous. Records are classified in general according to the agencies which make them, unless other disposition of the records is directed by law. Under agencies, records have been classified, insofar as possible, according to the subjects with which they deal.

Records are described in entries whose style is formalized to give the following information: Title of record, dates for which available, quantity, labeling of volumes or containers, information on missing records or discontinuance, variant titles, description of record contents, manner of arrangement, indexing, nature of recording, size of volumes or containers, and location.

The Survey was begun in Muscogee County in August 1938, and the initial field work was completed in March 1939. The work was rechecked during the latter part of 1939. For the completeness and accuracy of the inventory of the records the field workers are responsible. The historical sketch was written by Raymond H. Corry, Assistant State Supervisor. The essays, entries, and other sections of the Inventory were prepared by the State Office staff and were edited by Harold Warnell, Project Technician.

Helpful editorial criticism of this Inventory in manuscript form was offered by Mabel S. Brodie, editor in charge of public records inventories, of the Washington, D. C., office.

The publication of this volume is made possible largely through the assistance rendered on behalf of Muscogee County by the Commissioners of Roads and Revenues. The valuable assistance rendered by other county officials of Muscogee County is also gratefully acknowledged.

Acknowledgement is also made for the aid given by the various workers and officials of the State and District offices of the Work Projects Administration.

The Inventory of the County Archives of Georgia will, when completed, consist of a separate, numbered volume for each county in the State. Each county unit of the series is numbered according to its respective position in an alphabetical list of Georgia's 159 counties. Thus, the volume for Muscogee County becomes No. 106, in accordance with this list.

The Inventory of the State archives, of county, municipal, and other local records, will constitute separate series of publications. They are in mimeographed form for free distribution to certain State and local public officials, public libraries in Georgia, and to a limited number of libraries and governmental agencies outside the State. Requests for information concerning these publications should be addressed to R. V. Connerat, State Supervisor, Research and Records Projects, Ten Forsyth Street Building, Atlanta, Georgia.

FREDERICK S. HULSE
State Supervisor
The Georgia Historical Records Survey

Atlanta, Georgia
January 1941

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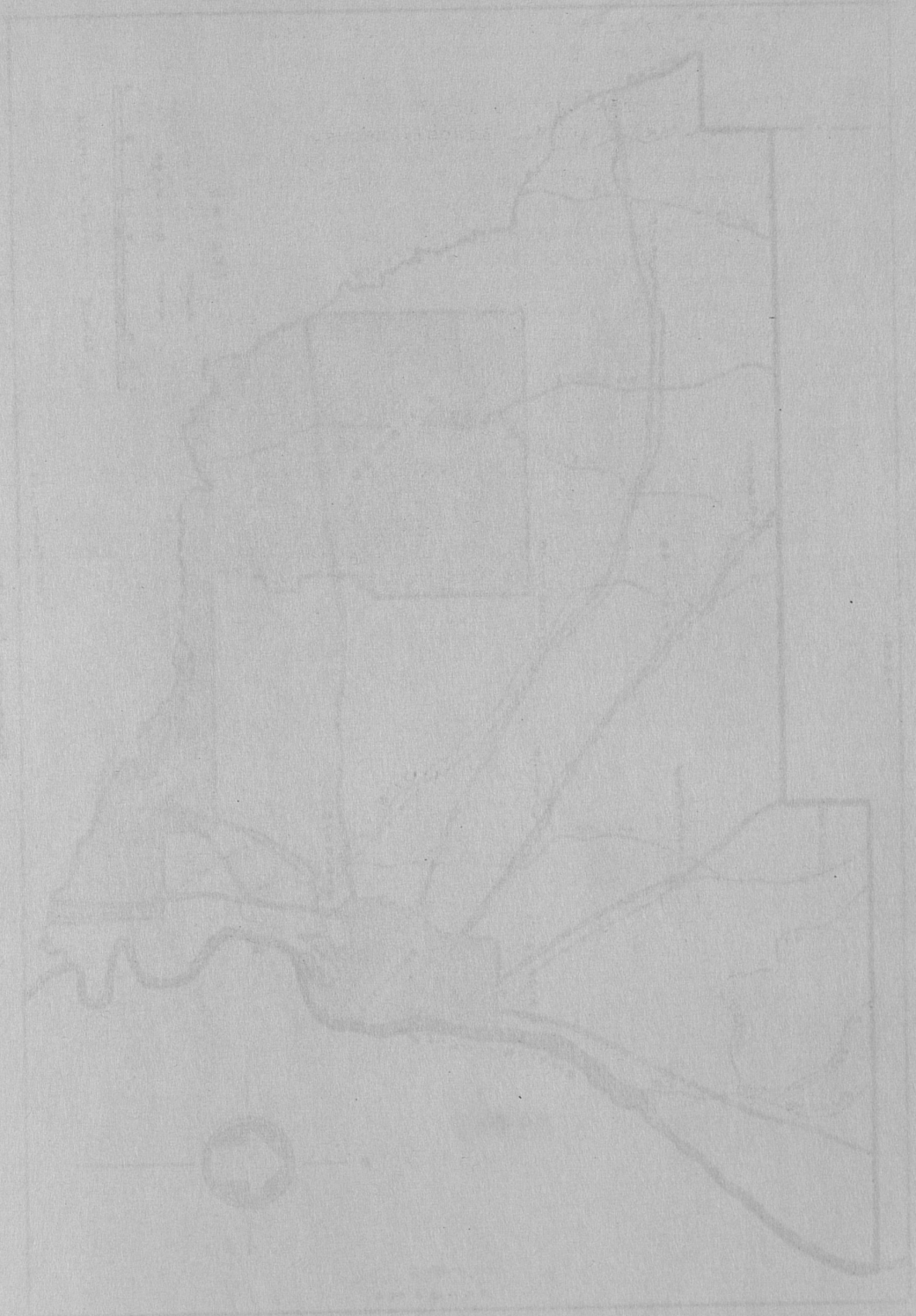

Muscogee County

1. HISTORICAL SKETCH

Physical Characteristics

Muscogee County was one of several counties created December 11, 1826, by an act of the General Assembly of Georgia.(1) Prior to its creation there were 66 counties in the State.(2) Its name commemorates a family of Indians to which the Creeks and the Seminoles belong. The original county was enormous in extent, comprising some 2,000 square miles of territory between the Flint and Chattahoochee Rivers.(3) Its area has been changed by numerous legislative enactments, until today it contains 223 square miles, or 142,720 acres. In 1827 Harris, Marion, and Talbot counties were created partly from Muscogee,(4) and in 1854 another part went into the creation of Chattahoochee County.(5) The boundaries of Muscogee have been altered a number of times. Parts of Marion and Harris were added to it in 1829.(6) The Muscogee and Marion boundary was changed in 1840,(7) and again in 1849, with loss in area by Muscogee.(8) In 1847 a part of the county was transferred to Talbot.(9) The boundary between Muscogee and Chattahoochee Counties has been changed on no less than three occasions.(10)

Muscogee County is slightly south of an east-west line through the center of the State. Its western boundary is the Chattahoochee River, which separates the State of Georgia from the State of Alabama. The county is irregular in outline. Its boundaries on the north and northeast are determined by survey lines. On the east and south, Baker Creek and Upatoi Creek form natural boundaries. The adjoining counties are Harris on the north, Talbot on the north and east, and Chattahoochee on the south and east.(11)

The topography of Muscogee County ranges from a smooth and gently rolling surface in the north to steep and broken areas in the central and southern part. One-third of the county lies within the Piedmont Plateau and the rest within the Coastal Plain. As a whole the county is well drained. The streams flow in a general southerly direction. The elevation varies from over 650 feet above sea level to about 180 feet where Upatoi Creek empties into the Chattahoochee. The soils of the county are varied. There are twenty-two types and three phases, in addition to Meadow, a miscellaneous material

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1) Ga. Acts 1826, pp. 57, 58.
2) The Code of Georgia of 1933..., Prepared Under the Direction of the Code Commission by Orville A. Park, Harry S. Strozier, Harry B. Skillman, and Henry H. Cobb (Atlanta, 1935), #23-101, hereafter cited as Ga. Code of 1933.
3) Ga. Acts 1826, pp. 57, 58.
4) Ga. Acts 1827, pp. 69-71.
5) Ga. Acts 1853-54, pp. 288-290.
6) Ga. Acts 1829, pp. 25, 26, 30.
7) Ga. Acts 1840, p. 38.
8) Ga. Acts 1849-50, pp. 139, 140.
9) Ga. Acts 1847, p. 64.
10) Ga. Acts 1855-56, p. 134; 1864, p. 28; 1865-66, p. 50.
11) U.S. Bureau of Soils, Soil Survey of Muscogee County, Georgia, by S. W. Phillips and A. T. Sweet (Advance Sheets—Field Operations of the Bureau of Soils, 1922)(Washington, 1926), see map.

along stream courses. The Norfolk sandy loam is the most extensively farmed of the various soils.(1)

The climate of Muscogee County is mild in the fall, winter, and spring, but hot in summer. The average yearly temperature is about 65 degrees Farenheit, averaging nearly 48 degrees in the winter and nearly 81 degrees in the summer. Seldom does the temperature go below the freezing point and cold periods last only a short while. The rainfall averages about 49 inches a year. The average growing season for agricultural products is approximately eight months.(2)

Territory Prior to the Organization of the County

Long before it was made a county, the region had played an important part in Indian affairs, and consequently in the affairs of the English, Spanish, and French colonies. Just across the Chattahoochee was Coweta, or Coweta Town, the capital of the Creek Confederation, to which white traders had found their way before the establishment of the colony of Georgia. From 1725 to 1728 the rivalry between the English and Spanish for control of the region had "developed to a fever pitch."(3) By 1739 reports of Spanish intrigue and Creek discontent had reached such a state that Oglethorpe felt constrained to make his way across the vast wilderness to Coweta, in order to bring about an amicable agreement with the "Assembled Estates of the Creek Nation." The Indians were overjoyed at his arrival and straightway made a regular act in council granting the sea islands and the territory between the Savannah and the Altamaha Rivers to the Trustees of Georgia.(4) The treaty was an important one for the peaceful development of the colony. "Such diplomacy," says one historian, "was more important than that of European monarchs."(5)

From this land of the Creeks came such picturesque and important figures as Mary Musgrove, Alexander McGillivray, and William McIntosh. McIntosh, a half-breed Creek, played an important part in Georgia affairs. The son of a British army officer, and a cousin of Governor George M. Troup, McIntosh rose from obscurity and became the leader of the Lower Creeks. For remaining friendly to the Americans during the War of 1812, he was awarded the rank of brigadier general in the United States Army. During 1817 and 1818 he served in the campaign against the Seminoles, a tribe related to the Creeks. But the greatest service of McIntosh to Georgia was his influence in getting the Lower Creeks to assent to the famous Treaty of Indian Springs of 1825, which opened for settlement the land which became Muscogee County. This action cost McIntosh his life at the hands of the hostile Upper Creeks.(6)

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1) Ibid., 1121, 1122, 1156-1158.
2) Ibid., 1123, 1124.
3) John Tate Lanning, The Diplomatic History of Georgia, A Study of the Epoch of Jenkins' Ear (Chapel Hill, 1936), 30.
4) Letter from James Oglethorpe to Harmon Verelst, Ft. Augusta, Georgia, September 5, 1739, in Collections of the Georgia Historical Society, III (Savannah, 1873), 81.
5) Lanning, op. cit., 221, 222.
6) Dictionary of American Biography, Allen Johnson and Dumas Malone, editors, 20 vols. and index (New York, 1928-37), XII, 70, 71; Nancy Telfair, A History of Columbus, Georgia, 1828-1928 (Columbus, Georgia, c. 1929), 12-15.

(First entry, p. 129)

Historical Sketch
Creation of the County
and the County Seat

Georgians had long been impatient for the United States Government to fulfill its pledge of 1802 to remove the Indians from the State. Planters were eager to take up the new lands and turn them to cotton production. By the Treaty of Indian Springs all the Creek lands were ceded to Georgia. The Creeks themselves retired across the Chattahoochee River into Alabama, there to remain for a decade a constant menace, real and imaginary, to the Georgians on the other side. Only the Cherokee Indians remained, and the question of their removal furnished Georgia an exciting problem until 1835.(1)

The General Assembly of Georgia met in extra session soon after the treaty and proceeded to prepare the Creek cession for immediate settlement. The entire region was divided into five sections, over each of which a contiguous county had criminal jurisdiction. The section which a year and a half later became Muscogee County was placed under the criminal jurisdiction of Houston County. The legislature also provided for a survey of the sections and set forth elaborate directions for the distribution of the land by lottery. However, various lands were reserved for public purposes, the largest of which was "a reserve of five miles square on the Chattahoochee river at the Coweta falls and including the same...."(2) The legislators no doubt recognized the importance of the site and already were thinking of setting up the town which was to become Columbus.

The survey of the Creek cession began immediately and led to a bitter fight between Governor Troup and the Georgians, on the one hand, and President Adams and the disgruntled Creeks, on the other. For a while open conflict between the State and the Federal Government seemed imminent.(3) Finally the land lottery took place from March 6 through May 25, 1827. By this time the territory had been organized into five counties. A winner of the lottery could locate his or her lands by the number of the section, the number of the district, and the number of the lot. The area of each lot was 202½ acres. Those who drew land in Section 2 found themselves landowners in Muscogee County.(4)

Creation of the County and the County Seat

The five counties created by legislative action from the Creek cession were Muscogee, Carroll, Coweta, Lee, and Troup, two of which bear Indian names. The act of creation and organization provided for an election of officers of Muscogee under the supervision of three freeholders to take place on the first Monday in May 1827 at the house of William C. Osburn. In addition, this act created the Chattahoochee Circuit of the superior court, embracing the counties of Muscogee, Lee, Troup, Coweta, Carroll, DeKalb, and Fayette.(5) The election was accordingly held on May 7, and two weeks later by order of Governor Troup commissions were issued to the first officers of

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1) E. Merton Coulter, A Short History of Georgia (Chapel Hill, 1933), 209-214.
2) Ga. Acts 1825, Ex. Sess., pp. 3-16.
3) Coulter, Short History of Georgia, 213, 214.
4) Reprint of Official Register of Land Lottery of Georgia, 1827, Martha Lou Houston, compiler, (Columbus, Ga., no date), 1, 209, et passim.
5) Ga. Acts 1826, pp. 57, 58.

Historical Sketch
Creaton of the County
and the County Seat

(First entry, p. 129)

Muscogee County. The inferior court justices were Jonathan Blackman, Luther Black, Michael W. Perry, Henry Lowe, and Wesley J. Frank.(1) F. S. Cook was elected and commissioned clerk of the superior court; C. J. Adkins, clerk of the inferior court; James P. Portis, sheriff; Thomas Moore, coroner, and David Dean, surveyor.(2) On December 14, 1826, the General Assembly elected, by joint ballot, Walter T. Colquitt, judge, and Samuel A. Bailey, solicitor general, of the Chattahoochee Circuit.(3)

It seems to have been the policy of the State to set up buffer settlements against the Indians on the western frontier, for in December 1827 the General Assembly passed an act "to lay out a trading town and to dispose of all the lands reserved for the use of the state near Coweta Falls on the Chattahoochee River and to name the same." The town was named Columbus. Five commissioners, to be appointed by the Governor, should select the site and devise a plan, "having special regard to the future commerical prosperity of said town and the health of the inhabitants...." A square within the town and a common reserve of 10 acres was reserved to the county for its public buildings which might be financed, in part at least, by the sale of the 10 acres.(4)

Governor John Forsyth appointed the five commissioners on December 26, 1827, two days after the passage of the act, and required that they report at his office on January 15, 1828, to give bond.(5) The choice of the commissioners was fortunate. One, James Hallam, was a resident of Muscogee County and undoubtedly knew the situation of the locality. Ignatius A. Few, a nephew of William Few, the signer of the Constitution of the United States, later became a prominent Methodist minister at Columbus, and founder and first president of Emory College.(6) Edwin L. DeGraffenreid, a physician of Greene County, settled in Columbus and became a prominent citizen and leader in the founding of the Episcopal Church of the town. Philip Alston, of Elbert County, and Elias Beall, of Monroe County, had both seen service in the War of 1812, the latter against the Creek Indians.(7)

At Milledgeville, on January 16, 1828, the commissioners held their first meeting, made Few their president and treasurer, and selected Sowell Woolfolk as secretary and Edward Lloyd Thomas as surveyor. After organizing, they adjourned to meet on the site on January 28.(8) They met, selected for the site the area nearly corresponding to the present business section of Columbus,

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1) Justices of the Inferior Court (commission book), Department of Archives and History, Atlanta, pp. 762-764.
2) County Officers (commission book), Secretary of State, 1826-33, Department of Archives and History, Atlanta, pp. 160-162.
3) Executive Minutes, 1825-29, Department of Archives and History, Atlanta, p. 236.
4) Ga. Acts 1827, pp. 183-186.
5) Executive Papers of Governor Forsyth, 1827, Department of Archives and History, Atlanta.
6) Dictionary of American Biography, VI, 351, 352.
7) Telfair, op. cit., 35-38.
8) Columbus, 1828 (Journal of the commissioners for laying out the town of Columbus, Jan. 15, 1828-July 22, 1828), city clerk's office, Columbus, Georgia, p. 1.

and actually began work on February 7. The site was covered with trees and part of the land was swampy. In the interest of health the streets were made very wide, especially Broad Street which was 165 feet in width.(1)

A total of 1,200 acres was surveyed from which 614 building lots of one-half acre each, 25 gardening lots of 10 acres each, and 20 gardening lots of 20 acres each, were laid off. Squares were reserved for the city hall, the courthouse and jail, and the male and female academies. Sections were also set aside for white and colored cemeteries.(2)

Before the sale of lots Captain Basil Hall, an English officer of the Royal Navy, came through Georgia on a tour of America and reached the site of Columbus "just in the nick of time to see the curious phenomenon of an embryo town—a city as yet without...any existence of law or fact, but crowded with inhabitants, ready to commence their municipal duties at the tap of an auctioneer's hammer."(3) One of the new inhabitants accompanied him through the town, proudly showing the visitor the new streets which had just been cut through the forest. The principal street was then only a lane about four feet wide, and the "cross streets were only indicated by a few stakes driven in by the surveyors." Here the visitor saw "huts made partly by planks, partly of bark, and...very few of which were above two or three weeks old. These buildings were of all sizes, from a six foot box or cube, to a house with half a dozen windows in front. There were three hotels, the sign belonging to one of which, I could observe, was nailed to a tree still growing...in the middle of the street. Another had glazed windows, but the panes of glass were fixed... by a little piece of putty at each corner. Every thing indicated hurry."(4)

Since none of the lots had been sold, everyone could build a house or store where he could find space, it being understood that he would have 40 days after the sale to remove his property if he should not become the purchaser of the lot. Consequently, many of the houses were built on low wheels to make removal easy. There were carpenters on the spot speculating on the settlement of the town, for Captain Hall saw about "sixty frames of houses..., lying in piles on the ground..., ready to answer the call of future purchasers." This "extraordinary experiment in colonization" interested the Englishman greatly. Trees lay where they had fallen, stumps were not removed, anvils, saws, axes, and hammers could be heard everywhere. Although it was more than a month from the time of the sale of the lots, stagecoaches, wagons, carts, and gigs, had brought about nine hundred people to the spot. Grocery stores and bakeries were scattered around and even several lawyers had put out their shingles.(5) The next year Hall included a view of the "Embryo Town of Columbus on the Chatahoochie" in a book of 40 etchings of scenes in North America. (6)

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Historical Sketch
Creation of the County
and the County Seat

(First entry, p. 129)

The sale of lots took place from July 10 through July 23, 1828. Of the half-acre lots, 488 were sold as well as the gardening lots of 10 or 20 acres each. The total proceeds of the sale amounted to $130,991, the highest price for a single lot being over $1,800.(1) The remaining lots were disposed of by public sale in February of the following year.(2)

The growth of the town of Columbus was rapid. It was said to have "never had an infancy."(3) From the beginning the town overshadowed the county, which fact led one historian in 1900 to remark that Muscogee "derives its importance from being the county in which the city of Columbus...is located."(4) The Columbus Enquirer reported on November 28, 1828, that the town had nearly a hundred frame houses on the half-acre lots, and that a three-story frame house and two brick buildings were being erected. The population was estimated to be between seven hundred and a thousand.(5)

Columbus was incorporated by the General Assembly in December 1828. The act provided for the selection of an intendant and six commissioners to be elected on the first Monday in January 1829.(6) Colonel Ulysses Lewis was the first intendant of the municipal government and Samuel B. Head, James Van Ness, Ira Scott, Simon L. Smith, George W. K. Dillard, and Thomas G. Gordon were elected the first commissioners.(7) In 1835 the town of Columbus became the city of Columbus by an act of the General Assembly and a mayor and council was substituted for the intendant and commissioners.(8) The city took notice of its changed status by posting boards with the names of the streets, erecting a guardhouse, by appointing committees to investigate the use of oil lamps for the streets and to see about obtaining fire engines from the North, and by electing a health officer.(9) Columbus was taking its place with other Georgia cities such as Savannah and Augusta.

The frontier county and town were in constant contact with the older sections. From early times there had been important trading routes running through the section. In 1829 the "Northern and Southern mail" was carried through Columbus three times every week and two years later the mail was arriving daily.(10) The first steamboat, the Steubenville, made its way up the Chattahoochee to Columbus in February 1828, heralding an era of prosperity for the surrounding country.(11) A newspaper, the Columbus Enquirer, was begun

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1) John H. Martin, compiler, Columbus, Geo., from Its Selection as a "Trading Town" in 1827 to Its Partial Destruction by Wilson's Raid in 1865, 2 parts (Columbus, Ga., 1874, 1875), pt. 1, p. 12.
2) Ibid., 18.
3) George G. Smith, The Story of Georgia and the Georgia People, 1732 to 1860 (Macon, Ga., 1900), 544.
4) Ibid., 412.
5) Martin, op. cit., pt. 1, p. 12.
6) Ga. Acts 1828, pp. 153, 154.
7) Martin, op. cit., pt. 1, p. 17; Telfair, op. cit., 41.
8) Ga. Acts 1835, pp. 56-61.
9) Martin, op. cit., pt. 1, pp. 76, 77.
10) Ibid., 18, 28.
11) Hall, Travels, III, 282; Martin, op. cit., see Errata and pt. 1, p. 22.

and edited by Mirabeau Buonaparte Lamar, in May 1828;(1) temperance and debating societies were organized;(2) Muscogee Academy was incorporated by the State legislature;(3) a Methodist church was organized in 1828, soon to be followed by other religious bodies;(4) and even a theater had been erected for a performance by itinerant players in the summer of 1828.(5) In short, Muscogee County was a bustling, enterprising community, optimistic in her plans for a great future.

Courthouses

The commissioners appointed to lay out Columbus designated two squares in the northern part of the town for a county courthouse and jail.(6) However, the General Assembly relocated the courthouse site nearer the business district late in 1828. One-half of the square laid off for the erection of the town house was given to the county of Muscogee, with the provision that the justices of the inferior court of the county made known their intention to build a courthouse on the square within twelve months. The act also authorized the inferior court to dispose of the ten acres of land in Columbus previously laid off for county purposes.(7)

The date of the completion of the first courthouse is not known. It was a rough, plain, wooden building. The clerks of the superior and inferior courts were housed in a smaller building on the same lot.(8) Early in 1838 plans were made for a new courthouse. Arrangements were made by a joint committee of the inferior court and the mayor and council, and in April of that year the plan of N. N. Clark for a combination courthouse and city hall was selected and the contract let to W. and J. Godwin. The cost of the new building was $30,000, one-third of which was to be paid by the City of Columbus and two-thirds by Muscogee County.(9)

While the second courthouse was in the process of construction, the first courthouse and the offices of the clerks of the superior and inferior courts, some twenty yards from the main building, were destroyed by fire about three o'clock in the morning of October 15, 1838. The loss of the buildings was "but trifling in value...; but the great inconvenience and loss consequent upon the fire is found in the (destruction of)...all books, papers, etc., connected with the office..., more especially as the fall term of (the superior) court was to have commenced its session on the same day as the catastrophe.... This was doubtless the work of an incendiary—some pitiful, base wretch, who probably stood amenable to the requirements of the law at the present term of

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1) Martin, op. cit., pt. 1, p. 10.
2) Ibid., 20, 23.
3) Ga. Acts 1828, p. 14.
4) George G. Smith, The History of Georgia Methodism from 1786 to 1866 (Atlanta, 1913), 359.
5) Martin, op. cit., pt. 1, p. 13.
6) Phelan, Plan of Columbus.
7) Ga. Acts 1828, p. 167.
8) Martin, op. cit., pt. 1, p. 95.
9) Records (proceedings of the mayor and council of the City of Columbus), vol. 2, pp. 41, 86, 111; Martin, op. cit., pt. 1, pp. 90, 91.

court...."(1) The mayor was authorized to offer a reward of five hundred dollars for the apprehension and conviction of the incendiary (2) and to this the inferior court added a thousand dollars.(3) A deed and mortgage book labelled "H" (now "H-1"), which records deeds and mortgages as early as March 1837, was the only record of Muscogee County to escape destruction by fire.(4)

As work progressed on the new courthouse, various improvements were ordered for which the contractors made a claim at its completion. The matter was arbitrated and $6,000 in addition to the original agreement of $30,000 was paid to them.(5) The building, completed on October 20, 1840, was two stories above the ground with a daylight basement, the whole built of brick, 96 feet long and 60 feet wide. Across the front of the building there was a portico supported by Doric columns, and a balcony with an ornamental iron railing extended from the second floor. The stairs between the first and second floors had "a scroll with a heavy moulded rail and turned bannisters of mahogany."(6) The city council decided to occupy the basement rooms as "the safest and most convenient," leaving the other two floors for the use of the county government.(7) This building continued in use as a courthouse and city hall until 1895. In 1864, in reply to an appeal by the senior surgeon of the Confederate military post in Columbus for buildings to house 1,500 sick and wounded soldiers, the inferior court of the county permitted the courthouse to be used as a hospital for "our brave soldiers...."(8)

By 1894 agitation for a new courthouse or remodeling the old one had reached a point where the officials of the county and Columbus took action in the matter.(9) On June 15, 1895, a permanent building committee was created, consisting of three members of the board of county commissioners and three members of the city council. The six were to select a citizen, not a member of either body, to serve as chairman.(10) The committee decided to build a new building instead of remodeling the old one. As in the old courthouse the city of Columbus was to bear one-third of the expenses and Muscogee County two-thirds.(11) The contract for the building was let to "Mr DeVolt of Ohio for the sum of $55,979.40...."(12) Small wooden buildings were erected on the courthouse square to temporarily house the county offices, while part of the city government removed to the old county jail and another part to No. 5 Fire House. Certain changes had to be made after the building was under way which necessitated an additional expenditure of $7,500.(13)

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1) Columbus Sentinel and Herald, October 18, 1838, quoted in Martin, op. cit., pt. 1, p. 95.
2) Records (mayor and council of Columbus), vol. 2, p. 170.
3) Minutes, Commissioners Court, vol. A, 1838-57, p. 2, see entry 1.
4) Deed Record, vol. H-1, see entry 29.
5) Records (mayor and council of Columbus), vol. 2, p. 440.
6) Ibid., 435.
7) Ibid., 431.
8) Minutes, Commissioners Court, vol. B, 1857-71, p. 180, see entry 1.
9) Records (mayor and council of Columbus), vol. J, p. 420.
10) Ibid., 585.
11) Ibid., vol. K, pp. 2, 4.
12) Ibid., 60.
13) Ibid., 120. For a detailed description of the present courthouse see Housing, Care, and Accessibility of the Records, infra, p. 105.

Commercial Development to 1860

Steamboat Trade

The Chattahoochee River was extremely important in the early commercial development of Muscogee County and the neighboring region, as well as in the later industrial development of Columbus. Only by way of the river could the produce of the surrounding country easily be sent to market, and the wants of the people be satisfied, in return, by the importation of goods. The situation of Columbus on the fall line at the head of navigation led to its growth as a center of trade. The settlers in the Creek cession immediately began the planting of cotton for a cash crop, and on December 28, 1829, the steamboat Virginia took 400 bales down the river, destined for the New Orleans market.(1) Soon there were a number of boats plying the river, generally depositing their cargoes for reshipment at Apalachicola, Florida, at the mouth of the river, a distance of approximately 430 miles from Columbus. Pole boats were extensively used above the falls in transporting cotton from the plantations above Columbus down to the city.(2) Planters nearer the city generally sent or brought in their cotton on wagons over the rough roads, and returned home laden with all kinds of supplies and provisions.(3)

The river trade grew enormously and new boats were constantly placed in service on the river. The Georgian was built in Pittsburg for some gentlemen of Columbus, and in 1833 the Chattahoochee and the Columbus, built especially for the river trade, were in operation.(4) Most of the steamboats were built in the North, but the H. S. Smith was built and launched in Columbus in 1847, and a decade later the Wave was also launched there.(5) The steamboat trade had its heyday in the 'forties. In 1843 alone, there were 14 new boats known to have been put into operation on the Chattahoochee.(6)

From January 1 to July 1, 1832, there were shipped from Apalachicola 16,000 bales of cotton, most of which must have come from Columbus,(7) and during the shipping season of 1839-40, it was estimated that 50,000 bales had arrived in the Columbus market.(8) A decade later the city was receiving between 60,000 and 78,000 bales annually from the neighboring counties in Georgia and eastern Alabama. For 75 cents, plus a small insurance fee, a planter could send a bale of cotton to Apalachicola.(9) At one time competition among the steamboats was so keen that the cost of sending a bale down the river was as low as 25 cents.(10)

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1) Martin, op. cit., pt. 1, p. 20.
2) Ibid., 24.
3) Telfair, op. cit., 45.
4) Martin, op. cit., pt. 1, pp. 25, 44.
5) Telfair, op. cit., 87; Martin, op. cit., pt. 2, pp. 90, 95.
6) John H. Goff, "The Steamboat Period in Georgia," in The Georgia Historical Quarterly, XII (September, 1928), 251, 252.
7) Martin, op. cit., pt. 1, p. 34.
8) Ibid., 108.
9) George White, Statistics of the State of Georgia...(Savannah, 1849), 444, 445.
10) Goff, "Steamboat Period in Georgia," in loc. cit., 247.

Historical Sketch
Commercial Development to 1860 (First entry, p. 129)

The importance of Columbus as a cotton market increased as time went by. For the year ending September 1, 1856, over one hundred thousand bales had been received in the city.(1) However, the development of railroad transportation dealt a severe blow to the steamboat business on the Chattahoochee as on other rivers. Fewer and fewer boats plied the river. Of 72 steamboats known to have been put into operation between Columbus and Apalachicola in the ante-bellum period some were abandoned due to old age, and others were transferred to the Mississippi and Alabama Rivers. Many were lost in accidents. At least ten were snagged or sunk, seven were consumed by fire, four were blown up by exploding boilers, and two lost in collision.(2) But steamboats did not totally disappear. Early in 1865, five steamers were in operation between Columbus and Chattahoochee, Florida, Apalachicola at that time being in possession of Federal troops. One of these, the Shamrock, had been built entirely at Columbus and launched in 1864.(3)

Muscogee and its neighboring counties were dependent on the steamboats for those goods they were unable to produce, such as medicines, ready-made clothes, fine liquors, tools and farming implements, machinery, and numerous other items. In March 1834 a boat brought up 70 tons of ice for the Columbus Ice Company, which no doubt proved satisfying during the ensuing summer months to those who could afford such a luxury.(4) Until the development of railroads the cost of goods was generally higher than in Savannah or Macon.

Banks

The commercial development of Muscogee made the establishment of banks a necessity. In 1829 the Bank of Columbus was organized and the Bank of Chattahoochee shortly afterwards.(5) Stability was a rare quality among the banks of the country in general, and those in Columbus were no different. The Bank of Chattahoochee, for example, suspended operation in 1834, was later "resuscitated," only to find suspension necessary during the nation-wide panic of 1837.(6) With the growth of the city, other banks were opened or removed to Columbus such as the Insurance Bank, the Planters' and Mechanics' Bank, and the Bank of St. Mary's.(7) In addition, there were also so-called "wild cat" banks, which would frequently disappear over night. Such was the Phoenix Bank which closed its doors in 1844. Arrests were made in New York, in this case, and the Enquirer remarked that the bank had been established "by foreigners and New Yorkers...for their private purposes...."(8)

Columbus a Center of Trade

An important commercial project to Muscogee County as well as Georgia and Alabama was the bridge across the Chattahoochee River. The commissioners

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1) Martin, op. cit., pt. 2, p. 88.
2) Goff, "Steamboat Period in Georgia," in loc. cit., 254.
3) Martin, op. cit., pt. 2, pp. 169, 174.
4) Ibid., pt. 1, p. 48.
5) Ibid., 19, 47, 48.
6) Ibid., 47, 48, 78, 86.
7) Ibid., 89, 135.
8) Ibid., 150.

of Columbus let the contract at $14,000 and work was begun in 1832.(1) A controversy almost immediately arose as to whether Columbus could control both ends of the bridge. The case found its way to the Supreme Court of the United States and that body gave the city jurisdiction to the extent of the high water mark on both sides of the river.(2) The first bridge was destroyed by the severe flood known as the "Harrison freshet" in March 1841. A temporary bridge was erected and a permanent one was begun(3) at a cost of $40,000 which subsequently yielded the city about $10,000 a year from tolls. (4) It was the practice of the city council to enter into contracts with individuals who made frequent use of the bridge. In 1842 a minimum fee of $10 was charged each individual for the privilege of passage over the bridge during that year.(5) Controversy with Girard, Alabama, the rival town across the river, over the tolls sometimes became quite serious.(6) The city council approved the construction of an "up-town" bridge in 1856.(7)

The roads and bridges of the county were of great importance to the planters in getting their produce to market, and the inferior court expended large sums to keep them in repair. For example, during the four years from 1854 to 1858, Muscogee County spent $6,500 on six bridges over Upatoi Creek, which ran between that county and Chattahoochee County.(8) The court was vigilant in seeing that bridges were kept in order, and issued frequent threats to the contractors, urging them to put bridges in order at once or suffer the consequences of negligence in their duty.(9)

There were settlements other than Columbus in Muscogee County, for in 1849 there were United States post offices at Halloca, Shell Creek, Upatoi, Roland, and Bald Hill.(10) But all roads led to Columbus. The Columbus Times reported on December 25, 1844, that there were 209 establishments doing regular business in the city. There were 26 dry goods, 5 clothing, 1 hat, and 7 shoe stores. Food could be bought from 57 groceries, 24 provision stores, and 3 bakeries, and a dram of liquor might be had at any one of the 17 barrooms. There were stores in which to buy hardware, books and stationery, tobacco, jewelry, drugs, furniture, carriages, cotton gins, and many other necessities and luxuries. Travellers could find accomodations at 4 hotels. Three saddle and harness shops, 4 livery stables, and 10 blacksmiths kept their horses fit for use. If one should run afoul the law, he had the choice of 35 lawyers to apply to for aid. If he were ill, there were 25 physicians to administer to him. Five churches with regular pastors looked after the spiritual well-being of the residents of the city.(11) A bustling center of trade in the midst of a new and rich agricultural region, such was Columbus at the middle of the nineteenth century.

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1) Ibid., 32.
2) Ibid., 47.
3) Ibid., 117-119.
4) White, Statistics of Georgia, 445.
5) Martin, op. cit., pt. 1, p. 134.
6) Ibid., pt. 2, p. 134.
7) Ibid., 88.
8) Minutes, Commissioners Court, 1857-71, vol. B, p. 58, see entry 1.
9) Ibid., 47, 50, 57, 62, 78.
10) White, Statistics of Georgia, 443.
11) Martin, op. cit., pt. 1, pp. 148, 149.

Historical Sketch
Commercial Development to 1860 (First entry, p. 129)

Stagecoaches

Before the construction of railroads Muscogee County had to depend on stagecoaches for overland transportation. Throughout America travel by stage was uncomfortable and especially was this true over the bad roads of western Georgia. In 1846 Sir Charles Lyell, the English scientist, found that travel by railroad ended at Macon and that to go to Columbus he had to resort to the stagecoach. His friends, he noted, wished him "a safe journey, instead of a pleasant one...." Rains had made the roads very bad, and wagons bringing heavy bales of cotton to market had left deep ruts in them. At night Lyell's stagecoach stopped at a small roadside inn, where the passengers supped "on pork chops, waffles, and hominy...." No bridge spanned the Flint River and the coach had to be ferried across. "A great number of negroes were standing on both banks, chattering incessantly, and holding in their hands large blazing torches of pine-wood...." This particular coach had three seats, the middle one with a broad leather strap to lean upon. On this journey the passengers "were often called upon...to throw (their) weight first on the right, and then on the left side, to balance the vehicle and prevent an upset, when one wheel was sinking into a deep rut." Sometimes the men had "to get out in the dark, and walk in the wet and muddy road. The coachman would then whip on his steeds over a fallen tree or deep pool, causing tremendous jolts.... To sleep was impossible, but at length soon after daybreak, we found ourselves entering the suburbs of Columbus...."(1)

While the mail stage had a monopoly on the route from Columbus to Macon, the fare for the distance of 90 miles was $20. When a second stage line was set up, it was reduced to $10. A third stagecoach company followed and brought the fare down to $5. Competition finally reduced the rates to a dollar and one of the companies "absolutely carried their passengers for nothing, while the hotels furnished them with dinner and champaign at the cost of the coach-proprietors!" However, a compromise was reached, each of the competing coaches leaving at the same hour and charging ten dollars for the Macon to Columbus trip. In 1839 it was said that there were hardly enough passengers to fill one coach and that the stage owners were all losing money.(2)

In Columbus during the ante-bellum years, a great many travellers stopped at the Oglethorpe Hotel. One of them reached that establishment at midnight by stage. He found that everything needed repair and that the hotel was left to the care of the Negro servants. None of the rooms were ready for occupancy, because, the Negroes explained, there was no need to get the rooms ready until they were certain of being rented. This traveller, James Silk Buckingham, was annoyed by the bed falling down, no bells, broken washstands, and "basins without jugs, or jugs without basins, a dressing-glass shifted from room to room as required, no clothes' pins or pegs...."(3) Other travellers, however, found the hotels in Columbus comfortable. A lady traveller found the Perry House a "first class hotel" with "rooms large, pleasant and

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1) Charles Lyell, A Second Visit to the United States of North America, 2 vols. (New York, 1849), II, 34, 35.
2) James Silk Buckingham, The Slave States of America, 2 vols. (London and Paris, 1842), I, 239.
3) Ibid., 243.

comfortably furnished, table excellent."(1)

Railroads

About ten years after the organization of Muscogee County, the subject of railroads became an absorbing topic in that section of Georgia. A corporation was formed at Columbus for the purpose of building a railroad to connect with the southern terminus of the Western and Atlantic Railroad, which was chartered by the State in 1836. This corporation, the Chattahoochee Railroad and Banking Company, asked the city council to issue bonds in the amount of $750,000 to finance the project. The city aided the company by bond issues and subscribed for 2,000 shares of stock. A total of 10,255 shares were subscribed for by residents of Muscogee County, for the most part. But the available capital was never enough to make the railroad a reality, and, after attempts to obtain financial aid from the North, the company failed in June 1841. The company, however, had previously asked the city to return its shares of stock and the financial loss to the subscribers was not great. (2)

A more successful venture began in 1845 when an attempt was made to get an extension of the Central of Georgia Railroad from Macon to Columbus, or a connection from Barnesville to Columbus. The Muscogee Railroad Company was incorporated by the General Assembly of Georgia, and another company, the Macon and Western Railroad, was empowered to extend a branch from Barnesville to Columbus.(3) The city council of Columbus located the depot for the Muscogee Railroad in 1847, and that same year gave aid to the company by the sale of city bonds in the amount of $150,000. Shortly afterwards the council levied a special railroad tax for two years of two percent on real estate and one fourth of one percent on sales of merchandise and on banking business.(4) The ladies of the city caught the railroad fever and aided the purchase of an engine by holding a fair. On the last day of 1851 trains began running over the 20 miles of the Muscogee Railroad which had been completed. Connections could be made at the end of the road with stages for Oglethorpe and Barnesville. Finally, in May 1853 the road was completed, thus establishing continuous railroad communication with Macon and Savannah. A great jubilee took place at Columbus during which the mayor of the city mingled some water from the Atlantic Ocean with that of the Chattahoochee River.(5)

From time to time the legislature incorporated other railroads—one from Columbus to West Point in 1852,(6) another to LaGrange via Hamilton,(7) and still another to either LaGrange or West Point.(8) But after the completion of the Muscogee Railroad, the interest of most of the people of Muscogee County in building railroads turned towards the west. Columbus wished to be

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1) Lillian Foster, Wayside Glimpses, North and South (New York, 1860), 117.
2) Martin, op. cit., pt. 1, pp. 85, 90, 99, 115, 116.
3) Ibid., 160, 161.
4) Ibid., pt. 2, pp. 20-22, 27, 28.
5) Ibid., 50, 51, 66.
6) Ga. Acts 1851-52, pp. 133-136; 1853-54, pp. 415, 416.
7) Ga. Acts 1853-54, pp. 411-414.
8) Ga. Acts 1859, pp. 312, 313.

connected with Montgomery, Mobile, and New Orleans. During the fifties there was much talk over the country of a transcontinental railroad and all right-thinking Southerners preferred a southern route to the Pacific. If the railroad were built, the people of Columbus wanted to be connected with such a grand project.

Alabama chartered the Girard Railroad Company in 1846, which was to run from Montgomery to Girard, just across the Chattahoochee River from Columbus.(1) In 1851 the city council of Columbus subscribed $150,000 to the stock of the company, which had been renamed the Mobile and Girard Railroad.(2) Two years later a popular referendum was held in the city and a second subscription of $150,000 to this railroad was approved.(3) Later the city gave the Montgomery and West Point Railroad permission to locate a depot and to construct a bridge across the river, with the provision that it should not form a close connection with any other railroad in the city.(4) The movement for the Opelika Branch Road was supported by the citizens of Muscogee with a subscription of $50,000 in 1852. The line was completed to the Alabama side in January 1855 and a bridge across the river was finished and in use by Christmas of that year. Thus Columbus had direct communication by rail with Montgomery.(5)

The General Assembly passed an act in 1857 permitting the Muscogee Railroad to connect with the Opelika and the Mobile and Girard roads at Columbus, provided the consent of the people of the city could be obtained.(6) The Muscogee and Opelika roads were soon connected, which proved a great convenience to the people of Georgia and Alabama. For the privilege, however, the railroads had to pay the city a thousand dollars annually.(7)

Various other short railroads were agitated from time to time during the 1850's. The town of Eufaula, Alabama, spurned a proposal for a branch railroad to Columbus, hoping to get a more direct route to Savannah.(8) Terrible railroad disasters(9) did not cool the enthusiasm for railroad building, and a bloody war checked only temporarily progress in that direction.

Plank Roads and the Telegraph

Other means of transportation and communication than railroads commanded the attention of the people of Muscogee. In 1851 private subscriptions for "plank roads" to Greenville and to Lumpkin were raised.(10) Columbus allowed a telegraph company to extend its wires through the city, to erect poles, and to attach its wires to the bridge. The lines reached Columbus on its way

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1) Martin, op. cit., pt. 2, p. 12.
2) Ibid., 50.
3) Ibid., 65, 66.
4) Ibid., 73, 74.
5) Ibid., 56, 57, 81, 82.
6) Ga. Acts 1857, p. 73; Martin, op. cit., pt. 2, pp. 102, 103.
7) Martin, op. cit., pt. 2, p. 111.
8) Ibid., 74, 111, 112.
9) Ibid., 106.
10) Ibid., 50.

from New York to New Orleans in July 1848.(1) Thus could events occurring hundreds of miles away become known almost immediately in Muscogee County, Georgia.

Early Municipal Problems in Columbus

There were many problems which confronted the mayor and council of the city of Columbus as it rapidly grew from a frontier settlement to one of the leading cities of the State. Among these were the questions of fire fighting and the water supply. A volunteer fire company was formed in May 1831 and served the city for over a decade.(2) Fires frequently occurred. The courthouse was burned in 1838. A disastrous conflagration took place in March 1842 destroying $100,000 worth of property. In spite of this loss, the city council refused to pay $8,000 for four fire engines for future emergencies.(3) A year later the Columbus Hook and Ladder Company was organized, and soon acquired an engine by popular subscription.(4) Late in 1845, fire destroyed an entire block, mostly of brick buildings. The damage was placed at $150,000. (5) A much more destructive catastrophe occurred when five squares and a part of a sixth were burnt and the only fire engine itself narrowly escaped destruction. But in such disasters the engine reportedly "did all it could." (6) In 1848 the Vigilant Fire Company, No. 2, was organized.(7) A few years later the city council voted $200 for equipment and presented the fire engine Columbus to a Negro fire company.(8) Perhaps the most spectacular fire was that which destroyed two large cotton warehouses. The heat from the fire could be distinctly felt on the other side of the Chattahoochee.(9)

When Columbus was laid out, it was fortunate in having a number of fine springs of water which gushed from the banks along the river.(10) A private company in 1844 undertook to supply the city with water from a spring three miles from the city through a system of wooden and iron pipes. In 1851 there was much agitation for the city to take over the water supply, and the Columbus Times on November 9, 1852, complained that the private company gave poor service. Only between 40 and 90 hydrants were in operation during the year and frequently they were dry. Many families had no regular source for water and their servants had, "at every turn of the water-bucket, to go forth on a foraging expedition in search of it."(11) Finally, the city council took steps to operate the waterworks itself. It planned to have some three hundred hydrants in the city at an average cost to the subscribers of $10 each. (12)

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1) Ibid., 21, 29.
2) Ibid., pt. 1, p. 27.
3) Ibid., 125-127.
4) Ibid., 135, 146, 147, 157.
5) Ibid., 162, 163.
6) Ibid., pt. 2, pp. 9-12, 18, 19.
7) Ibid., 27.
8) Ibid., 75.
9) Ibid., 113.
10) Ibid., pt. 1, p. 14.
11) Ibid., pt. 2, pp. 49, 57.
12) Ibid., 63-65.

Historical Sketch
Development of Manufacturing to 1860 (First entry, p. 129)

The mayor and council had much power and their actions were varied and numerous. Besides the suppression of crime and vice,(1) this body licensed all kinds of trades and professions. In 1846 the first omnibus was licensed to run between several points and take passengers to the wharf.(2) Aid was extended to all kinds of enterprises, a great many private in nature, but from which it was thought the general public would benefit. In 1852 the council subscribed $10,000 to the stock of the Columbus Gas Light Association and appropriated $150 to aid an agricultural fair.(3) The council also encouraged the erection and operation of factories.(4)

Development of Manufacturing to 1860

Perhaps the most significant aspect of the ante-bellum history of Muscogee County lies in the development of manufacturing. From the small beginning of "a turning lathe, erected on the little branch north of the city," grew a great manufacturing center.(5) In 1834 the Columbus Factory, devoted to the manufacture of textiles, was begun on the river about three miles above the town, and four years later it was busy spinning cotton yarn and carding wool. In 1847 Julius R. Clapp purchased an interest in the establishment, and from that time it was locally known as the "Clapp Factory."(6) As early as 1838 the citizens of Columbus expected their city soon to rival Lowell, Massachusetts, and the cry "bring the mills to the cotton" had begun.(7)

The city council aided the manufacturing interests by selling them water lots for a song with provisions that a dam, canal, water wheels, and factories be erected.(8) The 1840's was a period of great activity in the county and the city.(9) By the middle of the century the industrial picture was taking definite shape. Besides a number of smaller projects, there were three textile mills of considerable size in operation and two others not then completed. The Columbus Factory, the oldest of the mills, had a capital investment of $50,000, 1800 spindles, and 80 operatives, "chiefly girls." The workers in this factory earned between $10 and $12 per month and the goods produced were sold principally in Columbus. The Coweta Falls Factory, in the city, had a capital of $80,000 and its machinery was "made on the spot from Georgia iron." Its 2,700 spindles were in operation 12 hours a day and its 75 workers made a total of $6,000 per year. Most of the goods of the Coweta Falls Factory were sent to eastern Georgia, western Alabama, Mobile, and New Orleans. The Howard Manufacturing Company had capital in the amount of $85,000 and confined its production to making sheetings, shirtings, and yarns. In 1850 Colonel Farish Carter was completing a large factory in which he intended to use slave labor, which, however, was not done. Winter's Merchant

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1) Ibid., 42, 43.
2) Ibid., 18.
3) Ibid., 57, 58, 67.
4) Ibid., pt. 1, pp. 128, 138.
5) Ibid., 13.
6) Ibid., 96; Deed Record, vol. C, p. 748, see entry 29.
7) Martin, op. cit., pt. 1, pp. 91, 92.
8) Ibid., 128, 138.
9) Ibid., 157, 158, 162; pt. 2, pp. 22, 34, 36.

Mill was to be eight stories high and would manufacture yarn exclusively.(1)

There were many other industrial enterprises other than textile mills in Muscogee County about 1850, or in the process of being built there. The Variety Works manufactured wooden articles, operating two sawmills and machinery for making tubs, buckets, churns, and so forth. In 1854 the cotton gin factory, which was operated by steam, was making a thousand gins each year. The Rock Island Paper Mill, located on the river above Columbus, partly in Georgia and partly in Alabama, was capable of turning out 2,500 pounds of printing, writing, and wrapping paper per day.(2) There were at least two iron foundries, one of which made "steamboat work, mill gearing, water-wheels, gin gear and gudgeons, cast iron railing for grave-yards, fencing, machinery for factories, etc."(3)

Between 1850 and 1861 the assessed value of real estate, buildings, and so forth of manufacturing plants in Muscogee County showed an increase of more than five hundred percent, amounting to $545,775 in the latter year.(4) As time went on, it was inevitable that large units of production supplanted smaller ones. In 1859 the Eagle Manufacturing Company purchased the Howard Manufacturing Company, thus forming a great factory with $375,000 capital. It had 10,000 cotton spindles, using nine bales of cotton a day, and 1,300 woolen spindles. Five hundred operatives earned $240 a day or an average of 49 cents each.(5) This cotton factory became the Eagle and Phenix Mills, the largest industrial plant in Muscogee County and one of the largest in the entire South.

Social and Cultural Development to 1860

Most of the early settlers of Muscogee were native Georgians. Participation in the land lottery of 1827 was open only to citizens of the State. With the settlement of the county, frontier characteristics rapidly gave way to "morality, refinement, hospitality," but there remained "a fair share of wild rowdyism, of gaming and drinking."(6)

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1) White, Statistics of Georgia, 446, 447; Martin, op. cit., pt. 2, pp. 22,34.
2) An advertisement in The Southern Sentinel, February 6, 1851, et seq. states that the Sentinel was printed on paper manufactured by the Rock Island Factory, near the city.
3) White, Statistics of Georgia, 447, 448; Martin, op. cit., pt. 2, pp. 34, 35; George White, Historical Collections of Georgia (New York, 1854), 568, 571.
4) Tax Digest 1850, 1861, consolidation sheet in rear of volume, see entry 343
5) Martin, op. cit., pt. 2, p. 118.
6) Smith, Story of Georgia, p. 547. A number of foreign travellers passed through Muscogee County and made observations on the early customs of the people. In 1835 G. W. Featherstonhaugh stopped "at a noisy tavern" in Columbus and, when the supper bell rang, there was such a rush that he could not get a seat. "The art of bolting was practised here with as much success as I had seen it done at any other place, and in less than ten minutes every man...had gone back again to the bar-room...."—G. W. Featherstonhaugh, Excursion through the Slave States...(New York, 1844), 153. James Silk Buckingham, in 1839, found more than the usual number of

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Churches

There were no churches in Muscogee County for about two years after its creation. However, occasionally a missionary to the Creeks or a travelling minister would preach to the settlers.(1) That the pioneers expected churches to follow them is shown by the original plan of the town of Columbus. Two squares were marked off and labelled "Church Squares," which were divided into four lots by short streets known as "Church" or "Chapel" streets.(2)

The Rev. James Stockdale was sent by the Methodist Conference into the new counties of the Creek cession to organize congregations. In 1829 he founded St. Luke Methodist Episcopal Church at Columbus. Apparently during the previous year the Methodists in Columbus had banded together, for the General Assembly granted lot B to the trustees of the church in December 1828.(3) At the time there were no church buildings west of the Flint River in Georgia, and the Methodists held their meetings first in the open air, and later under brush arbors built on the Methodist lot and on the river bank. A crude wooden building was used for a while.(4) However, in 1831 the first Methodist church made of brick in Georgia was erected. A more commodious building was constructed in 1846, and the increase in population and membership led to the founding of a second congregation in 1858. The following year the new church, which took the name St. Paul Methodist Episcopal Church, South, was dedicated.(5) In the same year, 1859, the General Assembly incorporated both of the Methodist churches at Columbus.(6)

Perhaps the most distinguished and influential Methodist minister in Muscogee was Dr. Lovick Pierce, frequently called the "Nestor of Southern Methodism." He settled in Columbus in 1836 and served as pastor of St. Luke Church for two years. Later he became presiding elder and during the remainder of his life he was active in religious and philanthropic affairs. His son, George F. Pierce, who was made a bishop at the meeting of the Methodist Conference at Columbus in 1854, has left an incomplete sketch of the life of his father.(7)

"Confectionaries" in which "sweetmeats and fruits are sold; but the great staple of supplies of which are peach-brandy, whiskey, rum, and other ardent spirits...." He also observed "the open sale of dirks, bowie-knives, and a long kind of stiletto, called the 'Arkansas toothpick.' These are sold by druggists...."—Buckingham, op. cit., I, 246, 247.

1) Martin, op. cit., pt. 1, p. 14.
2) Phelan, Plan of Columbus.
3) Ga. Acts 1828, p. 48.
4) Frank J. Dudley, 100 Years History of St. Luke M.E. Church, South, Columbus, Georgia, 1829-1929 (Columbus, no date), 17.
5) Smith, History of Georgia Methodism, 359-363; Martin, op. cit., pt. 2, p. 113.
6) Ga. Acts 1859, pp. 120, 121.
7) Lucian Lamar Knight, A Standard History of Georgia and Georgians, 6 vols. (Chicago and New York, 1917), III, 1394, 1395; V, 2560; Smith, History of Georgia Methodism, 360; Telfair, op. cit., 108; George G. Smith, The Life and Times of George Foster Pierce, D.D., L.L.D., Bishop of the Methodist Episcopal Church, South, with the Sketch of Lovick Pierce, D.D., His Father (Sparta, Ga., 1888), 1-35.

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The question of slavery split the Methodist Church into a southern and northern branch in 1844 when the Methodist Conference censured Bishop James O. Andrew, of Georgia, for owning slaves. St. Luke Church passed resolutions strongly condemning the action of the General Conference. Because of these resolutions the church's pastor, Daniel Curry, "an opponent of slavery," immediately left his charge.(1) A few years later the city council of Columbus gave the Methodist Church permission to build a church for Negroes. An injunction to restrain the Methodists from such an action was refused by the superior court, and H. H. McQueen was assigned to the new charge.(2) Later the Baptists also established a church in the city for Negroes.(3)

In 1829 the General Assembly granted the Baptist Church lot A in Columbus on which to erect a building.(4) In November of that same year the Columbus Association was organized by two committees from the Itchaconnah and Flint River Associations. Shortly afterwards the Columbus Association reported that it employed "two missionaries, one engaged in preaching to the destitute in her bounds, the other in visiting churches and families, and forming Sabbath-schools." Most of the churches, it reported, had Sabbath schools and some gave "oral instruction to the colored people."(5)

In 1830 a small group organized the Presbyterian Church at Columbus and held services temporarily in the courthouse.(6) The General Assembly granted the church lot C in the same year.(7) This lot was regarded as "too far south" by the Presbyterians, and in October 1831 they were given lot No. 327 by the State.(8) A building was erected and dedicated during the same month, (9) and Rev. John Baker, from Savannah, became the first minister of the church.(10) In 1845 a new structure was completed which was used until 1862, when a lot was bought and a new church erected.(11) The church was incorporated in 1859 as the First Presbyterian Church of the city of Columbus.(12) One distinguished minister of the Presbyterian Church at Columbus was Dr. Thomas Goulding, who had been a professor at Columbia Theological Seminary. He came to Columbus in 1835, and his pastorate there lasted for nearly 15 years.(13)

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1) Martin, op. cit., pt. 1, p. 151.
2) Ibid., pt. 2, pp. 36, 37, 39.
3) Ibid., 105.
4) Ga. Acts 1829, p. 111.
5) History of the Baptist Denomination in Georgia: with Biographical Compendium and Portrait Gallery of Baptist Ministers and Other Georgia Baptists (Atlanta, Georgia, 1881), 203, 214.
6) James J. Gilbert, A History of the First Presbyterian Church of Columbus, Georgia, during the first 100 years of its existence (Columbus, Ga., 1930), 11-14.
7) Ga. Acts 1830, pp. 65, 66.
8) Record Book, Town Lots in Columbus, Office of the Secretary of State, Atlanta, Georgia, p. 19.
9) Martin, op. cit., pt. 1, p. 28.
10) Gilbert, op. cit., 13, 14.
11) Ibid., 24, 32, 33.
12) Ga. Acts 1859, pp. 120, 121.
13) Gilbert, op. cit., 17-19.

The Roman Catholic Church of St. Philip and St. James was granted lot D in Columbus in 1831.(1) The church, however, was finally located at 316 Twelfth Street, where today there stands a fine church building, a church school, a parish home, and other buildings.

The Episcopal Church did not secure one of the lots in the original church squares. In 1834 the General Assembly incorporated "The Churchwardens and Vestry of Trinity Church in Columbus."(2) In August of the following year a group met at the home of Dr. E. L. DeGraffenreid to discuss the founding of an Episcopal church. The "Columbus Episcopal Association" was formed and began plans for the erection of a building. The church was completed in June 1837 and the pews rented for a total of $3,100.(3) Perhaps the best known Episcopal clergyman to serve Trinity Church before the war was Thomas F. Scott. He had previously been a Presbyterian minister at Columbus. Later Scott was made the first missionary bishop of the Episcopal Church in the Oregon and Washington territory, where on account of his arduous work he earned the place of "an authentic martyr of the American Church."(4)

One of the religious institutions so much in evidence in the Southern States was the camp meeting. Here during the hot summer months churchgoers might find physical as well as spiritual relief. Like so many of the churches, the camp grounds were frequently incorporated by the General Assembly. At least one, the Philadelphia Methodist Camp Ground, in Muscogee County received this status.(5)

Among the Protestant denominations religious revivals were frequent occurrences. In 1851 the Methodists held meetings in Columbus for over a month, during which time more than two hundred persons professed religion. During the latter part of May and early June 1858, a general religious fervor came over the city. The Methodists acquired 170 converts; the Presbyterians, 70; the Baptists, 60; and the Episcopalians, 26.(6)

In 1859 there were about twenty families of Jews in Columbus. They were using a temporary place of worship, but a plan was on foot to build a synagogue.(7) At least three of the Jews who lived in Columbus at this time, the Straus brothers, Isador, Nathan, and Oscar Solomon, eventually became nationally prominent in business and public affairs.(8)

Societies and Organizations

During the ante-bellum period, a number of organizations were formed to promote various social and philanthropic objectives. In 1829 a temperance society was begun and by 1851 the movement had reached such proportions that

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1) Ga. Acts 1831, p. 61.
2) Ga. Acts 1834, p. 53.
3) Martin, op. cit., pt. 1, pp. 47, 81.
4) Dictionary of American Biography, XVI, 501, 502; Gilbert, op. cit., 17.
5) Ga. Acts, 1843, p. 79.
6) Martin, op. cit., pt. 2, pp. 51, 105.
7) Ibid., 113.
8) Dictionary of American Biography, XVIII, 128-132.

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Temperance Hall was built.(1) This building served as a social center during the 1850's, as a hospital during the Civil War, and as the first school for Negroes in Columbus after the war.(2)

In 1830 a debating society was organized and nearly a decade later the "Columbus Lyceum, for the promotion of General Literature" was incorporated. (3) In 1831 the Muscogee Bible Society began to distribute Bibles to the destitute.(4) Like most of the other cities in Georgia, Columbus had its Hibernian Society for the Irish, and its St. Andrews Society for the Scotch. The members of both organizations could be counted on to appear decked in their regalia on festive occasions such as the Fourth of July.(5) The Odd Fellows and the Masons both built halls in which to hold their meetings.(6)

Amusements

An early interest was manifested in Columbus in dramatics, and as might be expected the frontier community was partial to comedies and farces. Sol. Smith, the travelling actor and theatrical manager, came to the town in 1832. Not finding a building to suit his taste, he had one erected in three days, and on the fourth day presented the drama Pizarro. To take the part of Peruvian soldiers, he hired 24 Creek Indians "to furnish their own bows, arrows, and tomahawks—at fifty cents each and a glass of whiskey." The whiskey was paid in advance and the Indians put on a show not called for in the script, "performing the most extraordinary feats ever exhibited on a stage...." The following night Macbeth was presented, without the help of the Creeks. Mirabeau B. Lamar, a friend of Smith, praised his efforts in spite of the fact that "he often lowers comedy to a farce, and brings farce to the bounds of buffoonery."(7)

Other entertainments took place in Columbus. Yeaman's Circus stopped there in 1833, and the following year the Siamese Twins were exhibited.(8) In 1836 a "new and fashionable" theater was erected, which was 40 x 80 feet in size and would accommodate four hundred people.(9) The interest in theatrical presentations continued, and in 1852 a dramatic society of local talent, the Histrionics, produced Lamorah; or, The Western Wild, written by a resident of Columbus, Mrs. Caroline Lee Hentz.(10)

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1) Martin, op. cit., pt. 1, p. 20; pt. 2, pp. 36, 50. A great celebration marked the dedication of Temperance Hall. Many speeches were made, and the Glee Club gave some of its best performances, followed by "one of the most sumptuous suppers ever spread by the 'Ladies of Columbus.'" The Southern Sentinel (Columbus), January 16, 1851.
2) Telfair, op. cit., 72, 102.
3) Martin, op. cit., pt. 1, pp. 23, 102; Ga. Acts 1838, p. 16.
4) Martin, op. cit., pt. 1, p. 29.
5) Ibid., 121.
6) Ibid., pt. 2, pp. 27, 95.
7) Telfair, op. cit., 47-49; Martin, op. cit., pt. 1, pp. 37, 44.
8) Martin, op. cit., pt. 1, pp. 44, 48.
9) Ibid., 87.
10) Telfair, op. cit., 90; Martin, op. cit., pt. 2, p. 58. A typical entertainment of the times is shown by the following advertisement from The

One of the most important sports which interested Muscogeans was horse racing. A municipal course was opened in Columbus in 1834, and throughout the ante-bellum period races were frequent and popular events. The racing season generally began around the Christmas holidays, after crops had been gathered and money was available.(1) A race long to be remembered by the spectators took place in 1857 on the Chattahoochee Course. The horses Charleston, Frankfort, and Sue Washington, participated in the four-mile race for a $2,250 purse. The favorite fell by the wayside, Sue Washington won, and the third horse died of exhaustion immediately afterwards.(2)

There were other amusements less refined than the theater and horse racing. One cock fight in Columbus lasted for three days. Fights among the citizens of Muscogee frequently occured, taking the form of duels among the elite and of fist fights and gougings among the less polished elements of society.(3

Charities

By Georgia law the care of the poor and of orphans of the county fell under the jurisdiction of the inferior court.(4) The inferior court of Muscogee issued orders to the treasurer of the county to pay various sums to guardians of paupers. For example, the court granted fifty dollars a year payable quarterly to Alexander Moss for the use of Elizabeth Cook, a pauper. (5) In 1840 the court levied a tax for the support of the poor, and a few years later appointed three overseers of the poor in each militia district to investigate the requests of the needy and report to the court.(6) Money for the use of the poor was thereafter handed over by the court to the overseers instead of to guardians.(7) In 1845 the court appropriated $678 to care for a total of twenty cases of poverty.(8) In the following year, the inferior court separated its fund, granting $600 to the mayor and council of Columbus to care for the poor in the two militia districts comprising the city. The districts outside the city were given $560 for twenty-two cases, making a total appropriation for the poor in that year of 1,160.(9)

A movement for a county poorhouse culminated in the incorporation of the Muscogee Asylum for the Poor by the legislature in 1847. The project was

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Southern Sentinel, October 30, 1851: "OLD JOE SWEENEY, The First Banjo Player in the World, and his Operatic Troupe Virginia Minstrels . . will give a series of their chaste ETHIOPIAN SOIREES, Vocal Instrumental and Operatic."

1) Martin, op. cit., pt. 1, pp. 47, 56; pt. 2, pp. 95, 96.
2) Ibid., pt. 2, pp. 95, 96.
3) Telfair, op. cit., 46, 47.
4) Oliver H. Prince, A Digest of the Laws of the State of Georgia...Now in Force, Which Have Been Passed in This State, Previous to the Session of the General Assembly of December, 1837..., Second Edition (Athens, 1837), 239.
5) Minutes, Commissioners Court, vol. A, 1838-57, p. 2, see entry 1.
6) Ibid., 24, 86.
7) Ibid., 97.
8) Ibid., 101.
9) Ibid., 128.

sponsored by the inferior court and the city council, which bodies were to hold joint meetings each year "on the second Saturday in January..., and elect Trustees, who shall continue in office one year."(1) In 1850 the trustees purchased land east of Columbus for $1500 on which to erect the building.(2) Six years later the asylum was burned,(3) but apparently a new one was erected, for in 1861 the asylum received $3200 from the inferior court.(4) The institution was finally abolished in 1931 by action of the General Assembly.(5)

Other charities were supported by private subscription. Early in 1840 a group of ladies of the Methodist Church formed a benevolent and educational association to aid indigent females. For a number of years most of the funds raised by the society went towards the relief of physical suffering. In 1845 the society was incorporated as the Ladies' Education and Benevolent Society of the Methodist Episcopal Church. A brick building was erected at the cost of $1,000 upon a portion of the commons donated by the city council, and in the spring of 1845 the institution began operation with the admission of a matron and four orphans. Funds were raised by needlework of the ladies and through annual offerings. Later a method of annual subscriptions was adopted. The building was enlarged and by 1852 twenty children were under the care of the asylum. Members of other religious denominations were admitted to the charitable society.(6) The Female Orphan Asylum was destroyed by fire in 1852, but a fund of $1700 was quickly raised to rebuild the structure.(7)

Schools

There were no public schools in the modern sense in ante-bellum Georgia. Private teachers, both men and women, quickly found their way to Muscogee County after its creation.(8) One of the characteristic educational institutions of the period was the academy. No less than 10 such institutions in Muscogee were incorporated by the General Assembly during the 1830's.(9) These schools met with varying degrees of success, some undoubtedly existing for only a short time. Others gained quite a reputation as institutions of learning and lasted for years. Certainly in quality they were infinitely better than the common or poor schools.

The Muscogee Academy was incorporated in the year of the founding of Columbus,(10) but did not actually begin operation until later. It was

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1) Ga. Acts 1847, p. 133.
2) Deed Record, vol. E, p. 477, see entry 29.
3) Martin, op. cit., pt. 2, p. 89.
4) Minutes, Commissioners Court, 1857-71, vol. B, p. 192, see entry 1.
5) Ga. Acts 1931, p. 1043.
6) White, Historical Collections of Georgia, 569; Ga. Acts 1845, pp. 131, 132; Martin, op. cit., pt. 2, p. 6.
7) Martin, op. cit., pt. 2, p. 59.
8) Telfair, op. cit., 71.
9) Ga. Acts 1832, p. 3; 1833, p. 25; 1835, p. 14; 1836, p. 4; 1837, pp. 1, 2; 1838, p. 7; 1839, p. 5.
10) Ga. Acts 1828, p. 14.

divided into two branches, a male academy and a female academy. The original plan of the town provided for two squares for the academies.(1) The Female Academy was opened in 1832 under the supervision of Miss Frances Gunby and Miss Griggs. In the same year the Male Academy was under the direction of Rev. John Baker, the Presbyterian clergyman.(2) Miss Gunby, who was later married to James N. Bethune, had charge of the Female Academy, or Seminary, for a great many years.(3)

There were a number of other schools in Columbus besides Muscogee Academy As early as 1832 a music and painting school was established and C. J. McCleskey was operating an "infant school."(4) In 1844 a number of varied educational institutions existed. A high school for boys was under the charge of Dr. Andrews. Rev. T. B. Slade had begun Slade Female Institute, which sustained a good reputation for many years. An "English and Classical School" was operated by H. H. McQueen, and a "Classical and Mathematical School" by W. B. Leary. In the suburb of Wynnton there was a male and female academy. In addition, Mr. O'Hara and his daughters were engaged in teaching.(5) In 1851 two Frenchmen were advertising lessons in French and Spanish, taught according to the latest methods. One, Oscar de Boncard, had a night class for young men in French for which he charged each individual five cents for an hour's instructions.(6)

The efforts of the State Government of Georgia to aid public education were half-hearted and practically ineffectual, to say the least. The first State funds to Muscogee County for the aid of children "totally or partially unable to obtain their education" was granted in 1830. The amount was $191.23 for the years 1828 and 1829.(7) In 1837 the General Assembly passed an act "to establish a general system of Education by Common Schools...." This act provided for the consolidation of State funds for academies and the poor school fund, and for five school commissioners in each school division, whose duty it was to lay out school districts closely conforming with the militia districts of the county. The funds received by the county for education shoul be divided among the districts in proportion to the number of children between the ages of five and fifteen, and the commissioners must make an annual report to the Governor. Trustees were to be elected in each district to direct education there. The law was to become effective in 1839.(8) Each county was made a common school division, and the inferior courts were given authority to appoint five commissioners in each county and to levy extra taxes to supplement the common school fund.(9)

The inferior court of Muscogee County appointed Rev. Thomas Goulding, Marshall J. Wellborn, Thomas G. Foster, John Bethune, and James M. Chambers

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1) Phelan, Plan of Columbus.
2) Martin, op. cit., pt. 1, p. 36.
3) Ibid., 151.
4) Ibid., 36.
5) Ibid., 151, 152, 166.
6) The Southern Sentinel, March 6 and March 20, 1851.
7) Ga. Acts 1830, Appendix, p. 9.
8) Ga. Acts 1837, pp. 94-99.
9) Ga. Acts 1838, pp. 96-98.

as commissioners of county schools on March 4, 1839.(1) The common school fund was changed to the "poor school fund" in 1840, and provision was made for its distribution by the commissioners. The act required the justices of the peace "to make out a list of the children in their respective districts between the age of six and fifteen years, whose indigence...entitle them to a participation in the poor school fund...." Provision was made also for quarterly examinations of the children of the schools. If the examiners thought that "reasonable progress" had not been made, the commissioners were ordered not to pay the teacher in charge.(2)

In 1852 the court of ordinary was established in each county of the State and the ordinaries were made ex officio school commissioners for the respective counties. Each was required to levy a tax for educating the poor and to make an annual list of all children of the county between the ages of eight and sixteen years whom he deemed unable to obtain a plain English education.(3)

The "poor school" system was inadequate. In 1846 there were 413 "poor" children listed in Muscogee County,(4) and three years later, 485, with an educational fund of $420.63.(5) In the State there were 38,536 listed in 1852 and a fund of $23,096. The fund afforded Muscogee County about one and two-fifths cents a day for each of its poor children.(6)

The people of Muscogee County were more eager to support a public school system than were other counties in the State. The county levied a twenty percent school tax on the State tax. The refusal of the State to make adequate provisions for schools led to a movement for better schools, headed by prominent men in Muscogee County. The Southern School Journal began publication in Columbus in January 1853. It was the only such publication in the South and could be had for one dollar a year. Thomas F. Scott, the editor, was a Columbus clergyman. The periodical was strong in its attacks on the common school system. Scott said that it was "perfectly notorious that many, many of those who thus pretended to teach, and who receive pay, are utterly incompetent to impart the merest rudiments of common education." He added that the ordinaries told him that some of these teachers could not even make out the vouchers for money due them for teaching poor children and "that this evidence of incompetency is humiliating to the last degree."(7)

The Southern School Journal issued a call for the formation of county educational associations to press the needs of the common schools of the State. Muscogee County responded immediately, and on February 26, 1853, the Muscogee County Association was formed. This association suggested the formation of a State teachers' organization. Scott called a meeting of the teachers of the

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1) Minutes, Commissioners Court, vol. A, 1838-57, pp. 8, 9, see entry 1.
2) Ga. Acts 1840, pp. 61-65.
3) Ga. Acts 1851-52, pp. 2, 3.
4) Minutes, Commissioners Court, vol. A, 1838-57, p. 137, see entry 1.
5) White, Statistics of Georgia, 449.
6) E. Morton Coulter, "A Georgia Educational Movement During the Eighteen Hundred Fifties," in The Georgia Historical Quarterly, IX, No. 2 (March, 1925), 4.
7) Ibid., 4, 5, 13.

State to take place in Griffin in August 1854 where the Georgia State Teacher Association was formed. The influence of Muscogee County in this educational movement is seen by the election of T. B. Slade as president of the association. The appeals of the leaders for a public school system, however, fell on deaf ears, and both the association and the Southern School Journal passed into oblivion in 1855.(1)

In 1859 the State provided for a board of education in each county to consist of the justices of the inferior court and the ordinary, and some othe person selected by them. It was the duty of the board to disburse school fun and to act as an examining board for all teachers.(2) An earlier law had required that teachers participating in the benefits of the school fund should obtain a certificate of a board of examiners,(3) and the inferior court of Muscogee County had appointed such a board.(4)

In spite of the various and confusing provisions of the State in regard to education, the real development of a State-supported public school system did not take place until after the Civil War. During the ante-bellum period the State was unwilling to provide more than a rudimentary education of questionable value for its youth.

Newspapers

The Columbus Enquirer was founded in 1828 by Mirabeau B. Lamar, who edited the paper for the first two years of its existence and for a while in 1834. Under various owners the paper was edited by Henry W. Hilliard, James Bethune, S. M. Flournoy, and John H. Martin. From 1834 to 1857, Flournoy, an ardent Whig, was editor. Later, Martin took over the editor's chair and kept it until 1876.(5) The Enquirer was first published weekly, then tri-weekly, and finally became a daily in 1858.(6)

In 1830 the Columbus Democrat began publication under the editorship of Cosam Emir Bartlett.(7) But the most important Democratic paper during the period was the Columbus Times, which combined with the Southern Sentinel to form the Times and Sentinel. It was edited by Tenant Lomax, a prominent figure in State Democratic circles, and later by A. R. Lamar.(8)

During the 1850's one of the most interesting papers in the South was The Corner Stone, edited by James N. Bethune. The paper was ardently Southern in tone, and was the first newspaper in the South to advocate consistently immediate secession of the Southern States and the formation of a Southern confederacy.(9) The first daily newspaper was the Daily Sun, which was establish

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1) Ibid., 14, 18, 30, 31.
2) Ga. Acts 1859, pp. 29, 30.
3) Ga. Acts 1858, p. 51.
4) Minutes, Commissioners Court, vol. B, 1858-71, p. 58, see entry 1.
5) I. W. Avery, The History of the State of Georgia. From 1850 to 1881... (New York, c. 1881), 611; Martin, op. cit., pt. 1, pp. 24, 44.
6) Martin, op. cit., pt. 2, pp. 82, 93.
7) Ibid., pt. 1, pp. 23, 40.
8) Ibid., pt. 2, p. 82; Telfair, op. cit., 97, 98.
9) Martin, op. cit., pt. 2, p. 93; Telfair, op. cit., 92, 93.

in 1855 and edited by Thomas DeWolf. This paper was combined with the Enquirer as the Enquirer-Sun in 1875.(1)

During the crisis of 1860 the newspapers of Columbus were divided as to the course they thought Georgia should pursue. The Times advocated immediate secession; the Enquirer favored a policy of cooperation, looking toward simultaneous action by all the Southern States; and the two editors of the Sun were divided in their views.(2)

Other Publications

There was considerable interest in Muscogee County and the surrounding region during the 1840's and 1850's in agricultural improvement. The Georgia-Alabama Agricultural Society was formed and generally held annual fairs in Columbus.(3) This interest was manifested in two agricultural publications. The Southern Planter was published for a while by C. E. Bartlett on his farm near Columbus.(4) One of the influential agricultural publications in the South was the Soil of the South, published during the 1850's. It was "A Monthly Journal, Devoted to Agriculture, Horticulture, Domestic and Rural Economy" edited by Charles A Peabody and Col. James M. Chambers under the auspices of the Muscogee and Russell County Agricultural Society.(5)

Several writers in Muscogee County were making themselves known to the world. Mrs. Caroline Lee Hentz wrote plays and published several novels while making her home in Columbus.(6) One of these, Linda, went through six editions in fourteen months.(7) Dr. Francis O. Ticknor, whose home "Torch Hill" was seven miles south of Columbus, was writing articles for southern periodicals and was soon to gain fame as a poet, especially as the author of "Little Giffin of Tennessee," based on his experiences as supervisor of Confederate hospital work in Columbus.(8) Just before the war, Augusta Jane Evans, a native of Muscogee, was beginning to make her reputation as a prolific writer of novels.(9)

Political Development

In the ante-bellum years the citizens of Muscogee took their politics seriously. A political campaign was the signal for exciting times—meetings, speeches, barbecues, and frequently much rowdiness, fighting, and duels. Early in the history of the county feeling between the Troup and Clark parties was very intense. Major Joseph T. Camp, a Clark man, engaged in an affair of honor in 1832 with Sowell Woolfolk, the State senator from Muscogee, in which

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1) Martin, op. cit., pt. 2. p. 82; Avery, op. cit., 611.
2) Martin, op. cit., pt. 2, p. 120.
3) Ibid., 58, 60.
4) Ibid., pt. 1, p. 55.
5) The Soil of the South, I (January, 1851), 1, 16.
6) Telfair, Telfair, op. cit., 90.
7) The Southern Sentinel, August 7, 1851.
8) Dictionary of American Biography, XVIII, 525.
9) Ibid., VI, 195, 196.

the latter was killed. Later Camp killed Colonel John Milton, a Troupite, after a bitter newspaper controversy.(1)

The county voted overwhelmingly for Andrew Jackson in 1828 and in 1832. Harrison, the Whig candidate, carried the county by 200 votes in 1840, and the Whigs were again successful in Muscogee in 1848.(2) The visits of prominent politicians called forth public dinners and speeches. In March 1844 Henry Clay visited Columbus for two days, arriving from Montgomery by stagecoach.(3) At least two ex-Presidents of the United States visited the county James Knox Polk arrived with his wife and nieces on March 15, 1849, and was treated to a round of speeches, dinners, and toasts.(4) In 1854 Millard Fillmore, accompanied by John Pendleton Kennedy, the writer, made a visit to the city.(5)

The county produced a number of political figures, most of whom were members of the Columbus bar. Seaborn Jones served as solicitor of the Ocmulgee Circuit and as Solicitor General of Georgia. After removing to Columbus, he was twice elected to Congress as a Democrat.(6) Thomas F. Foster, a Whig in politics, was also a Member of Congress.(7)

Walter T. Colquitt was a prominent citizen of Muscogee from the creation of the county. He was the first judge of the Chattahoochee Circuit, served in the State Senate, and was elected to Congress as a State-Rights Whig in 1838. Four years later, he was sent to the Senate of the United States as a Democrat but resigned in 1848 for unknown reasons. Colquitt, in addition to his political activities, frequently occupied the Methodist pulpit in Columbus.(8)

Hines Holt, a member at various times of the State Senate and House of Representatives, was also a Whig Member of Congress, and later served from 1862 to 1864 in the Confederate Congress.(9) Martin J. Crawford moved to Columbus in 1849 and became leader of the State-Rights group. He was a delegate to the Nashville Convention in 1850, judge of the Chattahoochee Circuit, and Member of Congress. He served the Confederate Government in various capacities, and at the time of his death was an Associate Justice of the Supreme Court of Georgia.(10) Alfred Iverson, twice judge of the Chattahoochee Circuit represented Georgia, together with Robert Toombs, in the United States Senate during the exciting fifties.(11)

Muscogee County gave to the State its most vigorous defenders of Southern

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1) Martin, op. cit., pt. 1, pp. 32, 40, 41.
2) Ibid., 15, 36, 106.
3) Ibid., 149, 150.
4) Ibid., pt. 2, pp. 37, 38.
5) Ibid., 74, 75.
6) Biographical Directory of the American Congress, 1774-1927 (Washington, 1928), 1164.
7) Ibid., 984.
8) Dictionary of American Biography, IV, 316.
9) Biographical Directory of Congress, 1110.
10) Dictionary of American Biography, IV, 523.
11) Ibid., IX, 517, 518.

rights--Colquitt, Crawford, Iverson, and Benning. Henry Lewis Benning was the leader of that group in Georgia which opposed the compromise measures of 1850. He made himself clear as to the course he thought the South should follow in a letter of July 1, 1849 to Howell Cobb. Benning contended that the only safe course for the South was immediate dissolution of the Union. He pointed out that the anti-slavery element was gaining a preponderance in national affairs and that there was a danger of the abolition of slavery by this group through an act of Congress. A Southern confederacy was not enough. The Border States were rapidly ridding themselves of their slaves, and, as time went on in such a confederacy, another North and South would soon develop. "The only thing that will do...," said Benning, "is a consolidated Republic formed of the Southern States. That will put slavery under the control of those most interested in it, and nothing else will...."(1)

Benning, as well as Crawford, was a delegate to the Nashville Convention of 1850. He was responsible for the resolution that the South would accept nothing short of an extension of the Missouri Compromise line as a basis for the settlement of the sectional controversy.(2) The extreme position of Benning, Colquitt, and Crawford, however, was opposed by Robert Toombs, Alexander Stephens, and Howell Cobb. The latter group was successful, and Georgia remained in the Union in 1850 by accepting the compromise measures proposed in Congress. In the election which followed, even Muscogee County voted the Union ticket, which led the Columbus Times to remark that "the Yankees, Foreigners and Traitors carried the Union ticket."(3)

Benning retained his views, however, in spite of defeat by James Johnson in the congressional election of 1850. As a Justice of the Supreme Court of Georgia, he delivered an opinion of 80 pages contending that a State Supreme Court was not bound by a decision of the Supreme Court of the United States, but that those bodies were "coordinate and co-equal."(4) Most of the political figures of Muscogee, it seems, took the extreme position in the defense of Southern rights. Alfred Iverson made a speech at Griffin on July 14, 1859, which broke the temporary calm in public affairs and foreshadowed the train of events which led directly to the secession of the State. He told of the weakness of Northern Democrats and predicted the election of a Republican President in 1860, declaring that in such an event a confederacy of the Southern States should be formed. By this speech Iverson lost his political prestige. At the time it was thought that his fears were unjustified, but events of the following few months proved his assertions to be well founded.(5)

Negro Slavery

Muscogee County and the surrounding counties depended largely on Negro

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1) Ulrich B. Phillips, editor, The Correspondence of Robert Toombs, Alexander H. Stephens, and Howell Cobb (Volume II of the Annual Report of the American Historical Association for the Year 1911) (Washington, 1913), 171; Dictionary of American Biography, II, 202-204.
2) Dictionary of American Biography, II, 203.
3) Quoted in Richard H. Shryock, Georgia and the Union in 1850 (Durham, North Carolina, c. 1926), 321.
4) Dictionary of American Biography, II, 203.
5) Ulrich B. Phillips, Georgia and State Rights (Washington, 1902), 185, 186.

slave labor for the rapid agricultural development of the region before the Civil War. Like other counties in the "Black Belt" of Georgia which had cities of considerable size,(1) the white population of Muscogee was always larger than the colored population. In 1830 slaves accounted for over 35 percent of the total population of the county, and by 1860 the proportion of Negroes held in bondage had increased to nearly 45 percent of the total.(2) However, the overwhelmingly agricultural counties surrounding Muscogee contained a majority of Negroes. The free Negroes of Muscogee County increased from 8 in 1830 to 173 in 1860.(3) According to law free persons of color had to have guardians appointed by the inferior court.(4)

Columbus was a considerable market for slaves which were needed to till the new lands being opened up in the southwest. On entering Columbus in 1846, the first sight which Sir Charles Lyell saw was "a long line of negroes men, women, and boys, well dressed and very merry, talking and laughing...." This was a gang of slaves from Virginia "going to the market to be sold."(5) Many slaves were sold in Columbus and many others passed through on their way to the markets in New Orleans and Natchez. In 1851 "Clayton & Wilkins, Auctioneers," advertised the sale of between 40 and 50 Negroes "in front of the 'Shylock Building,' on Randolph street...."(6) A. K. Ayer had an auction house in Columbus and in the rear of his residence was a slave pen enclosed by a high brick wall on the top of which were broken bits of glass to prevent his Negroes from running away.(7) Colonel Allen C. McGehee was probably the best known slave dealer in Muscogee County. He was one of a group of four men who purchased the famous ship Wanderer, which made two trips to Africa in 1858 and 1859 and brought back 1,300 Negroes. The first trip was supposed to have brought the owners over $40,000 clear profit. Since such activities were contrary to the laws of the United States, McGehee and a planter who had bought some of the smuggled slaves were arrested; but for want of evidence no conviction could be obtained. Colonel McGehee later was an agent of the Confederate Government in Muscogee and the neighboring counties for the impressment of slaves to work on the fortifications at Savannah.(8).

The effects of the presence of the Negro in the South were tremendous. Among other things, slavery made possible the rapid clearing and cultivation of the soil which led to severe erosion. Only twenty years after the opening of Muscogee County, one man noted that the land had been "cut by torrents, so that deep gulleys may every where be seen...." A great proportion of the fish which had been so abundant in the Chattahoochee River had been stifled by the mud.(9) Some of the owners of cotton factories in the county told Lyell that

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1) Particularly Richmond (Augusta) and Bibb (Macon).
2) See Population of Muscogee County, infra, p. 54. Also see Phillips, Georgia and State Rights, Plate X, opposite p. 206.
3) See Population of Muscogee County, infra, p. 54.
4) E.g., Minutes, Commissioners Court, Vol. B, 1857-71, pp. 48, 57, 75, see entry 1.
5) Lyell, op. cit., II, 35.
6) The Southern Sentinel, January 16, 1851.
7) Tolfair, op. cit., 112.
8) Ibid., 112-115.
9) Lyell, op. cit., II, 36.

they hoped "by excluding colored men...from all participation in the business, to render it a genteel employment for white operatives...." Northerners, who had come to Columbus in the interest of manufacturing, were "struck with the difficulty...in raising money...by small shares, for the building of mills." They found that "all spare cash is sunk...in purchasing negroes. In order to get a week's work done for you, you must buy a negro out and out for life."(1)

Military Activities, 1829-1860

The Creek War

The proximity of Muscogee County to the Indian lands in Alabama made the early formation of military companies a necessity. In 1829 two volunteer companies were formed at Columbus, the Frontier Guards and the Columbus Fencibles. No serious trouble, however, seemed to come up for these organizations to quell, and most of their activity was confined to drilling and disporting themselves in their regalia on public occasions.(2) In 1831 the Fencibles disbanded and a new company, the Columbus Musketeers, was organized.(3)

The Creek Indians frequently came across the Chattahoochee River into Georgia in search of food or just to pass the time of day. They were generally considered to be harmless, except for petty thievery. In 1834 a stranger in Columbus observed that the streets were "swarming with drunken Indians...." (4) However, as the work of removing them from Alabama to reservations in the West began, many of them became discontented and announced their intention to resist removal.

Conflict with the settlers who had pushed into the Indian lands was sure to take place. Outrages were reported early in 1835. The citizens of Columbus held a meeting on April 25 to devise a plan to protect themselves against possible Indian attacks. It was decided that the men of the town should divide themselves into groups of 10 to do patrol duty.(5) The State of Georgia also took notice of the impending trouble and the General Assembly late in 1835 passed an act taking the Columbus Guards into the State service.(6) The company had been organized in May of that year. On January 1, 1836, it was mustered into the service of the United States from which it was honorably discharged the following September, after the Creek trouble had been suppressed.(7) Three other local military companies, the Cadet Rifles, the Muscogee Blues, and the Muscogee Artillery Company, were formed to protect the citizens against the Creeks.(8)

The first sign of trouble on the Georgia side of the river came in February 1836 when a report was circulated in the county that 500 Indians had

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1) Ibid., 36, 37.
2) Martin, op. cit., pt. 1, pp. 21, 24.
3) Ibid., 29.
4) Featherstonhaugh, op. cit., 153.
5) Martin, op. cit., pt. 1, pp. 52-54.
6) Ga. Acts 1835, pp. 289, 290.
7) Martin, op. cit., pt. 1, p. 54.
8) Ibid., 59.

crossed the river 15 miles below Columbus. A group of 22 men was sent to investigate, and found a party of 40 armed Indians. After some firing on both sides, the detachment returned to Columbus, having lost two of their men.(1)

The city council of Columbus took action by ordering the public arms to be put in order "for immediate use...." A place of rendezvous was named to which the citizens should gather in case of an alarm. Four of the guard were ordered to "be stationed at the Bridge two at each end each armed with a good musket and ammunition and in case of an attack or alarm by the Indians, the Capt. of the Guard shall cause the bell at the Market House to be rung, the drum rolled through the streets and the cannon fired at the Bridge."(2)

In May the hostility of the Creeks became intense and rumors floated about increasing the excitement among the people. Several men from Muscogee were killed in Alabama and Negroes were stolen from a number of farms. The Indians even made an attack on the steamboat Hyperion as she was ascending the river. Rev. Ignatius A. Few, one of the original commissioners of the town, received the news of this atrocity in the pulpit of his church. He remained calm, broke the news to his congregation, and immediately formed a volunteer company in the church, of which he himself was elected captain.(3) During the same months two attacks in Alabama on the stages, which ran between Columbus and Montgomery, added fuel to the flames.(4)

General Winfield Scott arrived in Columbus in May, fresh from his campaign against the Seminoles in Florida. The Oglethorpe House served as headquarters and barracks for the volunteers, who gathered from over the State. Scott found the soldiers for the most part unarmed and with no ammunition. Supplies which were ordered from the arsenal in Augusta were delayed in arriving.(5)

Meanwhile, the Creeks began to attact indiscriminately the people of Alabama, burning their homes and supplies, and carrying away their Negro slaves. Refugees on horseback, in wagons, and on foot, flocked across the bridge into Columbus. The town was crowded with other people who had come there from the east with the expectation of rushing into the territory when the Indians were finally removed. To add to the confusion, many Indians professing themselves friends of the white people sought refuge. Fear of an attack on the town caused many of the ladies and children to remain at military headquarters during the night.(6) Most feared of all the Creeks was Jim Henry, a half-breed leader of the disaffected element.(7)

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1) Ibid., 58.
2) Records (mayor and council of Columbus), vol. 1, no page, order of April 9, 1836.
3) Martin, op. cit., pt. 1, pp. 60, 61.
4) Ibid., 61, 62.
5) (Winfield Scott), Memoirs of Lieut.-General Scott, LL.D. Written by Himself, 2 vols. (New York, 1864), I, 263; Martin, op. cit., pt. 1, p. 62.
6) Martin, op. cit., pt. 1, pp. 57, 58, 62, 63.
7) Ibid., 67-69.

(First entry, p. 129)

Historical Sketch
Military Activities, 1829-1860

General Jessup was sent to Alabama to command the forces which were gathering around Tuskegee. It was the plan of General Scott to advance on the Indians from all points at once and thus surround and capture them. There were estimated to be about seven thousand Indians in the area, of whom about a thousand were supposed to be friendly to the whites. General Jossup did not wait for the joint action prescribed by Scott, but proceeded to launch an attack from the Alabama side. Scott moved down the river on June 20 with the Georgia forces of about twenty-five hundred men, under the command of General Sanford. By the end of June, Jessup had succeeded in capturing most of the Indians, many of whom came into his camp protesting that they were opposed to the hostile Indians.(1)

Many of the Indians were turned over to the civil authorities of Alabama and Georgia for trial on charges of murder, arson, and other crimes. Most of them were eventually released for lack of evidence, among them Jim Henry. Six were hanged at Girard in connection with the attacks on the stages. Scattered brushes with small groups of Indians continued after Jossup's campaign. One body made their way into Chickasawhatchee Swamp in Baker County, Georgia, from which they were finally routed out.(2)

A half-breed, Paddy Carr, aided the whites in a notable fashion. Carr had been reared in the family of Colonel John Crowell, the Indian agent, and had acquired a considerable amount of property. When the Creeks destroyed his home and took away many of his slaves, of which he owned 70 or 80, Carr led about five hundred friendly warriors into Florida to prevent the union of the Creek and Seminole warriors.(3) Another interesting sidelight on the Creek War was the future career of Jim Henry. Years later Bishop Pierce found him living on the Creek reservation in the West under the name of Rev. James McHenry. He had become a Methodist preacher.(4)

The termination of the Creek hostilities brought about the settlement of additional rich lands in Alabama. The last detachment of Indians, a party of five hundred, left Columbus for Arkansas early in 1846, "A memorable event in the history of the settlement of this region...."(5) Columbus served as a gateway by which the settlers entered the region. The people of Muscogee County could now plant their fields, free from all fear of the Indians across the river. The favorable agricultural and commercial situation of the region greatly lessened the effects of the panic and depression which befell the nation during the following years.

Texas and the Mexican War

No part of Georgia responded more sympathetically with Texas in her fight for independence from Mexico than did Muscogee County. Two citizens of the county made themselves famous by their aid to the new republic. Mirabeau Buonaparte Lamar, who founded the first newspaper in the county, became the

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1) Scott, Memoirs, I, p. 263; Martin, op. cit., pt. 1, pp. 64, 72.
2) Martin, op. cit., pt. 1, pp. 72-75.
3) Telfair, op. cit., 62.
4) Ibid., 61.
5) Lyell, op. cit., II, 35.

second President of the Republic of Texas.(1) He frequently returned to Columbus where he was entertained at public dinners and balls. James W. Fannin, on the other hand, had a short and unhappy career. He removed to Texas with his family in 1834 and soon became active in the work of the revolutionary committees, participating in the first skirmish for the freedom of Texas. However, Fannin's fame rests on his leadership of the ill-fated expedition to Goliad.(2)

Columbus became a point of departure for Georgia volunteers who wished to aid their brothers in their fight against the Mexicans. In 1842 mass meetings were held expressing sympathy for the Texans. A group calling themselves "Coon Hunters" took passage to Apalachicola on their way to join the forces of General Sam Houston.(3) It was at Columbus that Lieutenant-Colonel Ward presented the original flag of Texas——a banner of white silk with a single blue star——to his soldiers as they were about to take their leave. The banner had been given to him by Miss Joanna Troutman, of Crawford County.(4)

Texas won her independence on the battlefield and at length was admitted to the Union in 1845. War between the United States and Mexico quickly developed over the question of the Texan boundary, and Columbus was selected as the place of rendezvous for the Georgia regiment which was raised to fight in Mexico.(5) Ten companies made up the Georgia regiment of 893 men. Augusta, Macon, and Savannah each furnished a company. A company from Pike County was significantly named the Fannin Avengers. Muscogee County furnished three companies to the regiment, the only county in the State to send more than one. The Columbus Guards, the Columbus Light Infantry, and the Crawford Guards had a total of 261 men. The city council presented the companies with $300 to help in outfitting the men. Henry R. Jackson, of Savannah, was made colonel of the Georgia regiment.(6)

The troops marched out of Columbus on Sunday, June 28, while crowds of spectators bade them farewell. They remained in Mexico for about 12 months, "but had no part in the many battles, but were engaged in many skirmishes." (7) The excitement attending the departure of the Georgia regiment was the signal for the organization of other military companies. Over a year later, a battalion of six companies of mounted volunteers left Columbus for Mexico. (8)

The interest of the people of Muscogee in military affairs continued throughout the ante-bellum period and to the present day. The county could always furnish three or four companies for State encampments.(9) Her military preparedness proved useful to the State and the Confederate Governments in the stormy years which were to follow.

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1) Dictionary of American Biography, X, 553, 554.
2) Ibid., VI, 263, 264.
3) Martin, op. cit., pt. 1, p. 128.
4) Telfair, op. cit., 74.
5) Martin, op. cit., pt. 2, p. 6.
6) Ibid., 6, 7; Telfair, op. cit., 74-78.
7) Martin, op. cit., pt. 2, pp. 6, 7; Telfair, op. cit., 75.
8) Martin, op. cit., pt. 2, pp. 12, 22, 23.
9) Ibid., 94, 104.

(First entry, p. 129)

Historical Sketch
The Civil War

The Civil War

Secession of Georgia

The stirring sectional controversies of the 1850's came to a climax in 1860 with the election of a President of the United States on a platfrorm apposing the extension of slavery. By this time politics had taken definite sectional lines which led straight to disunion and a war which was to have far reaching effects on the lives of the people of the United States. The events leading up to secession affected the people of Muscogee County as intensely as they did other regions of the South.

The Democratic Party split into two factions at Charleston in April 1860. Most of the Southern delegates withdrew from the convention when it refused to adopt the view that Congress should protect slave property in the territories. Henry L. Benning, steadfast in the position he had held for more than a decade, led the Georgia delegation from the convention hall.(1) Events thereafter moved swiftly. Three parties emerged asking the support of the Southern electorate: the "Northern" Democrats, whose candidates for President and Vice President were Stephen A. Douglas and Herschel V. Johnson, of Georgia; the "Southern" Democrats, with John C. Breckinridge and Joseph Lane on their ticket; and the Constitutional-Union Party, supporting John Bell and Edward Everett. The voters and leaders of the State were divided in their support of these three parties. Alexander H. Stephens, Robert Toombs, and Benjamin H. Hill, three outstanding political leaders of Georgia, supported Douglas, Breckinridge, and Bell, respectively, and all three delivered speeches in Columbus in support of their favorites. Douglas himself appeared with Stephens and made a speech from the porch of the Oglethorpe Hotel.(2) The political split in the Democratic Party made possible the election of Abraham Lincoln. In the minds of the people of the South, nothing worse could have happened. The fears and prophecies of such men as Benning and Iverson had become stark reality. The question remained as to what action the South would take.

Numerous meetings were held all over Georgia and resolutions sent to the State legislature, then in session. Typical of the meetings was that of "the citizens of the County of Muscogee, ignoring all party names and views...." The first resolution declared that "the election of Abraham Lincoln and Hannibal Hamlin...ought not to be, and will not be submitted to." The citizens urged the legislature "to co-operate with the Governor in calling a convention of the people to determine on the mode and measures of redress." Reflecting the economic life of the people of the county, a resolution recommended "such laws as will be likely to alleviate any unusual embarrassment of the commercial interests of the State consequent upon the present political emergency." And, finally, the legislature was asked "to take immediate steps to organize and arm the forces of the State."(3) At length, after much debating, the General Assembly decided to call a convention of the people of the State to meet at Milledgeville on January 21, 1861.(4) The election of delegates to

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1) Avery, op. cit., 115, 116.
2) Telfair, op. cit., 101.
3) The Confederate Records of the State of Georgia, Allen D. Candler, compiler, 5 vols., (Atlanta, Ga., 1909-1911), I, 92.
4) Ibid., I, 206-208.

the convention put before the people the dilemma of immediate secession of the State or cooperation of all the Southern States.

In the meantime, Muscogee County was being stirred by the course of events. A Southern Guard had been formed in which the old military companies joined. At Columbus, on the night of December 23, a brilliant illumination took place to celebrate the withdrawal of South Carolina from the Union. The various military companies, resplendent in their uniforms, emblems, and badges formed a torch-light procession through the streets. Bonfires and fireworks brought the celebration to a grand climax.(1) It seemed that the people of Muscogee were bent on Georgia's following the lead of her neighbor.

Not all of the people of the county favored immediate action. Dr. Lovick Pierce, "the powerful Methodist divine," made a political statement for the first time in his life, opposing the secession of the State. For this he was condemned by many for his inconsistency in favoring religious disunion in 1844 and opposing political disunion in 1861.(2) The secession ticket for delegates to the convention from Muscogee won over the cooperationist ticket by a vote of 944 to 459. Curiously enough the total vote of the county was considerably less than that which had been cast in the presidential election of the preceding November. Henry L. Benning, James N. Ramsey, and A. S. Rutherford were the delegates elected from the county.(3) Benning was made chairman of the convention until the election of a president, and Albert R. Lamar, also of Muscogee, was made permanent secretary.(4)

On January 19, 1861, the convention passed an ordinance repealing the ordinance whereby the people of Georgia had ratified the Constitution of the United States. It declared that the State resumed the full exercise of all its sovereign rights belonging to a free and independent State. Commissioners were sent to other Southern States to persuade them to follow the action which Georgia had taken. Henry L. Benning was sent as a commissioner to Virginia. (5) The secession of the State was warmly received in Muscogee County. Several military companies had already offered their services to Governor Joseph E. Brown. The Columbus Guards, the City Light Guards, the Georgia Grays, and the Muscogee Mounted Rangers, and Company D of the Southern Guards formed to celebrate the withdrawal of the State.(6)

In early February 1861 a provisional government of the Confederate States of America was established and Georgia took her place in the new government with the other States which had seceded. A great celebration marked the inauguration of Jefferson Davis as President of the Confederate States of America

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1) Martin, op. cit., pt. 2, p. 120.
2) Telfair, op. cit., 101, 102.
3) Martin, op. cit., pt. 2, p. 127.
4) Confederate Records of Georgia, I, 212, 216, 219.
5) Ibid., I, 330. For Benning's address before the Virginia Convention see Addresses delivered before the Virginia State Convention, by Hon. Fulton Anderson, Commissioner from Mississippi, Hon. Henry L. Benning, Commissioner from Georgia, and Hon. John S. Preston, Commissioner from South Carolina, February, 1861 (Richmond, 1861), 21-42.
6) Martin, op. cit., pt. 2, pp. 127, 128.

at Montgomery. The ladies showered bouquets on Davis and at "the head of the procession was Capt. Semme's Columbus Guards in a beautiful uniform of sky-blue pants and bright red coats carrying a banner with the Georgia Coat of Arms." They "drilled in the Zouave Tactics...at the Exchange where thousands surrounded to witness their skill."(1) At the direction of the Confederate Congress, Davis appointed three commissioners to the Government of the United States "for the purpose of negotiating friendly relations between that government and the Confederate States of America, and for the settlement of all questions upon principles of right, equity, and good faith." The chairman of the commission was Martin J. Crawford, of Columbus, and the other two members were John Forsyth, formerly a resident of Muscogee County, but then of Alabama, and A. B. Roman, of Louisiana. After about a month in Washington, during which they were not officially received by William H. Seward, the Secretary of State, the commissioners gave up in disgust. Assurances that Fort Sumter in Charleston harbor would not be reinforced were not kept by the United States Government. The commissioners addressed a note to Seward declaring that his government had not met the Confederate States in a conciliatory spirit and that "the Government of the United States meant to subjugate by the force of arms."

"Whatever may be the resort," the note went on, "impartial history will record the innocence of the Government of the Confederate States, and place the responsibility of the blood and mourning that may ensue upon those who have denied the great fundamental doctrine of American Liberty, that 'Governments derive their just powers from the consent of the governed,' and have set naval and land armaments in motion to subject the people of one portion of this land to the will of another portion." The action of the United States Government "can only be received by the world, as a declaration of war upon the Confederate States; for the President of the United States knows that Fort Sumter cannot be provisioned without the effusion of blood. The undersigned, in behalf of their Government and people, accept the gauge of battle thus thrown down to them; and appealing to God and the judgment of mankind for the righteousness of their cause, the people of the Confederate States will defend their liberties to the last against this flagrant and open attempt at their subjugation to sectional power."(2)

And thus ended the last attempt at peace. Both sections stood by their arms.

Muscogee County in 1860

Muscogee County had seen prosperous days during the 1850's and by the end of the decade was in a position to lend considerable aid to the Confederate Government. In 1860 the county had a population of 17,039, of which over 9,000 were within the corporate limits of the city of Columbus.(3) According to the tax returns of the county for the same year, there were 1,983 acres of first quality land; 2,568 of second quality; 27,926 of third quality; and

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1) "The Correspondence of Thomas Reade Rootes Cobb, 1860-1862," in Publications of the Southern History Association, XI, No. 3 (May, 1907), 182, 183 letter of Thomas R. R. Cobb to his wife, Montgomery, February 18, 1861.
2) Quoted in Telfair, op. cit., 104-107.
3) See Population of Muscogee County, infra, p. 54.

176,883 acres of pine land. The assessed value of land was placed at $1,800,474, while that of city property amounted to $2,415,625. The value of slaves in the county had reached $4,203,350; the amount of money and solvent debts, over three millions; and merchandise, over a million. The total amount of the tax returns for the year was placed at $13,687,486.(1)

The industry of the county, especially cotton textiles, was flourishing. In view of the scarcity of factories in the South, the plants in and around Columbus were to prove of much value during the long war soon to come.

Military Affairs, 1861-1865

The people of Muscogee County did their share in furnishing troops to the State and to the Confederacy. Company D of the Southern Guard left Columbus on April 1, at the call of Governor Brown, in response to a requisition of President Davis for two thousand Georgia troops. The company was incorporated in the First Georgia Regiment at Macon. James N. Ramsey was elected colonel of the regiment which was sent immediately to Pensacola.(2)

The Columbus Guards, composed of 112 men, left the city on April 15 for Savannah. There it became Company G of the Second Georgia Regiment. Paul J. Semmes was made colonel of this unit. The regiment was first sent to Brunswick, where the Guards were made into two companies, A and B. In July 1861 it was sent to Virginia where it was attached to Toomb's Georgia Brigade. From April 1862 until Lee's surrender at Appomattox, the regiment was active on the battlefield. Only 13 of the original members of the Guards remained to witness the surrender. During the war Semmes was raised to the rank of brigadier general. He distinguished himself at Malvern Hill, Sharpsburg, Fredericksburg, Chancellorsville, and was mortally wounded at Gettysburg.(3)

Before the end of 1861, 15 additional companies left Columbus for service on various fronts. In addition, the Home Guard was formed, whose 90 members were men from 45 to 70 years of age. They were to see that things went smoothly in the county and to defend their homes should the Federal troops make an attack by way of the Chattahoochee River.(4) On April 20, 1861, the City Light Guards left for Norfolk, Virginia, to join the Second Georgia Battalion of Infantry. The company served at Norfolk, Goldsboro, and Wilmington, North Carolina.(5)

The Georgia Grays went to Macon on May 7, and became a part of the Fifth Georgia Regiment. Sent at first to Pensacola, the company later opposed

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1) Martin, op. cit., pt. 2, p. 119; Telfair, op. cit., 111, 112.
2) Martin, op. cit., pt. 2, pp. 128, 129.
3) Ibid., 129-132; Joseph T. Derry, Georgia, Volume IV of Confederate Military History, A Library of Confederate States History, in Twelve Volumes, Written by Distinguished Men of the South, and Edited by Gen. Clement A. Evans of Georgia (Atlanta, Ga., 1899), 435, 436, hereafter cited as Derry, Georgia.
4) Martin, op. cit., pt. 2, p. 132.
5) Ibid., 132.

Historical Sketch
The Civil War

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Rosecrans and Sherman at Murfreesboro and Chickamauga.(1) The Confederate States Sentinels composed of 71 men from the county outside Columbus entrained for Richmond to join the Confederate army on May 23. Five days later Company G of the Southern Guard also left for the same destination. The Border Rangers, made up of men from Muscogee and Harris Counties, as well as from Russell County, Alabama, left on June 18. During the latter part of July, the Jackson Avengers, the Ivey Guards, and the Semmes Guards left for Virginia. (2)

In July 1861 the inferior court of Muscogee County began aiding the formation of military companies. On July 20 certain citizens of the county went on the bond of the justices of the court to secure them against later action. The court then passed an order for the county treasurer to pay the officers of the Semmes Guards one thousand dollars to be used for "equipping and provisioning the men of said Company up to the time of their departure for Virginia." By a similar arrangement on the following day, the court passed an order for another thousand dollars payable to John R. Ivey for the Ivey Guards.(3) The policy of the court soon changed, however, and on August 14 it granted $15 to each of the 36 members of the Georgia Guards.(4) From then on the court paid the bonus of $15 to each man who enlisted in a company forming for Confederate service, provided that he were a citizen of the county. On September 14 the court issued a standing order that $15 should be paid each citizen of Muscogee on being mustered into the service of the Confederate States.(5)

The formation of companies went on, but at a slower pace. The Columbus Volunteers left on August 14 and formed a part of the Seventeenth Georgia Volunteers of which Henry L. Benning was made colonel. The company served under General Longstreet and was present at the surrender of Appomattox. Benning was raised to the rank of a brigadier general, was severely wounded, and for his bravery was given the sobriquet "Old Rock."(6) He became the outstanding military hero of the war from Muscogee County.

The Georgia Guards, the Georgia Light Infantry, the Terrell Artillery, and the Columbus Flying Artillery all left Columbus before the end of 1861. (7) During 1862 more companies were formed and left home for the battle fronts. The Muscogee Volunteers and the Price Volunteers departed in March. Company A of the Third Georgia Cavalry went into service early in the year with the distinguished Martin J. Crawford in command. The Columbus Rebels became Company C of the Ninth Georgia Battalion of Artillery at Atlanta in April 1862, soon left for Virginia, and participated in the Kentucky campaign, in the fighting around Knoxville and Chickamauga, and finally in the surrender at Appomattox. The Columbus Minute Boys was in the service of the State for six months and in May was reorganized for Confederate service. The Mounted

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1) Ibid., 134-136.
2) Ibid., 136-139.
3) Bond Book (County Officials), vol. A, pp. 172, 173, see entry 212.
4) Minutes, Commissioners Court, vol. B, 1857-71, p. 116, see entry 1.
5) Ibid., 118.
6) Martin, op. cit., pt. 2, pp. 139-141; Derry, Georgia, 395-398.
7) Martin, op. cit., pt. 2, pp. 141, 142.

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Partizan Rangers left Columbus for Wilson, North Carolina, on August 11.(1)

During 1863 several companies were organized to fight nearer home. One left in February to aid in the defense of Savannah. In March another company formed to join Colonel Evans' regiment for the Florida service. At the call of Governor Brown, a regiment was raised from Muscogee and the neighboring counties for local defense.(2)

Muscogee County in War Times

Actual armed conflict and bloodshed did not touch Muscogee County until the very last days of the war. There were, however, always the casualty lists of those who died in Virginia and elsewhere to bring the struggle home to the people. The war changed the pattern of life of the people to a considerable degree. The absence of so many men from their work and their families presented problems which had to be solved. Provisions for the soldiers as well as munitions of war had to be provided. Substitutes for articles which could no longer be imported had to be found. In hundreds of ways the war affected the lives of the people of America, especially those within the Confederate States. Because of the scarcity of manufacturing in the South, such centers as Muscogee County were highly valued by the Confederacy. Many items which had formerly been obtained in the North or from abroad, the South was forced to produce for herself. These conditions stimulated the industries of the county and led to the establishment of many new ones.(3)

The largest industry during the war was the manufacturing of cotton fabrics for the State and Confederate armies. The Eagle Manufacturing Company and the Columbus Mills made cotton cloth and wool jeans from which army uniforms were made. The old Presbyterian Church in Columbus became a knitting mill and button factory. Two shoe manufacturing plants were established, employing about five hundred persons, mostly Negroes. The Rock Island Paper Mill furnished a great deal of paper, of which there was a shortage in the South. A plant for the manufacture of matches was also begun.(4) Not only did these companies produce goods, but at least one, the Eagle Manufacturing Company, contributed money to the cause of Southern independence. In June 1861 this company tendered to the Confederate government a thousand dollars per month in return for its bonds and a hundred dollars each month to the Columbus fund for the support of the families of volunteers.(5)

Many of the new industries bore marks of a war in progress. A music store in Columbus began to manufacture fifes and drums. Haiman & Company made sabres, bayonets, pistols, and other weapons. In another plant, J. P. Murray superintended the manufacture of sabres and Mississippi rifles.(6) The Confederate Government placed a quartermaster's establishment at Columbus which

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1) Ibid., 149-153.
2) Ibid., 159, 160.
3) Martin, op. cit., pt. 2, pp. 142, 143.
4) George J. Burrus, "Columbus As It Was During War 1861-1865," newspaper clipping, no date.
5) Martin, op. cit., pt. 2, p. 144.
6) Ibid., 143; Burrus "Columbus During the War."

employed a number of women and girls. The government also superintended a number of plants for the manufacture of ammunition cases and various iron articles. The iron foundries were enlarged and a new one was opened, which made syrup kettles among other things. The Confederacy operated a naval works which ran a day and a night shift. Here were made a breechloading cannon, which proved unsatisfactory, and two gunboats, which were launched on the river but never put into active service. Some of the iron from the rolling mill was sent across the river to Girard to be made into nails.(1)

Individuals as well as public agencies were active in taking care of those who needed aid, especially wounded or sick soldiers and the families of those who had no means of support. The Ladies' Soldiers' Friend Society, or the Soldiers' Aid Society as it was later called, was early organized to furnish clothing and other comforts to them.(2)

The inferior court of the county gave aid to those left helpless by the war. On September 14, 1861, it passed an order for $500 to be paid to the commissioners of the poor for "the families of Indigent soldiers who have volunteered to serve in the Army of the Confederates or State of Georgia."(3) The burden increased as the war went on, and in September 1864 the court ordered a tax to raise about $90,000 in the depreciated currency for the care of the families of soldiers.(4) The city council of Columbus appropriated $5,000 in 1863, in addition to the regular appropriation, to help the needy families of absent soldiers to pay their house rent. In 1864 there were 150 such families in the city who were deemed worthy of aid. To help a "number of exiles from Atlanta, after the capture of that city...," the council appropriated $5,000.(5) Being well within the battle lines for most of the war, Columbus served as a site for a number of hospitals. There were at least six in the city in addition to Soldiers' Home and Soldiers' Wayside Home. One of the hospitals was located in the courthouse of the county.(6)

In spite of the general industrial expansion during the war, there was a great deal of suffering and poverty. Wages were high, but the cost of living rose to such a degree "as to impose extraordinarily hard fare on most of the population." Many articles could not be had at any price and others were scarce, such as salt. Substitutes were widely used for coffee and tea. Prices of all commodities soared in the inflated Confederate currency. In 1865 eggs cost from $3.50 to $4.50 a dozen; corn, from $14 to $16 a bushel; and Irish potatoes, from $50 to $60 a bushel.(7) In 1863 Macaria, or, Altars of Sacrifice, a new novel by Augusta Jane Evans, was printed in Columbus. Because of the scarcity of paper, wallpaper had to be used, which later made this edition an object of search by book collectors.(8)

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1) Martin, op. cit., pt. 2, p. 143; Burrus, "Columbus During the War."
2) Martin, op. cit., pt. 2, pp. 141, 143.
3) Minutes, Commissioners Court, Vol. B, 1857-71, p. 118, see entry 1.
4) Ibid., 192.
5) Martin, op. cit., pt. 2, pp. 160, 167, 168.
6) Burrus, "Columbus During the War."
7) Telfair, op. cit., 123, 127; Martin, op. cit., pt. 2, pp. 143, 166.
8) Earnest E. Calkins, "St. Elmo, or, Named for a Best Seller" in The Saturday Review of Literature, December 16, 1939, pp. 14, 16.

Historical Sketch (First entry, p. 129)
The Civil War

The planters of Muscogee County and the surrounding region were slow to give up the planting of cotton to which they had become accustomed for so many years. In Columbus there were a number of warehouses containing thousands of bales which could not be exported to the North nor to Europe.(1) On account of the pressing need for foodstuffs cotton planting gave way to the production of food crops. Two mills in Columbus operated day and night to supply corn meal and flour to the men in the army and to those who remained at home.(2)

Not until the spring of 1865 did any military engagement take place in Muscogee County. In that year, General James H. Wilson with a force of cavalry and infantry made a raid through southern Alabama, and finally reached Montgomery. From this point he proceeded eastward. Splitting his forces, he sent Colonel LaGrange to the northeast to enter Georgia by way of West Point, while he moved forward to attack the city of Columbus, "the key to Georgia..." (3)

As soon as it was seen that Wilson was advancing toward the city, preparations for its defense were hurriedly made under the direction of General Howell Cobb. Ingersoll's Hill and Red Hill across the Chattahoochee River were fortified. Practically the only troops that could be mustered were old men and young boys, most of whom had no previous military training.

During the morning of Easter Sunday, April 16, 1865, the Union forces began to arrive on the outskirts of Girard. About two o'clock in the afternoon a brush with a Confederate party occurred, but from then until dark the Federals made no attack. It was evident that they were arriving in considerable numbers, occupying the hills commanding a view of the city, and preparing for an attack. Under the cover of darkness, they began to charge the Confederate lines which offered gallant resistance for a time. However, the raw recruits, proved to be no match for the well trained and splendidly equipped Union soldiers. A squad managed to get control of the Girard end of the upper bridge, in the rear of the Confederate line, and to intercept orders from headquarters in Columbus. This maneuver proved, "very embarassing to the further defense of the city." In a short time, "there was a promiscuous rush for the bridge. Friend and foe, horsemen and footmen, artillery wagons and ambulances, were crowded and jammed together in the narrow avenue, which was as 'dark as Egypt'.... How it was that men were not crushed to death in this tumultous transit of the Chattahoochee, seems incomprehensible." Colonel C. A. L. Lamar fell while trying to rally a group of Confederates at the Columbus end of the bridge. Several other prominent men died trying to repulse the enemy, among them the editor of the Enquirer.(4)

The city was completely in the hands of the Union forces. The day after the battle, General Wilson ordered the destruction of much property. The gunboat Jackson was destroyed by the Federals, but the Chattahoochee was sunk

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1) Burrus, "Columbus During the War."
2) Ibid.
3) Martin, op. cit., pt. 2, pp. 183, 184.
4) The Columbus Enquirer, June 27, 1865, quoted in Martin, op. cit., pt. 2, pp. 178, 181.

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by the Confederates 12 miles below the city. General Winslow carried out Wilson's orders by burning "fifteen locomotives, two hundred and fifty cars, the railroad bridge and foot bridges, one hundred and fifteen thousand bales of cotton, four cotton factories, the navy yard, foundry, armory, sword and pistol factory, accoutrement shops, three paper mills, over a hundred thousand rounds of artillery ammunition, besides immense stores, of which no account could be taken."(1) One warehouse was spared, that belonging to Colonel Randolph L. Mott, a Union man at whose home Wilson made his headquarters. Mott claimed that his house and grounds had never been out of the Union and that a United States flag had been displayed in his house from the outbreak of the war. After the withdrawal of the Union forces, this warehouse was promptly burned by a division of Forrest's cavalry, according to Wilson's report.(2)

On Tuesday, two days after the fall of the city, the troops began to leave. Before he had reached Macon, Wilson learned of the surrender of all the Confederate forces east of the Mississippi River. Further resistance of the South was useless. The Confederate States of America came to an end, and the fight for Southern independence passed into the lost causes of history.

The Reconstruction Period

The years between 1865 and 1872 are generally known as the period of reconstruction in Georgia. During most of this time the State was not functioning as one of the United States. She had no representation in the government at Washington until 1870. Her State government was in turn under the control of military generals and a governor and legislature dominated by "carpetbaggers," "scalawags," and Negroes. If political reconstruction came to an end in 1872, social and economic reconstruction did not. The events of the period affected the South so strongly that their results can be discerned even today.

The economic and social system of the South was turned topsy turvy. Some Southern leaders were arrested and many others were barred from voting and holding office. Thousands of Negroes, now free, left their homes to wander helplessly about, with no means of support. Agriculture was disrupted; industry was at a standstill. Soldiers returned to their homes to find them in ruins. Many who had been in comfortable circumstances before the war, now found themselves penniless. Much patience was needed to set things in motion again.

It seemed in 1865 that Georgia would be quickly "reconstructed" and readmitted to the Union. In June President Andrew Johnson appointed James Johnson, of Muscogee County, Provisional Governor of the State. Governor Johnson had been a consistent Union man, having defeated Henry L. Benning in the congressional race of 1850 on the issue of union or disunion. Shortly after becoming Governor, Johnson issued a call for a convention of the people of the State. Voters for delegates had to take the President's Amnesty Oath. Absalom H. Chappell, Hines Holt, and Porter Ingram—for years prominent

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1) Quoted in Martin, op. cit., pt. 2, p. 185.
2) Telfair, op. cit., 140, 141.

citizens of the county—Were elected delegates from Muscogee.(1)

The convention met at Milledgeville in October 1865, repealed the ordinance of secession, abolished slavery, drew up a new State constitution, and repudiated the war debt of the State. An election for a Governor and other officials was called. Charles J. Jenkins was elected Governor without opposition and succeeded Provisional Governor Johnson in December.(2) Apparently the State was ready to resume her place in the Union, but Congress thought that she had been dealt with too leniently. New conditions were imposed, one of which was that the Southern States should ratify the Fourteenth Amendment to the Constitution, which made Negroes citizens. Georgia refused to ratify this amendment, Governor Jenkins was removed from office, and the State placed with Florida and Alabama, in the third military district under the command of Major General Pope.(3)

In the meantime, Muscogee County was having her share of difficulties. Columbus was under the government of military officers.(4) Friction between the native residents and the military officials soon developed. In February 1866 Cooper Lindsay shot and killed a Negro soldier. He was arrested, and a crowd of about a thousand gathered demanding his release. One of them, "fearless old Bob Sheridan with a navy six in one hand and his watch in the other said to the lieutenant, 'I'll give you just thirty seconds to turn Lindsay loose;' upon which the lieutenant said, 'Go, Lindsay, go! God knows I've got no use for you.'" Lindsay made his way to Texas where he remained during military rule in Georgia. On the night of the murder a prominent citizen of the city was killed in retaliation by the garrison quartered there.(5)

General Meade succeeded Pope as commander of the third district. For a while it seemed that he would be less zealous in the radical cause than was Pope, but pressure was brought to bear on him by the carpetbaggers and scalawags, who were eager for offices. Meade removed 20 of the State's officers and made 70 appointments.(6) Besides this Meade removed and appointed county officers. During the spring of 1868, Muscogee County was the scene of much trouble. On May 30, Meade issued an order from Atlanta headquarters appointing three justices of the inferior court of the county. The justices were sworn into office shortly thereafter, but the appointment of R. W. B. Munro was rescinded because Meade had in the meantime made him clerk of the superior court.(7)

One of the justices appointed by Meade was John M. Duer, who later became ordinary of Muscogee County. He was evidently a Republican leader, for prior to his appointment E. Hulbert, superintendent of registration in the State,

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1) Ibid., 148, 149.
2) Ibid., 150.
3) Ibid., 151.
4) C. Mildred Thompson, Reconstruction in Georgia, Economic, Social, Political, 1865-1872 (Vol. LXIV, No. 1 of Columbia University Studies in History, Economics and Public Law) (New York, 1915), 181.
5) Robert M. Howard, Reminiscences (Columbus, Ga., 1912), 31, 32.
6) Thompson, op. cit., 181.
7) Minutes, Commissioners Court, vol. B, 1857-71, pp. 300, 302, see entry 1.

 (First entry, p. 129)

had addressed him a letter on the election for governor. Hulbert said the vote would be contested in Muscogee County. He wanted Duer to get "affidavits proving force, fraud, intimidation, in violation of general orders. We must have them," he continued, "and plenty of them. Go to work and get them up at once." He assured Duer that no one would learn the identity of the informers and concluded: "Defend yourselves by attacking the enemy."(1) The "enemy" was obviously the Democratic Party.

On March 31, 1868, there occurred in Columbus the "most notorious case in the annals of crime in Georgia during the reconstruction period...."(2) This was the murder of George W. Ashburn. Ashburn was a scalawag, a power among the local Republicans, most of whom were Negroes. He had come from North Carolina before the war, worked as a plantation overseer, "severe and brutal," and as a porter at a hotel. In 1867 he settled in Columbus with high political ambitions, and together with H. M. Turner, a mulatto, was elected to represent Muscogee County in the constitutional convention.(3)

The convention drew up a new constitution and provided for a State election in April 1868. Ashburn returned to Columbus expectant of future political honors, perhaps even of being elected to the United States Senate. He secured accomodations at the Perry House, but on the return of the absent proprietor he was forced to leave the hotel. A mulatto took him into her establishment, a "nigger den," nearby. The situation in the county and city became more and more intolerable. Fires, thefts, and other crimes occurred daily. Ashburn was said to have remarked in one of his frequent speeches that "while Republicans and negroes are weak, matches are cheap." A number of political meetings were held during March, looking toward the April election, in which the Negroes were harangued for hours. The military forces were kept busy quelling incipient riots.(4)

At length a group of young men of the city determined to take matters into their own hands. Later a fellow Republican testified that he had seen a Ku Klux warning sent to Ashburn a few days before his death "which represented him lying in a coffin with emblems of death round about and inscribed with his name."(5) With the intention of removing him from the city, five masked men forced their way into his room after midnight. Ashburn drew a pistol and general firing followed, during which he was killed.(6)

Enormous rewards were offered for the apprehension of those responsible for Ashburn's death, and the case became a subject of discussion throughout the nation. Tradition has it that the letters K.K.K. were on the lid of the coffin when it was placed on the train for Macon. Suspects were arrested by the military authorities in great numbers, beginning on the first day of registration for the coming election. Most of them were released on bond the day the registration books closed. One of those released after subjection to

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1) Columbus Sun and Times, quoted in Avery, op. cit., 384, 385.
2) Thompson, op. cit., 385.
3) Ibid.; Telfair, op. cit., 156.
4) Telfair, op. cit., 157, 158.
5) Thompson, op. cit., 386.
6) Telfair, op. cit., 158, 159.

sweat-box torture at Fort Pulaski was W. D. Chipley, chairman of the Democratic committee in his district. He succeeded in getting a memorial before Congress through a Kentucky Representative, but was promptly rearrested when General Meade learned of his action.(1)

At length, from the total number arrested nine were singled out for trial. They were not informed of the charges against them until two days before the beginning of the trial, were prevented from communicating with friends and relatives, and were treated to severe physical discomforts. A military commission was appointed to judge the case of "the Columbus prisoners" at McPherson Barracks in Atlanta. The counsel for the defense was composed of Alexander H. Stephens, Lucius J. Gartrell, and the most prominent figures of the Muscogee bar, James M. Smith, Martin J. Crawford, Henry L. Benning, R. J. Moses, and James N. Ramsey. The prosecution employed former governor Joseph E. Brown.(2)

This was the "most important case in Georgia in which military justice was applied to so-called Ku Klux outrages."(3) The trial began on June 29, 1868, and lasted until July 21, when General Meade ordered suspension on account of the "probable immediate admission of the State of Georgia and consequent cessation of military authority."(4) The prisoners were turned over to the civil authorities of Muscogee County and released on bond. There the matter ended, leaving "a more lasting and bitter legacy of hard feeling than any event of reconstruction."(5)

The whole affair smacked of political opportunism. The prisoners were released immediately after the State legislature had ratified the Fourteenth Amendment and a Republican Governor had been safely ensconced in office. Whatever interpretation may be put on the episode, the fact remains that such incidents led to the political unity of the South under the Democratic Party, "the white man's party."

But all was not crime and political corruption during the reconstruction years. Many people went quietly about their work. In Columbus, a group of ladies busied themselves by caring for the graves of the soldiers who had died in the hospitals there, or had been sent back home for burial. There was no longer any definite work for the Soldiers' Aid Society to do. Miss Lizzie Rutherford suggested setting apart a special day each year for decorating the graves of the Confederate dead, as was the custom of Catholics on All Saints' Day. She suggested April 26, the day of the surrender of Johnston's forces. (6) Mrs. Mary Williams addressed a letter to the Columbus Times on March 12, 1866, asking "the assistance of the press and the ladies throughout the South

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1) Ibid., 160-164.
2) Ibid., 163-169; Thompson, op. cit., 386.
3) Thompson, op. cit., 386.
4) Quoted in Ibid.
5) Avery, op. cit., 388.
6) A History of the Origin of Memorial Day as Adopted by The Ladies' Memorial Association of Columbus, Georgia, and Presented to the Lizzie Rutherford Chapter of the Daughters of the Confederacy, Under whose Direction it is now Published (Columbus, Georgia, 1898), 18.

to aid us in the effort to set apart a certain day to be observed, from the Potomac to the Rio Grande, and be handed down through time as a religious custom of the South, to wreath the graves of our martyred dead with flowers...." (1) Thus Memorial or Decoration Day began, which through the years recalls to the minds of the Southern people the cause that was lost.

Colonel James N. Ramsey delivered the first eulogy on the heroes of the Confederacy, April 26, 1866, at St. Luke Methodist Episcopal Church, South. Thereafter the anniversary was celebrated in Temperance Hall or at the old Cenotaph, and from 1871 in the Springer Opera House. The exercises were sponsored by the Ladies' Memorial Association, formerly the Soldiers' Aid Society. (2) Most of the participants in the war became reconciled to defeat, but a few remained "unreconstructed rebels." Such was Robert M. Howard, who said as late as 1912 that he had "never surrendered, been paroled or taken any oath of allegiance to this Yankee Doodle-ized U. S. Government."(3)

In July 1870 Congress passed a bill allowing Georgia to take her place again in the Union, but the State continued to have a Radical Governor and legislature.(4) Finally, Rufus B. Bullock, the "carpetbag" Governor, fled the State and an election was called for his successor. It is an interesting coincidence that Muscogee County gave the State its first Governor of reconstruction years, James Johnson, and its first Governor after Republican misrule, James M. Smith. Smith, who was Speaker of the House of Representatives of Georgia, was elected without opposition and was inaugurated on January 12, 1872. It was a thrilling occasion on which the old leaders again became triumphant and the "reconstruction" government, which had added millions to the public debt, forever put down.(5) Governor Smith's administration was an able one and came as a welcome respite from the turmoil of the preceding years. But he entered into a number of unfortunate controversies with prominent men of the State which greatly injured his future political aspirations.(6)

Post-Bellum Period

Although the Civil War and Reconstruction years profoundly affected the economic, social, and political life of the people of Muscogee County, the spirit of the people was not crushed. They immediately went to work to rebuild their section along the new lines laid down by defeat. The history of the county after the war is the story of steady growth, especially in industrial fields, until today it is one of the most prosperous and progressive counties in the State.

Agriculture

After the Civil War, cotton growing was considerably reduced due to the lack of labor. Small farms took the place of large plantations. For a number

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1) Quoted in Avery, op. cit., 715.
2) Howard, Reminiscences, 155-158.
3) Ibid., 55, 109.
4) Avery, op. cit., 437.
5) Ibid., 468, 469.
6) Ibid., 504-511, 515, 526, 527.

of years the growing of subsistence crops such as corn, sweet potatoes, oats, wheat, rye, and sugar cane, was the principal activity of farmers.(1) By 1879 cotton had again become the most important crop in Muscogee County with corn running a close second. The acreage devoted to cotton varied with the financial and business conditions of the South. In the twentieth century the rapid growth of the city of Columbus and the establishment of the military reservation at Fort Benning has caused a considerable change in the agriculture of the county. Truck farming and dairying to furnish food to the urban population and to the soldiers have proved to be the most profitable type of work for farmers.(2)

In 1935 there were over six hundred farms in the county which employed about fifteen hundred people. Over sixty thousand acres of land comprised the six hundred farms. The value of crops in that year was $354,736, and the value of dairy products amounted to $286,104. The livestock was valued at $279,092.(3)

Industry

The industry of the county has shown tremendous strides since the war. Within a year after the destruction of the plants by the United States troops, the Eagle and Phenix Mills were reorganized. By 1875 the cotton manufacturing business was larger than at the time of Wilson's raid. In or near Columbus there were at least five factories operating over a thousand looms and thirty-five thousand spindles, most of which were in the Eagle and Phenix Mills. These factories were using 8,500 bales of cotton annually.(4)

There were a number of other manufacturing enterprises in Columbus in 1875 as there had been before the war. The city could boast the largest iron works south of Richmond, sash factories, a gin factory, two furniture factories, two flour mills, a kerosene oil refinery, and a railroad machine shop. In 1872 the Columbus Iron Works built the first ice manufacturing machine in the world which was used in the Columbus Ice Manufacturing Company, the first company to manufacture ice artificially. The city had four banks, one national bank and three state banks. The Georgia Home was one of the largest and most reliable fire insurance companies in the State. With a steadily increasing population, Columbus looked towards the future with optimism.(5)

The turn of the century saw the establishment of a number of new manufacturing plants. The Swift Manufacturing Company began as a small weave mill on the second floor of Temperance Hall. In 1883 this company removed to a new building and expanded its activities. In 1900 the Bibb Manufacturing Company established a mill at Bibb City, just north of Columbus. In about twenty-five years this mill increased its capacity more than five times. About the same time the Columbus Manufacturing Company began operation. The development of

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1) Soil Survey of Muscogee County, 1125.
2) Ibid., 1125-1127.
3) Rand McNally Commercial Atlas and Marketing Guide, Seventy-First Edition, 1940 (New York, Chicago, San Francisco, c. 1940), 107.
4) Martin, op. cit., pt. 2, pp. 186, 187.
5) Ibid., 187-189; Telfair, op. cit., 362, 363.

hydro-electric power, first used in Muscogee by the Georgia Manufacturing Company, went hand in hand with the development of manufacturing in the twentieth century. Furthermore, the abundant power available from the falls on the Chattahoochee enables Columbus to furnish electricity quite extensively to the surrounding region.(1)

In 1937 there were 75 manufacturing establishments in Muscogee County, employing more than fourteen thousand wage earners, besides many salaried officers and employees. These workers are paid more than ten million dollars annually. The value of products from these 75 plants amounted to more than $48,000,000 in 1937.(2) In 1935 the 844 retail stores of the county made sales amounting to nearly $18,000,000.(3)

Schools

The growth of public education in Georgia has taken place almost exclusively since the Civil War. In 1866 the General Assembly authorized the city of Columbus to operate a public school system,(4) and several years later provided for public schools for colored children of the city.(5) The first public school was opened in 1867 in the old Presbyterian Church. Five years later the first colored school was established in a rented building, Temperance Hall. Later the Methodist Church was purchased for use as a Negro school, and the Claflin School, originally established by the Freedman's Bureau, was transferred to the city for the use of Negroes.(6) In 1890 the high school department of the public schools was permanently established and the erection of new school buildings has continued down to the present day.(7)

The board of education of Muscogee County operates only elementary schools. There are eight of these schools for white children, employing an average of seven teachers each. The total enrollment of white children in the elementary schools of the county is more than two thousand. The county operates 20 Negro elementary schools which have an enrollment of about fifteen hundred and employs 36 teachers. High school pupils from the county are transported by motor bus to the secondary schools of the Columbus system. The county board of education pays $50 each for more than six hundred youths for the privilege of attending the Columbus schools. The county expends more than ninety thousand dollars annually on education.(8)

One of the most interesting innovations in education in the country was made in Columbus. In 1898 compulsory elementary courses in manual training

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1) Telfair, op. cit., 194-196, 227-230, 242-250.
2) U. S. Bureau of the Census, Biennial Census of Manufactures, 1937, Part I, 1446.
3) Rand McNally Commercial Atlas, 1940, p. 106.
4) Ga. Acts 1866, p. 174.
5) Ga. Acts 1871-72, p. 13.
6) Seventy-First Annual Report of the Public Schools, Columbus, Georgia, For the Year Ending August 1, 1938 (no place, no date), 3.
7) Ibid., 6, 7.
8) Statement of the Superintendent of Muscogee County Schools, February 13, 1940.

and domestic science were introduced in the grammar schools of the city and later extended into the high schools. Soon afterwards a school for the children of mill operatives was begun. Previous to this few of these children attended any school at all, most of them going to work in the mills when they were old enough to do so. A large old residence was purchased for the school in 1904. The pupils were given long recesses to allow the "dinner toters" to carry meals to the operatives in the factories. The school lay stress on the "three R's," for few of the pupils continued beyond the fifth or sixth grades. The school grew, and in 1906 an industrial high school was established, which was called the best of its kind in the United States. James E. Russell, dean of Teachers' College, said at the opening of the school that it was "the first of its kind in all our history to be dedicated to the proposition that the common man...is entitled to vocational training."(1)

Churches

From an incomplete survey, there are about 144 churches in Muscogee County. Eighty-one are churches for white people, and 63 are for colored people. The Baptist and Methodist denominations have by far the greatest number of churches in the county, having a combined total of more than a hundred. The Presbyterians have six churches, four white and two colored, and the Episcopalians have three, two white and one colored. There is one Roman Catholic church and one Lutheran church. Thirty of the churches of the county are made up of various small denominations or are non-denominational. (2)

Military Affairs and Establishment of Fort Benning

At the outbreak of the Spanish-American War the Columbus Guards and the Brown Fencibles notified the Governor of the State of their willingness to serve. Both companies were mustered into the Georgia infantry, but did not see actual fighting in the war. Reminiscent of Civil War days, the women of Columbus formed a Soldiers' Aid Society, which "gave entertainments and barbecues and sponsored ball games for the benefit of the soldiers."(3) The concentration of troops in the Southern States led to the suggestion that Columbus be made a camp site. Citizens became interested and pushed the matter. As a result Camp Conrad was located in a field north of the city. Troops began to arrive from Indiana, Kentucky, and West Virginia in November 1898, and after training were ordered to Cuba and Puerto Rico in 1899. While the troops were encamped at Columbus, General James H. Wilson returned to the city on a tour of inspection. He was received "in a pleasant and friendly manner" by the people of the city which he had once captured. But one old soldier was heard to remark that he would like to shoot "the damn Yankee," and that "if he had a dog who licked his blood, he would shoot the dog, and if a buzzard came and picked the dog's bones, he would shoot the buzzard."(4)

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1) Roland B. Daniel, Industrial Education in Columbus, Ga., U.S. Bureau of Education, Bulletin, 1913, No. 25, (Washington, 1913), pp. 7-13.
2) From material in possession of W.P.A. Georgia Historical Records Survey, Atlanta.
3) Telfair, op. cit., 215-218, 220.
4) Ibid., 220-223.

Historical Sketch
Post-Bellum Period

(First entry, p. 129)

At the time of the declaration of war between the United States and Germany, Muscogee County was "on the crest of a rising wave of development and expansion." Before the declaration of hostilities many of the young men had volunteered for service in the Allied Armies and in organizations such as the Red Cross and the Y.M.C.A. The Columbus Guards were among the forces called into service on the Mexican border in 1916. Muscogee County furnished her share of troops during the war. As in other places, there was a draft board in the county and an intensive drive for volunteers and for the sale of Liberty Loan bonds. The county had its military hero in the person of Lieutenant Charles H. Harrison, who gallantly gave his life in September 1918 while leading a charge against the enemy. After the war the local American Legion post was named in his honor.(1)

The Muscogee Chapter of the American Red Cross was organized on January 14, 1916, the first such chapter in Georgia. A work room was established where the women made hospital supplies and clothing. A canteen service of the organization met the trains to furnish comforts to the soldiers who passed through Columbus. A motor corps transported supplies and proved of much service during the influenza epidemic of 1918. The county also had a food administration board.(2)

During the war the industries of the county flourished. A strike occurred in May 1918, and United States troops were called out to prevent disorder. It was claimed that the strike was due to the work of two enemy aliens.(3)

During and after the way a number of residents of the county worked hard to induce the Federal Government to establish a permanent military post in the county. Officials from Washington reported favorably on the location of a camp in Muscogee County, and, by the latter part of 1918, it was definitely decided to establish the camp as an infantry training school. A body of troops arrived at a temporary site, and on November 2, 1918, a suit was filed by the United States District Attorney in Atlanta to condemn 115,000 acres of land in Muscogee and Chattahoochee Counties. An armistice was declared nine days later, and for a while it seemed that the project for an infantry school at Camp Benning, as it was then called, would be abandoned. However, after considerable negotiations, Congress finally passed a bill establishing the school. Assistant Secretary of War Williams declared the the location fulfilled "the requirements for infantry training better than any other terrain in America." In 1922 the name was changed to Fort Benning, which meant that it had become a permanent post of the United States Army.(4)

Millions of dollars have been spent by the United States Government on the military school at Fort Benning. Today it is the largest infantry school in the world and occupies a tract of about 97,000 acres. The placing of the post in Muscogee County has had a great effect on the people of the county.(5)

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1) Ibid., 269-276.
2) Ibid., 276-278.
3) Ibid., 275, 276.
4) Ibid., 280-283.
5) Ibid., 281-290.

Historical Sketch (First entry, p. 129)
Post-Bellum Period

Recent Years

Muscogee County has shown remarkable growth in the twentieth century. The city of Columbus showed the greatest proportional rate of increase in population between 1900 and 1930 of any city in Georgia. In the decade 1910-20 the increase amounted to more than fifty percent.(1) Muscogee County led the more populous counties in Georgia in the rate of increase in population between 1930 and 1940, showing a gain of more than 30 percent.(2) The commission-city manager form of government was adopted by the city in 1921 and vice in the city cleaned up, partly in the interest of retaining Fort Benning.(3) The commission of five which took office on January 1, 1922, had a woman among its members. The commission appointed a woman as city treasurer, the first to hold such an office in the State.(4) In 1928 Columbus celebrated the first hundred years of existence in a grand manner.(5)

Muscogee County has been affected much as the rest of the country by the economic depression of the 1930's. At present the signs show rapid steps on the road to recovery. The county and the city look forward to the future with bright prospects for continuing growth and prosperity.

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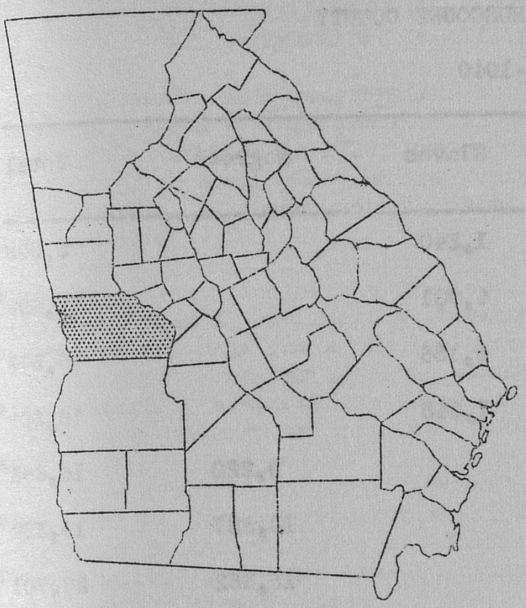
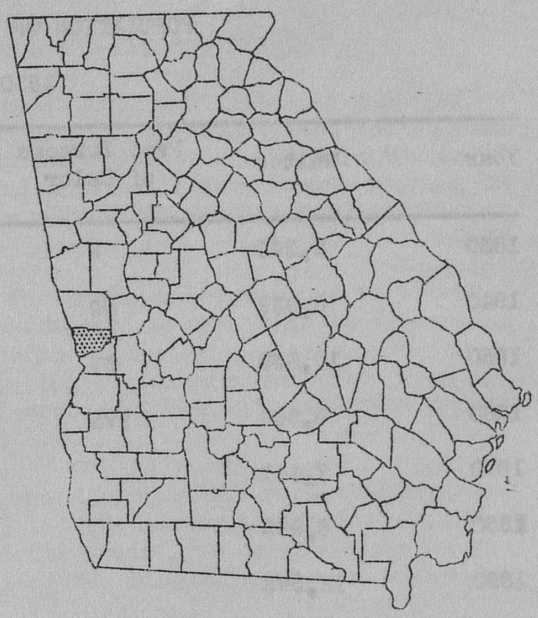
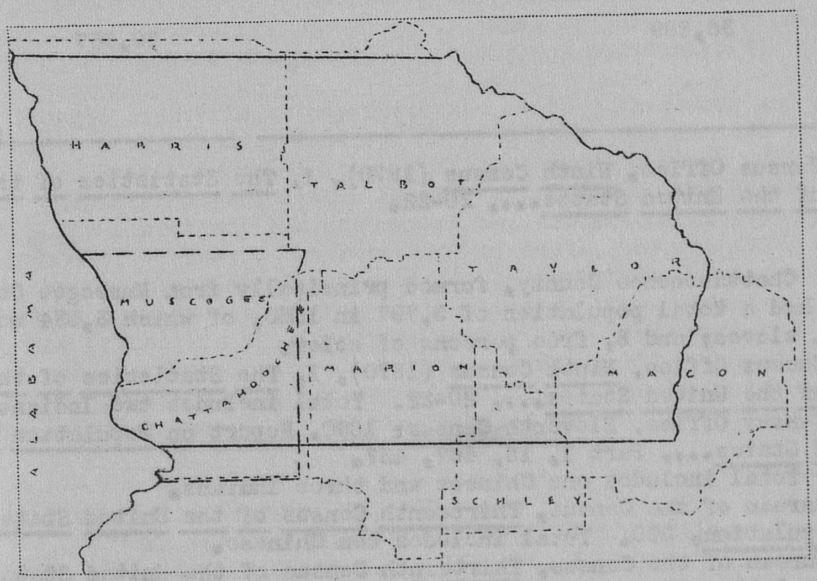
1) Amanda Johnson, Georgia As Colony and State (Atlanta, Ga., c. 1938), 932.
2) U.S. Bureau of the Census, Population of the State of Georgia—Final Figures: 1940 (release of January 10, 1941).
3) The Columbus Ledger, Columbus-Fort Benning Edition, February 22, 1925, p. 6.
4) Telfair, op. cit., 293, 294.
5) Ibid., 312-341.



Map of Georgia, 1826, showing location of Muscogee County (stippled).



Map of Georgia 1941, showing location of Muscogee County (stippled).



Legend

——— Original Muscogee County boundary (1826)
— — — — Muscogee County boundary in 1827
--------- County boundaries, Civil War period - 1941

POPULATION OF MUSCOGEE COUNTY

1830-1940

Year	Whites	Free Persons of Color	Slaves	Negroes	Total
1830	2,260	8	1,240		3,508[1]
1840	6,939	59	4,701		11,699[2]
1850	10,355	67	8,156		18,578[3]
1860	8,966	173	7,445		16,584[4]
1870	7,441			9,220	16,663[5]
1880	8,995			10,327	19,322[6]
1890	12,395			15,362	27,761[7]
1900	14,229			15,597	29,836[8]
1910	19,472			16,747	36,227[9]
1920	27,940			16,251	44,195[10]
1930	36,889			20,667	57,558[11]
1940					75,494[12]

[1] U.S. Census Office, Ninth Census (1870), I, The Statistics of the Population of the United States..., 20-22.
[2] Ibid.
[3] Ibid.
[4] Ibid. Chattahoochee County, formed principally from Muscogee County in 1854, had a total population of 5,797 in 1860, of which 3,034 were white; 2,758, slaves; and 5, free persons of color.
[5] U.S. Census Office, Ninth Census (1870), I, The Statistics of the Population of the United States..., 20-22. Total includes two Indians.
[6] U.S. Census Office, Eleventh Census: 1890, Report on Population of the United States..., Part I, 15, 407, 437.
[7] Ibid. Total includes one Chinese and three Indians.
[8] U.S. Bureau of the Census, Thirteenth Census of the United States...1910, II, Population, 390. Total includes ten Chinese.
[9] U.S. Bureau of the Census, Thirteenth Census of the United States...1910, II, Population, 390. Total includes eight Chinese.
[10] U.S. Bureau of the Census, Fifteenth Census of the United States: 1930, Population, III, Part I, 486. Total includes two Chinese and two Indians.
[11] U.S. Bureau of the Census, Fifteenth Census of the United States: 1930, Population, III, Part I, 486. Total includes one Chinese and one Indian.
[12] U.S. Bureau of the Census, Population of the State of Georgia-Final Figures: 1940 (release of January 10, 1941).

2. GOVERNMENTAL ORGANIZATION AND RECORDS SYSTEM

The county as a geographical and political subdivision of a larger territory was a concept inherent in the English governing mind long before Georgia was settled in 1733, and hardly had Oglethorpe's traders ventured into the back country beyond the coastal marshes, before he was writing to the Trustees in London, setting forth a plan to divide the territory into two counties.

By a resolution of the Trustees, the province was divided into two counties in 1741, one known as Savannah County and the other as Frederica. Provision was made for a president and four assistants in each. The officials were named for Savannah County, but a president was never appointed for Frederica, although the three magistrates of the town of Frederica were named as assistants in that county.(1)

Except for the interval 1758-77, when the counties were abolished and the province divided into parishes,(2) Georgia has been steadfast in her adherence to the county as an administrative unit, as evidenced by the fact that today Georgia has 159 counties, the largest number in any State in the Union except Texas.

Legal Status of the County

Three of the State's Constitutions - 1777, 1789, 1798 - had been successively adopted before the creation of Muscogee County in 1826. Of primary importance to county government, the Constitution of 1798 established a system of courts and provided for trial by jury, the writ of habeas corpus, freedom of the press, and religious tolerance.(3)

Each Georgia county is a body corporate, with such powers and limitations as may be prescribed by law.(4) It is a political and civil subdivision of the State, in which county officers execute State policy and administer general and local laws. In the administration of justice, the conduct of State elections, the assessment and collection of State taxes, the maintenance of highways, the recording of deeds, the probating of wills, and the organization of the militia, the county's functions seem primarily of State-wide rather than local concern. The conduct of local elections, the protection of life and property, the preservation of public health, the relief of the poor, the provisions for public education, the construction of public works, and the administration of local taxation, are matters in which the people of the county have an interest equal if

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1) Colonial Records of Georgia, II, 367, 368.
2) Act 1758, Marbury and Crawford, pp. 150-152; 1765, Watkins, p. 114.
3) Ga. Const. 1798, art. III, secs. I, II; art. IV, secs. V, IX, X.
4) Ga. Code of 1933, #2-8201. The Supreme Court of Georgia has defined a county as "one of the civil divisions of a state for judicial and political purposes, created by the sovereign power of the state of its own will, without the particular solicitation, assent, or concurrent action of the people who inhabit it; a local organization which, for the purpose of civil administration, is invested with certain functions of corporate existence." - Hammond v. Clark, 136 Ga. 313, 71. S.E. Rep. 479 (1911).

not paramount to those of the State as a whole. While these latter functions of the county are regarded as local in character, they may also be viewed as State functions.

Every county has power to sue and be sued in any court,(1) but no county is liable to suit for any cause of action unless made so by statute.(2)

Georgia counties are created by amendment to the State Constitution, initiated by acts of the General Assembly and ratified in elections by the voters. Amendment to the basic law is necessary because in 1904 the number of counties was limited by constitutional amendment to the 145 then existing.(3) Sixteen additional counties have been formed since 1905, each by a separate amendment, thus increasing the total number to 161. The merger in 1932 of Campbell and Milton Counties with Fulton County(4) reduced them to the present number, 159.(5)

There is no authority expressly granted by the State Constitution to abolish counties, but tantamount authority resides in the legislature to merge or consolidate them, contingent upon a two-thirds vote of the merged county and a majority vote of the enlarged county.(6) Until 1881 county lines could be changed only upon authority granted in special legislative acts for that purpose.(7) In that year a general law was enacted under the provisions of which county lines may be changed by the ordinary, if such change is approved by the grand juries and the officer or officers charged with the control of county business in the counties affected.(8) There are no qualifying restrictions in the creation of counties as regards area, population, or assessed valuation of property.

Counties are divided for administrative and political convenience into lesser areas, the more important of which is the militia district. These are election districts and judicial subdivisions of limited jurisdiction, with a justice of the peace and a notary public, ex officio justice of the peace, of equal powers, as presiding magistrates. The law requires that each militia district shall contain within its limits

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1) Ga. Code of 1933, #23-1501; Ga. Acts 1863-64, pp. 72, 73.
2) Ga. Code of 1933, #23-1502; Hammond v. The County of Richmond, 72 Ga. 188 (1883); Smith v. Wilkes and McDuffie Counties, 79 Ga. 127, 4 S.E. Rep. 20 (1887).
3) Ga. Code of 1933, #2-8202.
4) Ga. Acts 1929, p. 551; 1931, p. 527.
5) Ga. Code of 1933, #23-101; editorial note following #2-8202, Ga. Code of 1933.
6) Statute providing for merger of counties not void because requiring mere majority vote for merger in enlarged county; statute providing for merger of counties, subject to approval of voters of respective counties, held not void as delegating legislative powers. - Ga. Const. 1877, art III, sec. VII, par. 22; art. XI, sec. I, par. 5; Ga. Acts 1929, p. 551; Hines v. Etheridge et al., 173 Ga. 870, 162 S.E. Rep. 113-119 (1931).
7) Ga. Acts 1860, pp. 138, 139.
8) Ga. Code of 1933, #23-301, #23-302; Ga. Acts 1880-81, pp. 52-54.

at least 100 male persons over 21 years of age, liable to military duty, and that its formation must not leave any older district with a smaller number.(1) These districts may be changed or abolished by the ordinary, and if done, the proceedings in connection therewith must be entered in his minutes and a certified copy thereof transmitted to the Governor.(2) Special districts for various purposes, such as drainage, health, and road administration, also exist. These may cut across the lines of the election and judicial districts, and even include other counties.(3)

In all but 9 of the 159 counties of Georgia, boards of county commissioners administer internal affairs. Each of these boards is created by a special legislative act,(4) that for Muscogee County having been created by an act approved August 26, 1872.(5) Nine of the counties have left jurisdiction and management of their affairs in the hands of the ordinary, who is also vested with the powers of a probate judge.(6)

Counties are electoral and primary election units. Statehouse officers, judges of the Supreme Court and of the Court of Appeals, and United States Senators and Representatives in Congress are nominated in the primaries on a county unit plan, but are elected by popular vote.(7) The county forms the basis of representation in the General Assembly, three being the maximum number of representatives in the lower House from each of the eight counties of largest population, two from the 30 next largest, and one each from the remaining 121 counties.(8) Muscogee, one of the eight largest counties, sends three representatives to the General Assembly.(9) The upper House of the General Assembly consists of 52 Senators from as many senatorial districts, which are composed of from one to five counties each.(10) Muscogee, Chattahoochee, and Marion Counties form the Twenty-fourth Senatorial District.(11) The total membership of the General Assembly is 257.(12)

In recent years there has been in Georgia an increasing participation by the State in the control and direction of education, highways, public health and welfare in the counties. Education, since 1919, has become more of a State than a county function. It was in this year that the legislature

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1) Ga. Code of 1933, #23-203.
2) Ga. Code of 1933, #23-204 to #23-207.
3) Ga. Code of 1933, #23-2504, #88-302.
4) Ga. Const. 1868, art. V, sec. XV; Ga. Code of 1933, #2-4601.
5) Ga. Acts 1872, pp. 451, 452.
6) Ga. Const. 1868, art. V, sec. V, par. 2; Ga. Code of 1933, #23-701. These counties are: Forsyth, Franklin, Habersham, Jeff Davis, Lincoln, Paulding, Rabun, Towns, and Union.
7) Ga. Code of 1933, #34-3212; Ga. Acts 1917, pp. 183, 184; Ga. Code of 1933, #34-2404; Ga. Acts 1913, p. 135.
8) Ga. Code of 1933, #2-1401.
9) Ga. Code of 1933, #47-101; Ga. Acts 1931, p. 48.
10) Ga. Code of 1933, #47-102; Ga. Acts 1937, p. 32.
11) Ga. Acts 1937, p. 30.
12) Ga. Code of 1933, #47-101, #47-102.

first made large appropriations for the common schools,(1) and State aid to schools has continued to expand and increase with a corresponding increase in the checks and controls of the State Board over the local systems. Highway construction and maintenance have been brought almost wholly within the jurisdiction of the State Highway Department, with the county contributing only incidentally to the road program by caring for rural roads.(2) Public health and public welfare have both become subjects of more State-wide concern and have been brought more completely under central administration during the past two decades. In both these functions the State has assumed direction of activities, on which large sums are spent annually.(3)

Structural Development of County Government

Muscogee County was organized in 1826 from a part of the territory acquired from the Creek Indians by the treaty of Indian Springs in 1825.(4) The area included in the original boundaries of the county comprised about two thousand square miles. Portions of the counties of Chattahoochee, Talbot, and Marion were within the boundaries of Muscogee as originally laid out.

The following courts, officers, and agencies for the administration of justice and the management of county affairs had been provided by the Constitutions of 1777 and 1798, and statutes passed pursuant thereto, and were established in Muscogee upon its creation in 1826: the inferior court, sitting in three capacities - for county purposes, for ordinary, or probate purposes, and as a court of law;(5) superior court and clerk;(6) grand jury;(7) solicitor general;(8) justices of the peace and constables;(9) coroner;(10) sheriff;(11) surveyor;(12) tax receiver;(13) tax collector;(14) road commissioners;(15) and county treasurer.(16) Of these offices, the superior court and clerk, grand jury, solicitor general, coroner, sheriff, and surveyor still function in the county.

In 1852 powers of probate and jurisdiction over estates of intestates, minors, and incompetents, formerly exercised by the inferior court, sitting

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1) Ga. Acts 1919, pp. 288-363.
2) Ga. Acts 1919, p. 242.
3) Ga. Code of 1933, #88-201; Ga. Acts 1914, pp. 124-134; 1937, p. 612 et seq.
4) Ga. Acts 1826, pp. 57, 58.
5) Act 1799, Watkins, pp. 389-407.
6) Ga. Const. 1777, arts. XXXVI-XL; Act 1778, Watkins, pp. 219-227.
7) Ga. Acts 1799, Jan. An. Sess., sec. 38, p. 39.
8) Ga. Const. 1798, art. III, sec. III.
9) Ga. Const. 1777, art. LIII; Act 1797, Watkins, p. 637.
10) Ga. Const. 1777, art. XL.
11) Ga. Const. 1777, art. XL; Act 1790, Watkins, p. 425.
12) Act 1790, Watkins, p. 425.
13) Act 1796, Watkins, p. 614.
14) Act 1796, Watkins, p. 614.
15) Ga. Code of 1933, #95-301; Act 1818, Cobb, p. 947.
16) Ga. Acts 1825, pp. 67-69; Act 1825, Cobb, p. 211.

for ordinary purposes, were lodged in a new and separate tribunal called the court of ordinary.(1)

County boards of education composed of the justices of the inferior court, the ordinary, and one other person skilled in the elementary branches of education, were created by statute in 1859.(2) A county board of education was provided for in an act of 1870, and the office of commissioner of schools, later called "superintendent", was also created.(3)

The inferior court, as a court of law, was abolished and in its stead a county court for each county was created in 1866.(4) This court's existence was brief, the Constitution of 1868 abolishing it and also vacating the remaining function of the inferior court - its authority over county affairs.(5)

Provision for a criminal court in each county was made by an act approved October 7, 1868.(6) The justice of the peace and the notary public of the county seat district, or any district containing an incorporated town, composed this court. An act of October 28, 1870, agreeably to the Constitution of 1868, vacated the criminal court and created district courts in 24 of the 44 senatorial districts then existing.(7) Muscogee, one of three counties comprising the Twenty-fourth Senatorial District, and not having been excepted, became subject to this act.(8)

The selection of grand and trial jurors, a power previously vested in the sheriff, superior court clerk, and justices of the inferior court, was in 1869 entrusted to three jury commissioners appointed by the judge of the superior court, together with the ordinary and superior court clerk.(9)

A second State-wide county court act was approved January 19, 1872, and was applicable to Muscogee County upon recommendation of the grand jury. This tribunal was a court of law, and, in those counties where other provision therefor had not been made, could exercise authority over county affairs.(10) On August 24, 1872, a special act was approved organizing a county court for Muscogee County only.(11) This court was abolished in December 1880, and all its unfinished business transferred to the superior court.(12)

A board of commissioners of roads and revenues was established for Muscogee County in 1872. Full authority was vested in the board of

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1) Ga. Acts 1851-52, pp. 49, 50, 91, et seq.
2) Ga. Acts 1859, p. 29.
3) Ga. Acts 1870, pp. 49-60.
4) Ga. Acts 1865-66, pp. 64-71; 1866, p. 22.
5) Ga. Const. 1868, art. V, secs. XIV, XVI.
6) Ga. Acts 1868, pp. 19-21.
7) Ga. Const. 1868, art. V, sec. IV; Ga. Acts 1870, pp. 32-36.
8) Ga. Const. 1868, art. III, sec. II, par. 1.
9) Ga. Acts 1869, pp. 139, 140; 1878-79, p. 27.
10) Ga. Acts 1871-72, pp. 288-298.
11) Ga. Acts 1872, pp. 447-450.
12) Ga. Acts 1880-81, p. 569.

commissioners over all roads, bridges, public buildings, and administration of county business.(1)

The appointment by the ordinary of a county administrator for estates not otherwise represented was provided for in 1883.(2) The clerk of the superior court is eligible for this office and may, under appointment, discharge its duties.(3) The first appointment of a county administrator in Muscogee was made in 1895.(4)

County commissioners were in 1883 empowered to appoint a superintendent of roads,(5) and this office was established in Muscogee County in 1911.(6) The duties of superintendent of roads and county engineer were combined into one office in 1935.(7)

The city court of Columbus, with county-wide civil and criminal jurisdiction, was established in 1884.(8) The solicitor of this court was provided for in 1889.(9)

Boards of county registrars of three members, who perfect lists of qualified voters and are appointed by the judge of the superior court, were provided for each county in 1894.(10)

Tax assessors, charged with the duty of equalizing valuations of property for taxation purposes, were established in each county by an act of 1913. This board is appointed by the county commissioners.(11)

Counties in which there might be public resorts or settlements of people, outside of towns and cities, either permanent or temporary, were authorized in 1913 to employ county police to suppress violations of law.(12) A general law approved in August 1914 empowered counties to levy taxes to pay county police, whose selection and appointment were placed in the hands of the county governing authority. County police were appointed in Muscogee a few months prior to the passage of the above act.(13)

A statutory board of health of three members for each Georgia county was established in 1914. The chairman of the board of county commissioners

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1) Ga. Acts 1872, pp. 451, 452.
2) Ga. Acts 1882-83, pp. 79-81.
3) Ga. Code of 1933, #113-1307.
4) Minutes, vol. H, p. 596, see entry 168.
5) Ga. Code of 1933, #95-801; Ga. Acts 1882-83, pp. 140-145; 1890-91, vol. I, pp. 135-138.
6) Minutes, Commissioners Court, vol. F, 1901-22, p. 187, see entry 1.
7) Minutes, Commissioners Court (1933-36), p. 1175.
8) Ga. Acts 1884-85, pp. 455-460.
9) Ga. Acts 1889, pp. 1158, 1159.
10) Ga. Code of 1933, #34-301; Ga. Acts 1894, pp. 115-118.
11) Ga. Code of 1933, #92-6903; Ga. Acts 1913, pp. 123, 124.
12) Ga. Code of 1933, #23-1401; Ga. Acts 1913, p. 81.
13) Ga. Code of 1933, #23-1402; Ga. Acts 1914, p. 142; Minutes, Commissioners Court, vol. F, 1901-22, p. 214.

Governmental Organization and Records System - Structural Development of County Government

(First entry p. 129)

and the county superintendent of schools are members of this board by virtue of their offices, while the third member, a reputable Physician, is selected by the grand jury.(1) The activities of the city and county health departments were in 1939 combined under the supervision and control of a city-county health officer.(2) A county physician was employed by the county commissioners prior to the establishment of the health department to attend prisoners and other wards of the county.

A juvenile court, with authority over delinquent juveniles under the age of 16 years was established in Muscogee in 1916.(3)

In 1915 justice of the peace courts and constables in the militia districts in the city of Columbus were replaced by the municipal court of Columbus and the municipal court marshal,(4) and in 1929 the jurisdiction of this court was extended to include the entire county of Muscogee, thus eliminating all justice of the peace courts and constables in this county.(5)

In 1917 an agricultural agent was employed in Muscogee County under authority of an act of Congress of 1914, assented to by the Georgia legislature that year.(6)

County attorneys have been employed successively by the inferior court, ordinary, and county commissioners under their general authority over county affairs.

A disbursing agent, succeeding to the duties of county treasurer, was provided for Muscogee in January 1925. The office of clerk of the board of commissioners was established and the clerk was required to serve as disbursing agent.(7)

The offices of the tax receiver and tax collector were in January 1929 combined into one office, known as tax commissioner.(8)

A county probation officer was appointed in 1936,(9) under authority of an act passed in 1913.(10)

A department of public welfare, with authority over the administration of all forms of public assistance, was established in Muscogee County

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1) Ga. Code of 1933, #88-201; Ga. Acts1914, pp. 124, 125.
2) 1939 Book of Ordinances, Minutes of Commission Meetings, City of Columbus, p. 264; Minutes, Commissioners Court, 1937--, p. 313, entry 1.
3) Ga. Code of 1933, #24-2441; Ga. Acts 1916, p. 60; Criminal Minutes, vol. H, p. 258, see entry 112.
4) Ga. Acts 1915, pp. 63-79.
5) Ga. Acts 1929, pp. 387-390.
6) Barnes' Federal Code, #8413, #8414, #8518; Ga. Code of 1933, #32-944; Ga. Acts 1914, p. 1243; 1922, p. 82; 1923, p. 88.
7) Ga. Acts 1924, pp. 357-363.
8) Ga. Acts 1927, pp. 638-642.
9) Criminal Minutes, vol. U, 1936-38, p. 463.
10) Ga. Acts 1913, pp. 112-114.

in 1937, under authority of an act of that year, which provided for the creation of such agencies in each county of the State.(1)

The following courts, offices, and agencies now function in Muscogee County: county commissioners, superior court clerk as recorder, superior court and clerk, solicitor general, jury commissioners, grand jury, court of ordinary and clerk, county administrator, city court and clerk, city court solicitor, county probation officer, municipal court and clerk, municipal court marshal, juvenile court, county attorney, county coroner, sheriff, county police, board of tax assessors, tax commissioner, disbursing clerk (formerly county treasurer), registrars, board of education, superintendent of schools, board of health, city-county health officer, department of public welfare, superintendent of roads and county engineer, surveyor, county agricultural agent, and county home demonstration agent.

Muscogee County participates in the following governmental functions: administration of the business of the county; recording of deeds and other documents; administration of justice, which includes hearing and determining civil, criminal, equity, and probate cases; enforcement of the law and preservation of peace; administration of finance; supervision and control of elections; maintenance and development of a system of education, and the protection and supervision of health in the community. The county also participates in charitable and welfare work; builds, maintains, and repairs roads and bridges; has charge of the construction and preservation of the public buildings of the county; and agricultural and extension activities.

General Administration

The administrative affairs of Muscogee County, from its creation to date, have been successively under the authority and direction of three separate agencies.

From its organization in 1826 until August 1868, general administrative control of county affairs was vested in the inferior court, "sitting for county purposes." This court was abolished by the Constitution of 1868,(2) which transferred authority over county administration to the ordinary. This office had been created by the legislature in 1852 under authority of a constitutional amendment passed the year before.(3) Jurisdiction of county affairs continued in the ordinary until September 1872, when this authority was vested in a board of commissioners of roads and revenues.(4) This board has continued in authority over county administrative affairs until the present time.

The board of commissioners has exclusive jurisdiction over all the property of the county; in levying general and specific taxes; in establishing and changing election precincts and militia districts; in examining, auditing, settling, and allowing all claims against the county; in examining

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1) Ga. Acts 1937, pp. 355-370.
2) Ga. Const. 1868, art. V, sec. XIV.
3) Ga. Acts 1849-50, pp. 117, 118; 1851-52, pp. 49, 50.
4) Ga. Acts 1872, pp. 451, 452.

and auditing the accounts of all officers having the care, management, keeping, collecting, and disbursement of money belonging to the county, and bringing them to a settlement, and in establishing, altering, and abolishing roads, bridges, and ferries. Care of the poor, successively lodged in the inferior court, ordinary, and county commissioners, was vested in a county board of public welfare in 1937.(1) Promotion of health, under the general supervision of the authority in charge of county affairs from the creation of the county, was transferred by an act of 1914 to a county board of health.(2) The county commissioners, however, still maintain partial authority over both of these functions through allocation of funds, by appointments of the welfare board members, and by service of their chairman on the board of health. The commissioners were vested with such additional powers as were previously exercised by the ordinary in relation to road commissioners, control of prisoners confined in the county jail, and the purchase of property sold for State and county taxes.(3)

Title to Property

Origin of Land Titles

Lands embraced in the territory which subsequently was organized as Muscogee County were ceded by the Creek Indians to the United States for the use of Georgia by the treaty of 1825. The title thus acquired by the State was initially conveyed to individuals by means of a lottery, in which all male white persons of 18 years of age and upwards (and others), who were citizens of the United States and inhabitants of the organized limits of the State for 3 years, were eligible to participate.(4)

Recording

The recording of deeds, mortgages, and other instruments of writing is a system of purely legal origin and not of right or abstract justice. Laws requiring the registration of conveyances were enacted at an early date to render such instruments valid as against subsequent bona fide purchasers, and to obviate frauds arising from secret conveyances. The purpose in making and keeping a record of titles to land and other property is that the title and its history may be preserved and protected, and so that all interested parties may obtain knowledge of the state of the title to property affected by these transfers and of all changes and encumbrances against such property.(5) Instruments are recorded word for word, and recordings are made in the order of their receipt on both the instrument and the records, showing the day, time of day, month, and year when the document was received, and the date recorded.(6)

The clerk of the superior court, who is ex officio county recorder, has been charged with the duty of recording and keeping all records of

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1) Ga. Acts 1937, pp. 363-367.
2) Ga. Acts 1914, pp. 124-134.
3) Ga. Acts 1872, pp. 451, 452.
4) Ga. Acts 1825, Ex. Sess., pp. 3-16.
5) Ga. Code of 1933, #24-2715; Act 1795, Marbury and Crawford, p. 115.
6) Ga. Code of 1933, #24-2714; Ga. Acts 1889, p. 106.

titles to property and changes thereof since Muscogee County was created in 1826. He is required to keep a filing docket, which must show the day and hour of filing deeds, mortgages, and liens of all kinds required to be recorded within a specified time; and to have well-bound books in which to record all deeds, conveyances, mortgages, and other liens and bills of sale.(1) The clerk is also required to keep, among other things, a record of wild lands in the county;(2) a register of decrees of title and a title register;(3) a register of owners of security deeds and realty mortgages, who are notified in case property is levied on for taxes;(4) a Federal tax lien index;(5) and a record of constitutional homesteads granted by the ordinary.(6)

In counties whose grand juries recommend its adoption, an act of 1933 requires the clerk of the superior court to correctly copy or trace in a loose-leaf plat record book any map, sketch, or plat offered for record, whether attached to and made a part of a deed or not. Maps or plats not attached to deeds must be noted by the clerk in an index book under the name of the property, if it has one, under the name of the owner, and also under the original land lot number, if the land lies in that portion of the State which has been subdivided or surveyed into land lots and districts.(7) The Muscogee County superior court clerk has kept a plat book which substantially complies with the above provisions since 1936. Prior to that time land plats and maps were pasted in the deed record books.

Character of Instruments

In Georgia a deed is valid as between the parties thereto if made in writing, signed by the maker, attested by at least two witnesses, and delivered by the purchaser, or some one for him, and is based on a valuable or good consideration.(8) In addition, a deed must be attested by the affidavit of a subscribing witness before an officer authorized to attest wuch instruments to entitle it to be recorded.(9) Ordinarily, deeds which are attested by two witnesses, one of whom is an officer authorized to attest deeds, are admitted to record.

Every deed conveying lands must be recorded in the office of the clerk of the superior court of the county where the land lies. The record may be made at any time, but an unrecorded deed loses its priority over a subsequently recorded deed from the same grantor, taken without notice of the existence of the first deed.(10)

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Governmental Organization and Records System - Title of Property (First entry, p. 129)

A mortgage in this State is only security for debt, and passes no title,(1) but a deed to secure debt does pass title to the grantee, subject to redemption by the grantor upon satisfaction of the debt.(2) In order to admit a mortgage to record, it must be attested by or acknowledged before an officer authorized to attest such instruments and, in the case of real property, by one other witness.(3) Mortgages on realty must be recorded in the county where the land lies; on personal property, in the county where the mortgagor resided at the time of its execution, if a resident of this State, and if a nonresident, in the county where the mortgaged property is located. All chattel mortgages on stocks of goods, wares and merchandise, or other personal property, must be recorded, in case the mortgage is upon preoprty or goods located in some county other than that of the mortgagor's residence, in the county where said personal property is located at the time of the execution of the mortgage. This is in addition to the record of the mortgage in the county of the mortgagor's residence.(4)

Any mortgagor who has paid off his mortgage may present the same to the clerk of the superior court of the county or counties in which it is recorded, together with the order of the mortgagee or transferee directing that the mortgage be canceled, and the clerk is thereupon required to record the order across the face of the record, and write thereon the word "satisfied," giving the date of such entry, and sign his name thereto officially.(5)

Registration of Title

the land registration law of 1917, contained in chpater LX of the Georgia Code of 1933, enables all persons owning real estate within this State to have the title thereto settled and registered. The superior court of the county in which the land lies has exclusive jurisdiction of all petitions for this purpose and the proceedings had thereon.

Proceedings under any application for registration of land are begun by a sworn petition to the court, containing a full description of the land and its last assessment for county taxes, and including as defendants all persons who by the petition are disclosed to have any interest, equity, or claim adverse to the petitioner. This petition is filed in the office of the clerk of the superior court, who issues a process to the sheriff requiring all of the defendants named in the petition to show cause before the court on a day named why the prayers of the applicant should not be granted.

After the record has been perfected and settled, the judge of the superior court thereupon decides the cause; and if, upon consideration of

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1) Ga. Code of 1933, #67-101; Ga. Acts 1899, p. 32.
2) Ga. Code of 1933, #67-1301; Ga. Acts 1871-72, pp. 44, 45; 1884-85, p. 57; 1924, p. 56.
3) Ga. Code of 1933, #67-105; Ga. Acts 1931, p. 153.
4) Ga. Code of 1933, #67-108; Act 1755, Cobb, p. 159; 1768, Cobb, p. 162; 1827, Cobb, pp. 171, 172; Ga. Acts 1876, p. 34; 1878-79, p. 139.
5) Ga. Code of 1933, #67-117; Ga. Acts 1884-85, p. 129.

such record, the title is found in the petitioner, the judge enters a decree to that effect. The decree is entered upon the minutes and on the register of decrees of title and becomes a part of the records of the court.(1)

Administration of Justice

Criminal Actions

A criminal action as distinguished from a civil action is one in which the defendant (the person charged with the commission of a crime) is liable to punishment by fine, or imprisonment, or death. The two general classes of criminal offenses under Georgia law are misdemeanors and felonies. Any offense for which the person, upon conviction, may be punished by imprisonment in the penitentiary or by death is called a felony.(2) All other crimes are misdemeanors, the punishment for which may be any one or more of the following: A fine not exceeding $1,000, imprisonment not exceeding 6 months, or 12 months on the chain gang.(3)

From 1826 to date the superior court has exercised concurrent jurisdiction with lower courts in the trial of all criminal cases, and it has exclusive authority of all offenses which amount to felonies. The course of appeal from this court is to the Supreme Court in felony cases, and to the Court of Appeals in misdemeanor cases. From 1826 to 1866 the inferior court had authority to try misdemeanors, and exercised exclusive jurisdiction over all crimes committed by slaves, including capital felonies; from 1866 to 1868, the first county court had jurisdiction over misdemeanors; from October, 1868 to October 1870, the county criminal court exercised jurisdiction over criminal offenses not punishable by death or imprisonment in the penitentiary (misdemeanors); from January to December 1871, the district court had jurisdiction over misdemeanor cases; from January 1872 to December 1880, the second county court exercised jurisdiction over misdemeanor cases; from 1884 to date this authority has been vested in the city court of Columbus; from 1826 to 1929 justice of the peace courts were vested with powers of examining magistrates, who could dismiss, bail over offenders or commit them to jail to await trial by competent courts; from 1929 to date, this jurisdiction has vested in the municipal court. Appeal from all the latter courts, except the city court, was and is by writ of certiorari to the superior court. Review of judgments of the city court is effected in the Court of Appeals.

Inquests

A necessary proceeding in connection with enforcement of criminal law is the holding of inquests by the coroner in all violent, sudden, or casual deaths, when there are no eyewitnesses to the killing or cause of death. The coroner may issue warrants for the arrest of persons suspected in cases

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1) Ga. Code of 1933, #60-201 et seq.; Ga. Acts 1917, pp. 108-143.
2) Ga. Code of 1933, #26-101.
3) Ga. Code of 1933, #26-201, #27-2506.

of homicide.(1) When there is no coroner, or he fails or refuses to act, any justice of the peace may hold inquests and perform other duties of the coroner.(2) A jury of six is summoned and the coroner issues subpoenas for witnesses to the circumstances attending the death under investigation. The coroner charges the jury to declare of the death of the person upon whose body the inquest is held, whether such person died by murder, manslaughter, misadventure, misfortune, or otherwise; and by whom, and when, and by what means, and in what manner.(3) The coroner is required to commit to writing the substance of the testimony delivered before the inquest, and to return all the papers touching the inquisition to the superior court of the county.(4)

Indictments and Accusations

Indictment of persons for violation of laws is the prerogative of the grand jury, an adjunct of the superior court, and an inquisitiorial body of not fewer than 18 nor more than 23 members.(5)

This tribunal is bound only to notice or make presentments of such offenses as may come to its knowledge or observation after the members shall have been sworn; nevertheless they have the right and power, and it is made their duty, to make presentments of any violations of the laws which they may know to have been committed at any previous time within the statute of limitations.(6)

All special presentments by the grand jury are treated as indictments, and the solicitor general may arraign defendants upon such presentments without framing bills of indictment thereupon.(7) In all misdemeanor cases in which accused persons have been bound over to the superior court, or are confined to jail pending commitment trial, or are in jail, having waived commitment trial, the prosecuting officers of such court have authority to prefer accusations, upon which such persons may be tried. The waiver of indictment by the grand jury must be in writing.(8) Prosecutions for misdemeanors in courts other than the superior court, in cases where there is no demand for indictment, are based on accusations sworn to by prosecuting witnesses.

An indictment is distinguished from an accusation by the source from which it emanates. The former is returned by the grand jury, while an accusation is based on an affidavit by a witness who has knowledge of the crime.

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1) Ga. Code of 1933, #21-208; Act 1823, Cobb, p. 539.
2) Ga. Code of 1933, #21-204.
3) Ga. Code of 1933, #21-207, #21-209, #21-213.
4) Ga. Code of 1933, #21-215; Act 1823, Cobb. p. 539.
5) Ga. Code of 1933, #59-202; Act 1799, Cobb, p. 547; Ga. Acts 1869, p. 140.
6) Ga. Code of 1933, #59-304; Act 1829, Cobb, p. 553.
7) Ga. Code of 1933, #27-703; Ga. Acts 1873, p. 51.
8) Ga. Code of 1933, #27-704; Ga. Acts 1915, p. 32.

Additional to the power of the grand jury to find indictments for violations of law committed in the county is the authority which requires it at each regular session of the court to appoint committees to inspect public buildings and records, eleemosynary institutions and inmates, lists of pensioners, and to make such recommendations as may be warranted by the results of such inspections.(1)

Apprehension of Criminals

When an indictment is returned by the grand jury, or an affidavit charging the commission of a crime is filed with any judicial officer, a warrant is issued directing the sheriff or other arresting officer of the county to apprehend the person accused and bring him before a court of competent jurisdiction for hearing and trial.(2) A warrant for arrest may be issued in any county, though the crime was committed in another; and a warrant once issued may be executed in any county, without being indorsed by a judicial officer upon its being carried from one county to the other.(3)

Justices of the peace may issue warrants for the arrest of persons accused of any crime, but they are empowered to sit only as courts of inquiry in such cases, and must discharge, admit to bail, or commit the prisoner to jail to await trial in the proper court.(4) The superior court has exclusive jurisdiction in the trial of felonies,(5) and the city court has power to try persons charged with lesser crimes.

Custody of Prisoners

Persons charged with criminal offenses and ordered held by the court are placed in the custody of the sheriff of the county or a constable and confined in jail until they furnish bail. The sheriff is ex officio jailer, and he may appoint a jailer, subject to the approval of the county commissioners.(6) Chiefs of police and town marshals have custody of persons arrested for criminal offenses in incorporated cities and towns, and State patrolmen of violaters of motor vehicle and highway infractions. Such offenders are confined in either a city or county jail.

At each session of the grand jury, it is one of the duties of that body to visit the county jail, to note its condition and that of the prisoners, and to make a report thereupon to the superior court.(7) "No jailer may by too great a duress of imprisonment or other cruel treatment make or induce a prisoner to become an approver, or accuse or give evidence against another, or be guilty of wilful inhumanity or oppression to any prisoner under his care and custody."(8) The coroner becomes keeper of the jail

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1) Ga. Code of 1933, #59-315, #59-316, #59-401, #59-402.
2) Ga. Code of 1933, #27-102, #27-801.
3) Ga. Code of 1933, #27-108; Ga. Acts 1865-66, p. 39.
4) Ga. Code of 1933, #24-1501.
5) Ga. Code of 1933, #2-3201.
6) Ga. Code of 1933, #77-101.
7) Ga. Code of 1933, #59-314; Ga. Acts 1887, p. 102.
8) Ga. Code of 1933, #77-104.

when the sheriff is imprisoned or absent from the county, leaving no deputy.(1)

Prosecutions

Criminal cases are called in the order in which they stand on the docket unless the defendant is in jail, or otherwise in the discretion of the court.(2) Every person charged with an offense against the laws must be furnished, on demand, with a copy of the accusation previous to his arraignment, and a list of the witnesses on whose testimony the charge against him is founded.(3)

Upon arraignment of a prisoner, the indictment or accusation is read to him, and he is required to answer whether he is guilty or not guilty of the charge. This answer may be made orally by the prisoner or by his counsel. If the plea is "guilty," it is immediately recorded on the minutes of the court by the clerk, together with the arraignment, and the court pronounces upon the prisoner the judgment of the law, in the same manner as if he had been convicted of the offense by the verdict of a jury. At any time before judgment is pronounced, however, the prisoner may withdraw his plea of "guilty" and plead "not guilty," and his former plea cannot be given in evidence against him on his trial.(4)

The accused has the constitutional right to appear and defend himself in person and by counsel; to be furnished, on demand, with a list of the witnesses on whose testimony the charge against him is founded; to have compulsory process to obtain the testimony of his own witnesses; to be confronted by the witnesses testifying against him; and to have a public and speedy trial by an impartial jury.(5)

All criminal cases are tried in the county where the crime was committed, except cases in the superior courts where the judge is satisfied that an impartial jury cannot be obtained in such county. When he becomes thus satisfied, he may change the venue for the trial.(6)

Execution of Sentence

On the trial of all criminal cases the jury is the judge of the law and the facts, and must give a general verdict of "guilty" or "not guilty." Verdicts must have a reasonable intendment and are to receive a reasonable construction. They are not to be avoided unless from necessity.(7) Upon conviction of the accused, it is the duty of the sheriff to safely keep the prisoner until he is called for by the authority designated to carry out the sentence. If the sentence calls for the death penalty, it must be

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1) Ga. Code of 1933, #77-105.
2) Ga. Code of 1933, #27-1301; Ga. Acts 1862-63, pp. 138-140.
3) Ga. Code of 1933, #2-105.
4) Ga. Code of 1933, #27-1404.
5) Ga. Code of 1933, #2-104, #2-105.
6) Ga. Code of 1933, #2-4306; Ga. Acts 1895, p. 71.
7) Ga. Code of 1933, #2-201, #27-2301.

in writing and a certified copy of it must be sent to the superintendent or warden of the State penitentiary not less than 10 days prior to the time fixed for the execution. It is the duty of the sheriff to convey the condemned person to the penitentiary not more than 20 nor less than 2 days prior to time of execution.(1)

Prior to 1924 the death penalty was inflicted by hanging. In that year the law was changed to provide electrocution of persons convicted of capital crimes. This is effected within the walls of the State penitentiary at Reidsville.(2)

Civil Actions

Civil actions are those brought for the enforcement or protection of private rights or the redress of or prevention of private wrongs. They are suits pertaining to the rights of and relations between the citizen and the State or between citizens as regulated by law. Affecting private rights and remedies, they are designated as civil actions, in contradistinction to criminal actions which relate to crimes, offenses and punishment. In civil cases, the person instituting the suit is called the plaintiff and the adverse party the defendant.

Civil jurisdiction in Muscogee County has been exercised by the following named courts, during the periods and within the scope indicated:

The superior court, 1826 to date, all causes and sums unlimited, except probate and estate matters; the course of appeal is to the Court of Appeals or the Supreme Court, depending upon the questions involved. Appeals lie exclusively to the Supreme Court in all cases that involve the construction of the Constitution of the State of Georgia or of the United States, or of treaties between the United States and foreign governments; in all cases in which the constitutionality of any law of the State of Georgia or of the United States is drawn in question; in all cases respecting title to land; in all equity cases; in all cases which involve the validity of or the construction of wills; in all cases of conviction of a capital felony; in all habeas corpus cases; in all cases involving extraordinary remedies; in all divorce and alimony cases; and in all cases certified to it by the Court of Appeals for its determination.(3) In all other cases the course of appeals from the superior court and city court is to the Court of Appeals.(4)

The inferior court, 1826 to 1866, concurrent jurisdiction with the superior court in all causes except those involving titles to land and divorce and equity cases; the first county court, 1866 to 1868, all cases of contract or tort where the principal sum claimed did not exceed $100; from January to December 1871, the district court exercised jurisdiction

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1) Ga. Code of 1933, #27-2514; Ga. Acts 1924, p. 195.
2) Ga. Code of 1933, #27-2512; Ga. Acts 1924, pp. 195-197.
3) Ga. Code of 1933, #2-3005; Ga. Acts 1906, pp. 24-28, ratified November 6, 1906; 1916, pp. 19-22, ratified November 7, 1916.
4) Ga. Code of 1933, #2-3009; Ga. Acts 1906, pp. 24-28; 1916, pp. 19-22.

over intermediate civil matters, including applications for eviction of trespassers and tenants holding over, the trial of possessory warrants, issuing attachments, foreclosing maorgages on personal property, and issuing writs of habeas corpus; the second county court, August 1872 to December 1880, with jurisdiction from $50 to $250 until February 1873, at which time the jurisdiction was increased to $1,000; the city court of Columbus, 1884 to date, jurisdiction unlimited in all cases except where exclusive jurisdiction lies in the superior or other court; the justice of the peace courts, 1826 to 1915, jurisdiction within their district of all cases arising ex contractu or from injury or damage to personal property where the principal sum claimed did not exceed $100; 1915 to 1929, the same authority only in districts outside the city of Columbus; 1915 to 1929, this court superseded by the municipal court of Columbus within the city only; 1929 to date, the municipal court's jurisdiction was increased to $500 and embraced the entire county. Appeal from all the latter courts, except the city court of Columbus, is by writ of certiorari to the superior court. In practically all cases over which the city court has jurisdiction appeal lies directly to the Court of Appeals.

Chancery (Equity)

The terms chancery and equity are synonymous in this State. Equity is the application of principles of justice to legal adjustment of differences in certain cases where the law, by reason of its universality, is deficient. This authority has resided exclusively in the judges of the superior court since the creation of the county.(1)

Probate Jurisdiction

Authority over probate and estate matters from the creation of Muscogee County in 1826 until 1852, resided in one division of the inferior court, that branch sitting or convening for "ordinary" purposes. In 1852 a separate office of ordinary was created and exclusive jurisdiction over these subjects was transferred to this office,(2) which has continued to function under this name until the present.

Juvenile Jurisdiction

An act of 1915, as amended in 1916 and 1935, provides for a court to deal with children under 16 years of age who offend against the laws, or otherwise become subject to the discipline and care of the State because of the environment in which they live, or have such improper or insufficient guardianship as to endanger their morals, health, or general welfare.(3) A juvenile court was established in Muscogee County under the act of 1916, superseding the children's court which had been established in the county in 1909.(4) The act creating the children's court was declared unconstitutional in 1915 by the State Supreme Court.(5)

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1) Ga. Code of 1933, #37-101; Act 1799, Cobb, p. 467.
2) Ga. Code of 1933, #2-3401, #24-1701; Ga. Acts 1851-52, pp. 49, 50.
3) Ga. Acts 1915, pp. 35, 36; 1916, pp. 58-61; 1935, pp. 399-403.
4) Ga. Acts 1908, p. 1107; Minutes, Children's Court, p. 1, see entry 306.
5) Law et ux v. McCord, 143 Ga. 22, 85 S.E. 1025 (1915).

Naturalization

There are two kinds of citizens - native-born and naturalized. The native-born citizens include all persons born in the United States. It matters not whether the parents are citizens, children of unnaturalized parents living in the United States are native-born citizens from birth. Naturalization is the legal process by which aliens become citizens of this country.

Naturalization acts of Congress, from the first one in 1790, have conferred authority upon State courts of record to admit aliens to citizenship.(1) Under the Federal statute of 1906, power was given the United States District Courts and all State courts of record having a seal, a clerk, and jurisdiction in actions at law or in equity in which the amount in controversy is unlimited, to naturalize aliens as citizens of the United States.(2) Owing to the small compensation in these cases, after division of fees with Federal officers, and the formalities incident to qualifying for this duty, few of the eligible State courts have qualified. In consequence, practically all naturalization proceedings for Muscogee County have been brought in the District Court of the United States for the Middle District of Georgia.

Finance

Budgets

Laws effective when Muscogee County was created vested the inferior court, the authority in charge of county affairs, with the responsibility of determining the amount of money needed each year to defray county expenses and of fixing the tax rate.(3) The court of ordinary and boards of county commissioners, successively in charge of county affairs in Muscogee, have exercised complete authority in levying taxes and providing for the expenditure of funds derived therefrom. There is no actual budgetary control in the counties of this State. An approximation of this requirement of many States is the annual fixing by the county commissioners of the tax rate for the ensuing year, based on expenditures for the previous year and the estimated requirements of the county for the next year for presentation to the grand jury. This is accompanied by a statement in detail of each specific item of tax, the purpose for which imposed, and the number of mills to be levied therefor. This levy is published in the official newspaper of the county.(4) The county treasurer (disbursing agent in Muscogee) is also required to file with the county commissioners,

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1) Frederick Van Dyne, A Treatise on the Law of Naturalization of the United States (Washington, 1907). 11.
2) The Code of the Laws of the United States in Force December 7, 1925, as Enacted by Congress June 28 and Approved June 30, 1926, Annotated from all the Cases Construing These Laws . . . (St. Paul, Minn.; Northport, N. Y., 1927). Title 8, #357.
3) Act 1796, Marbury and Crawford, p. 171.
4) Ga. Code of 1933, #92-3702, #92-3706, #92-3709, #92-3710, #92-3802.

annually on the second Monday in January, a full statement of his accounts for the preceding year, together with his estimate of the indebtedness of the county for the ensuing year, and the means of providing payment therefor.(1)

Taxation

All real and personal property, whether owned by individuals or corporations, resident or nonresident, is liable to taxation, except as otherwise provided by law.(2) Realty includes all lands and the buildings thereon, and all things permanently attached to either, or any interest therein or issuing out of or dependent thereon. The right of the owner of lands extends downward and upward indefinitely.(3)

For purposes of taxation, personal property is construed to include goods, chattels, moneys, credits and effects, whatsoever they may be; ships, boats and vessels, whether at home or abroad, and capital invested therein; bonds and other securities of corporations of this or of other States; stocks of corporations of other States; bonds, notes, or other obligations of other States, and of counties, municipalities, or other subdivisions thereof; money due on open account or evidenced by notes, contracts, bonds, or other obligations, secured or unsecured.(4)

The following property is exempt from taxation in Georgia: All public property, places of religious worship, and places of burial; all instututions of purely public charity; all buildings erected for and used as a college, incorporated academy or other seminary of learning, and also all funds or property held or used as endowment by such institutions; provided the same is not invested in real estate, and that such institutions are open to the general public. There is the further provision that all endowments to institutions established for white people shall be limited to white people and those for colored people shall be limited to colored people; the real and personal estate of any public library, and that of any other literary association used by or connected with such library; all books, philosophical apparatus, paintings and statuary of any company or association, kept in a public hall, and not held as merchandise or for the purpose of sale or gain; all farm products, including baled cotton, grown in this State and remaining in the hands of the producer, is exempt from taxation for the year next after their production.(5)

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1) Ga. Code of 1933, #23-1015, par. 7.
2) Ga. Code of 1933, #92-101; Ga. Acts 1851-52, pp. 288, 289.
3) Ga. Code of 1933, #85-201; Thasher v. City of Atlanta et al., 178 Ga. 515, 173 S.E. Rep. 817 (1934).
4) Ga. Code of 1933, #92-102; Ga. Acts 1858, p. 105; 1884-85, pp. 28-30; Ga. Railroad and Banking Company v. Wright, Comptroller General et al., 124 Ga. 596, 53 S.E. Rep. 251 (1906); Ga. Railroad and Banking Company v. Wright, Comptroller et al., 125 Ga. 590, 54 S.E. Rep. 52 (1906); Greene County v. Wright, Comptroller General, 126 Ga. 504-510, 54 S.E. Rep. 951 (1906).
5) Ga. Code of 1933, #92-201; Ga. Acts 1878-79, pp. 32, 33; 1913, p. 122; 1919, p. 82.

Exemption from taxation of personal property up to the value of $300, (1) and of a $2,000 homestead in realty,(2) upon application and affidavit of the taxpayer, were provided for by the legislature, effective January 1, 1938. County boards of tax assessors are final judges as to the eligibility and value of property in applications for homestead exemptions.(3) Their authority is also final on appeals from ruling of tax receiver on personal property exemptions, with the right of applicant to appeal from the decision of the board to the superior court.(4)

Each county and independent school system receiving funds from the State is required annually, through its executive officer, to make out and submit to the State Board of Education an estimated budget of its receipts from all sources and its proposed expenditures for the next year, according to blank forms furnished by the State Board of Education, and upon such dates as may be required by the State Board of Education. The filing of such budgets must be made before the State Superintendent of Schools transmits to such public school systems any of the State school funds for the year for which such budget is made.(5)

The county commissioners were authorized to levy a tax not exceeding 100 percent of the State tax for the year in which it is levied, to pay current expenses or accumulate debts of the county, or both, without a recommendation by the grand jury.(6) This provision was changed by the General Assembly in 1937 to 5 mills.(7) The levy of a tax for county purposes, over and above other taxes authorized by law, not to exceed 50 percent of the amount of the State tax for the year in which it is levied, is permitted under the law, if two-thirds of the grand jury at the first or spring term recommend such tax.(8) The limitation of 50 percent was changed in 1937 to 2 1/2 mills,(9) which, under the constitutional restriction of taxation to a maximum of 5 mills, still means one-half of the State tax.(10) Taxes raised for educational purposes, the support of the poor, or any specific purpose must be used for such purpose and none other.(11)

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1) Ga. Acts 1937, pp. 38, 39; 1937-38, Ex. Sess., pp. 176-179.
2) Ga. Acts 1937, pp. 1122-1124; 1937-38, Ex. Sess., pp. 145-150.
3) Ga. Acts 1937-38, Ex. Sess., pp. 146, 147.
4) Ga. Acts 1937-38, Ex. Sess., pp. 178, 179.
5) Ga. Code of 1933, #32-945; Ga. Acts 1925, p. 135.
6) Ga. Code of 1933, #92-3702.
7) Ga. Acts 1937, p. 444.
8) Ga. Code of 1933, #92-3706; Act 1821, Cobb, p. 184.
9) Ga. Acts 1937, p. 444.
10) Ga. Code of 1933, #2-4902; Ga. Acts 1903, p. 21, ratified Oct. 5, 1904.
11) Ga. Code of 1933, #92-3708. Editorial Note preceding sec. 92-3701, Ga. Code of 1933: In recent years purposes for which taxes may be levied have been materially enlarged by amendments to the constitution, especially by that of 1920, which requires the county authorities, on recommendation of the county board of education, to levy from one to five mills on the dollar on all taxable property in the county, outside of independent school systems, for the support of the public schools. - Ga. Code of 1933, #2-6901. Within the limits fixed,

It is the duty of the county commissioners to have the county treasurer (or disbursing agent) prepare, by the time of the organization of the grand jury at the first or spring term of the superior court, a statement of the financial condition of the county, and the amount of tax required for county purposes for that year. This must be presented by the treasurer to the grand jury on the first day of the term for examination.(1) If a grand jury is not impaneled at this term, or adjourns without taking any action on such statement, the board of commissioners may levy without such recommendation the necessary tax, not to exceed 2 1/2 mills. The levy in no case, without the grand jury's approval, is to exceed the levy last recommended by a grand jury for the county.(2)

Collecting Taxes

The county tax receiver is required to give 10 days notice of the several times and places at which he will attend in the several militia districts of the county, for the purpose of receiving tax returns.(3) Voluntary returns under oath are received from each taxpayer. From these returns the tax receiver compiles three digests, which are distributed respectively to the State Revenue Commissioner, the board of county commissioners, and the county tax collector. The digests embrace a list of all defaulters, the amount of their taxes, and the double tax assessed against them as a penalty for failure to make returns, and of all property assessed by the receiver which has not been returned.(4)

When a taxpayer has been returned as a defaulter and double taxed, either by the receiver or collector of taxes, the county commissioners are authorized, at the time the collector is allowed his insolvent list,

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the recommendation of the board of education is mandatory. - Smith et al., Commissioners, v. Board of Education of Washington County, 153 Ga. 758, 113 S.E. Rep., 147 (1922). Since the State tax cannot exceed five mills on the dollar, it is evident that the tax for public schools under what is generally called the county-wide five-mill tax was not intended to come within the limitations fixed by the statutes authorizing the county to levy a tax of 100 percent of the State tax for accumulated debts and current expenses, and on recommendation of the grand jury, 50 percent additional for county purposes. These are, in the opinion of the State Supreme Court, extra, or special taxes. If this were not so, the counties could not raise enough revenue to function. - Central of Georgia Railway Co. v. Wright, Comptroller General, 165 Ga. 1 (3a), 139 S.E. Rep. 890 (1927).

1) Ga. Code of 1933, #92-3709; Act 1823, Cobb, p. 193.
2) Ga. Acts 1880-81, p. 41; 1937, p. 445; William F. Coufer et al., v. James F. Rowe et al., 42 Ga. 229 (1871); Joseph and Brother v. Abraham Stein, 52 Ga. 234 (1874); Arnett v. Griffin, Tax Collector, 60 Ga. 349 (1878).
3) Ga. Code of 1933, #92-4611, par. 3.
4) Ga. Code of 1933, #92-4611; Act 1804, Cobb, p. 1045; 1807, Cobb, p. 1054; 1912, Cobb, p. 1057; 1813, Cobb, p. 1059; Ga. Acts 1851-52, p. 290; Ga. Code of 1933, #92-6303; Ga. Acts 1913, p. 124; 1937-38, Ex. Sess., p. 91.

to relieve such defaulter if he can show by satisfactory evidence that he had no opportunity to make his returns, and promptly pays his proper tax, with $1 to the collector as his fee.(1) All defaulters may at any time, and for the same causes, before the digest is made up and ready to be sent to the State Revenue Commissioner, save the double tax by likewise making their returns to the county commissioners, and paying $1. The county commissioners are required in this case to give a copy of such returns instanter to the receiver, and he must enter it in the several digests.(2)

Responsibility for equalizing valuations of property for taxation rested inferentially in the tax receiver prior to 1852, at which time this authority was formally vested in him. In 1874 the tax receiver was required to lay the tax returns before the grand jury annually and they were authorized to assess the property at its true market value.(3) Legislation was enacted in 1913, with the aim of establishing an effective county agency for assessing property for taxation at a reasonable valuation. A board of tax assessors of three members was created in each county by this measure.(4) This board inspects all the returns of both real and personal property of each taxpayer. If in the opinion of the board any taxpayer has omitted from his returns any property that should be returned or has failed to return any of his property at a just and fair valuation, the board is authorized to correct such returns and fix the just and fair valuation to be placed on the property, and is required to make a note thereof and attach the same to the returns. It is the duty of the board to see that all taxable property in the county is assessed and returned at a just and fair valuation, and that valuations as between the individual taxpayers are fairly and justly equalized so that each taxpayer may pay as near as possible only his proportionate share of taxes. In all cases where assessments are made or where returns are altered, the board gives notice to taxpayers of such changes.(5) Any taxpayer dissatisfied with the action of the board of assessors may demand an arbitration. The findings of the arbitrators constitute a final decision of the assessment, unless the same be changed by the State Board of Tax Appeals, which is charged with a final review of tax assessments.(6)

The collection of both State and county taxes is the duty of the county tax collector, who is required to pay over to the State and county treasurers their proportionate share of these funds.(7) This officer is

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1) Ga. Code of 1933, #92-6606; Ga. Acts 1860, pp. 59, 60.
2) Ga. Code of 1933, #92-6607; Act 1804, Cobb, p. 1051.
3) Ga. Acts 1851-52, p. 290; 1874, p. 108.
4) Ga. Code of 1933, #92-6903; Ga. Acts 1913, pp. 123, 124.
5) Ga. Code of 1933, #92-6911; Ga. Acts 1913, pp. 123-137; 1937, pp. 519, 520.
6) Ga. Code of 1933, #92-6912; Ga. Acts 1913, p. 217; 1918, pp. 230, 231; 1931, p. 35; Ogletree et al. v. Woodward et al., 150 Ga. 691-697, 105 S.E. Rep. 243 (1920); Vestel v. Edwards et al., Tax Assessors, 143 Ga. 368, 371, 85 S.E. Rep. 187 (1915); Ga. Acts 1937-38, Ex. Sess., pp. 89, 90.
7) Ga. Code of 1933, #92-4901, par. 1; Act 1804, Cobb, p. 1046; 1812, Cobb, p. 1058.

also required to search out and ascertain as far as possible all polls and professions, and all taxable property not returned to the receiver or not found on his digests. The tax collecror must enter all such defaults in a book kept for that purpose, and collect a double tax thereon. One copy of this book must be deposited with the State Revenue Commissioner and one with the county commissioners, before the day of final settlement. (1) Names of persons or firms paying the special taxes that may be levied year after year, the amount paid, and the dates of payments must be reported by the tax collector to the State Revenue Commissioner at the time of paying the tax into the State treasury.(2)

All taxes due the State or any county thereof remaining unpaid on December 20 in each year bear interest at the rate of seven percent per annum from that date. Tax collectors are required to collect the interest on these unpaid taxes and account for them in their final settlements.(3)

Executions for unpaid taxes are issued by the tax collector on December 20 of each year,(4) and these executions are placed in the hands of some officer authorized by law for collection.(5) Property in counties other than that of the taxpayer's residence is subject to levy and sale to satisfy tax executions against him,(6) which may be levied by either of the officers to whom directed. A constable, however, may not levy a tax execution when the principal amount thereof exceeds $100.(7) Sales of property levied on for payment of taxes are effected by the sheriff under rules governing judicial sales.(8) The deed or bill of sale is just as valid as if made under an ordinary execution issuing from the superior court.(9)

The board of commissioners (or the ordinary in counties having no commissioners) are authorized to purchase and hold in their official capacity any property offered for sale by virtue of tax executions. Bids by county authorities on such property are limited to the amount of taxes and costs.(10) A proviso enacted in 1937 relieves such county authorities from paying the proportionate part of the taxes due the State, the schools, and other departments or agencies of government until after real property is redeemed or is resold by such authorities.(11)

Land sold for taxes may be redeemed by the former owner, or by any other person having any right, title, or interest in, or lien thereon, at

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1) Ga. Code of 1933, #92-4901, pars. 2, 3; Ga. Acts 1857, p. 131; 1862-63, p. 57; Ga. Code of 1933, #92-7110.
2) Ga. Code of 1933, #92-4901; par. 9; Ga. Acts 1878-79, p. 78.
3) Ga. Code of 1933, #92-5001; Ga. Acts 1917, p. 197.
4) Ga. Code of 1933, #92-5102.
5) Ga. Code of 1933, #92-5103; Ga. Acts 1875, p. 120.
6) Ga. Code of 1933, #92-7405.
7) Ga. Code of 1933, #92-7406; Ga. Acts 1876, p. 30.
8) Ga. Code of 1933, #92-8102.
9) Ga. Code of 1933, #92-8107.
10) Ga. Code of 1933, #92-8201.
11) Ga. Acts 1937, p. 447.

any time within 12 months from the date of such sale, or at any time thereafter until the right of redemption is terminated by the purchaser at the tax sale. The defendant in the tax execution, to redeem the property, must pay the amount paid therefor at the tax sale, plus 10 percent of such amount for each year, or fraction thereof, that elapses between the date of sale and date of redemption. The purchaser may give notice to all persons whose interest in the property appears of record, at any time after 12 months from the date of sale, naming a day upon which the right to redeem the property is to be foreclosed. After such notice to foreclose the right of redemption has been given, no suit at law or bill in equity may be filed, allowed, sanctioned, or maintained for the purpose of setting aside, canceling, or in anywise invalidating the tax deed referred to in such notice, unless and until the plaintiff in such suit or bill in equity shall pay, or legally tender, to the grantee in the tax deed the full amount of the redemption price for the property, as already fixed and determined. These provisions are not to apply if it clearly appears that the tax or special assessment under which the execution was issued was not due at the time of the sale, or that service or notice was not given as required.(1)

Licensing

Additional to tax assessments against property, taxes are imposed by counties for the privilege of conducting certain businesses or pursuing certain occupations. This form of taxation is called licensing. It is imposed by the State under authority of the legislature, and includes peddling, exhibiting shows of horses, animals and beasts, pictures or figures, theatrical or musical entertainments, and other shows.(2) Except for the fee for license to practice law, issued and collected for by the clerk of superior court,(3) license to peddle,(4) to carry pistols,(5) and to handle explosives,(6) issued and collected for by the ordinary, all licenses, including special and professional taxes, are collected by the county tax collector and remitted by him to the county treasurer (disbursing agent).(7)

Other sources of revenue in Muscogee County include fines and forfeitures in criminal cases, escheats, and fines inflicted for violation of quarantine or other sanitary regulations. The county also receives its share of the State school fund and of allocations by the State and Federal governments of funds for highways, pensions, welfare, and agricultural extension work.

Expenditures and Audits

Claims against the county for materials or services or other obligations are usually presented at regular sessions of the county commissioners

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1) Ga. Code of 1933, #92-8301; Ga. Acts 1937, pp. 491-496.
2) Ga. Code of 1933, #92-3902; Act 1820, Cobb, p. 184; 1835, Cobb, p. 185.
3) Ga. Code of 1933, #9-112; Ga. Acts 1897, pp. 85, 86; 1898, pp. 83-85.
4) Ga. Code of 1933, #84-2001; Act 1819, Cobb, p. 773.
5) Ga. Code of 1933, #26-5104; Ga. Acts 1910, pp. 134, 135.
6) Ga. Code of 1933, #88-803; Ga. Acts 1921, p. 249.
7) Ga. Code of 1933, #92-4901, pars. 1, 9.

They are examined and audited, and, if approved, a warrant is issued by the board on the county depository for the sum allowed. Warrants, after payment, are returned to the commissioners and filed by the clerk. When deemed necessary, an expert accountant may be appointed by the commissioners to audit the books and accounts of all officers who handle or are responsible for county funds, including the board of commissioners.(1) Procedure in the presentation of claims, issuance of orders or warrants, their payment and return and audits of county officers' accounts in all counties is substantially as given here. There is no general law controlling office procedure or accounting methods for boards of county commissioners. Each board is created by a special act, and few of them make extended reference to this subject. The act creating the first board for Muscogee County, in enumerating the duties of the commissioners, vests it with authority "in examining, auditing, settling and allowing all claims against the county ...examining and auditing the accounts of all officers having the care, management, keeping, collecting and disbursement of money belonging to the county, or appropriated for its use and benefit, and bringing them to a settlement."(2)

Bond Issues

The indebtedness incurred by any county in Georgia cannot exceed seven percent of the assessed value of all the taxable property therein, and no county may incur a new debt except for a temporary loan or loans to supply casual deficiencies of revenue, not to exceed one-fifth of one percent of the assessed value of the taxable property therein, without the assent of two-thirds of the qualified voters thereof, voting at an election for that purpose, to be held as prescribed by law.(3) The foregoing provisions have been varied in many instances during the past 20 years in behalf of counties desiring to increase their bonded indebtedness beyond the limits prescribed above.(4)

The law requires any county, municipal corporation, or political division of the State which acquires any bonded indebtedness under the provisions of the constitution, to provide, at or before the time of so doing, for the assessment and collection of an annual tax sufficient in amojnt to pay the principal and interest within 30 years from the date of incurring such indebtedness.(5)

Elections

Georgia's Constitution of 1777 required that voting in all elections be by ballot,(6) but provision for voting in all elections by the people

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1) Ga. Code of 1933, #23-1301; Ga. Acts 1901, p. 57.
2) Ga. Acts 1872, pp. 451, 452.
3) Ga. Code of 1933, #2-5501; Ga. Acts 1918, pp. 99, 100, ratified Nov. 5, 1918.
4) Editorial Note following #2-5501, Ga. Code of 1933.
5) Ga. Code of 1933, #2-5502.
6) Ga. Const. 1777, art. 9.

by "viva voce, until the legislature shall otherwise direct," was made by the Constitution of 1798.(1) The legislature affirmed this provision at its January 1799 session,(2) but at its November session of the same year the legislature passed an act which required voting by vallot in all elections.(3) This method of voting continues today.(4)

Electors

Voters must be at least 21 years of age, residents of the State for 1 year and of the county for 6 months preceding the election, and must have paid their poll taxes and have registered according to law.(5) Application to register is made to the tax collector, before whom, or his clerk, the applicant subscribes to the oath qualifying him as an elector.(6)

Women were unfranchised in 1920 by an amendment to the Constitution of the United States,(7) and in 1921 the Georgia General Assembly extended the franchise to females, and made them eligible to hold any civil office or perform any civil function.(8)

Registration

The tax collector, the ordinary, and the clerk of the superior court of each county are required, on or before the 20th day of April of each year, to prepare and file with the county registrars a complete list, alphabetically arranged, of all persons living in the county on April 10th of that year who appear to be disqualified from voting. Such disqualification may arise by reason of nonpayment of poll taxes, or by reason of idiocy insanity, or conviction of any crime whose penalty is disfranchisement, unless such convict has been pardoned and the right of suffrage restored to him; and the list must show whether such person is white or colored.(9)

The county registrars must, in each year in which a general election occurs, meet on the 20th day of April and begin the work of perfecting a true and correct list of the qualified voters of their county. They examine the voters list furnished by the tax collector and compare it with the list of disqualified persons prepared by the tax collector, the ordinary, and the clerk of the superior court, and then proceed to prepare a list know as "registered voters." The names on the list must be in alphabetical order by militia districts and city wards, and distinguish between the white and colored voters. These lists also show the age, occupation, and residence of each voter.(10)

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Governmental Organization and Records System - Elections (First entry, p. 129)

Qualification of Candidates

General qualifications of candidates for county offices require that they be residents of the county for 2 years, qualified voters therein, and not disqualified for any of the reasons enumerated in section 89-101 of the Georgia Code of 1933.(1)

Preparation of Ballots

The Australian ballot law of 1922 becomes effective in any county upon the recommendation of two successive grand juries, and Muscogee County adopted this law as early as 1931.(2) In primary and general elections under this law, it is the duty of the county executive committee or other authority of the political party holding the election, to provide official ballots, with the names of all candidates who have properly qualified printed thereon. The names of the candidates are arranged on the ballots in alphabetical order under each office, and the ballots are numbered consecutively and bound together in pads in such manner that each ballot may be detached and removed separately. Each ballot must have attached to its top a sheet which may be easily detached, with a blank space for the name of the voter, and printed thereon a letter of other designation and a number; and the same designation and number must be printed on the ballot itself. A different designation or letter is required at the various polling places. The ballots must be so arranged that the printed designation and number on the stub and on the ballot appear on the reverse side of the ballot, so that the voter, after he has prepared his ballot, may fold it, and the manager may compare the number and designation on the sheet bearing the name of the particular voter without exposing, inspecting, or disclosing the face of the ballot itself.(3) The code provides that none of these provisions shall be construed to alter or change the requirements of law as to the registration of voters now or hereafter to be enforced under the laws of this State.(4)

Equipping of Polling Places

In primary elections, it is the duty of the county executive committee, or authority of the political party holding the election, to provide official ballots, with the names of all candidates who have properly qualified printed thereon.(5) All blank forms necessary for elections are furnished by the Governor to the ordinary, who forwards them to election precincts at least 10 days before election day.(6) In all elections other than primaries held under the auspices of a political party, it is

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1) Ga. Code of 1933, #2-8301; Ga. Acts 1914, p. 43, ratified Nov. 3, 1914.
2) Georgia Department of Archives and History, Georgia's Official Register, 1931, p. 766.
3) Ga. Code of 1933, #34-1901, #34-1903; Ga. Acts 1922, pp. 98, 105.
4) Ga. Code of 1933, #34-1910.
5) Ga. Code of 1933, #34-1903; Ga. Acts 1922, p. 98.
6) Ga. Code of 1933, #34-1401; #34-1402; Ga. Acts 1895, p. 23; 1900, pp. 69, 70.

the duty of the ordinary to provide and furnish, at the expense of the county, official ballots for all such elections.(1)

The county registrars are required, at or before the hour appointed for opening the polls, to place in possession of the managers of the election at each voting precinct one or more printed or clearly written copies of the lists of registered voters for each militia district or city ward in which the voting precinct is situated. Such lists must be duly authenticated by the signature of two of the county registrars.(2)

It is the duty of the ordinary of Muscogee County to provide at each polling place a private room or rooms, a booth or booths, or an enclosure or enclosures, with such compartments therein as may be necessary to accommodate the persons qualified to vote at such polling places, and to furnish each compartment with a shelf or table for the convenience of the voters in the preparation of their ballots. Each booth or compartment must be so arranged that it will be impossible for one elector at a shelf or table to see another elector at a shelf or table in another compartment in the act of making his ballot. No other person than the voter himself, while occupying the booth or while in the immediate act of voting, may come within 10 feet of the booth or booths while the polls are open, except officers in charge of the election.(3)

Conduction of Elections

General elections are held in each county of Georgia on Tuesday after the first Monday in November in the even-numbered years.(4) Members of the General Assembly, most State officers and representatives in Congress are elected for terms of 2 years. The prison and parole commissioners are elected for terms of 6 years.(5) The terms of county officers are fixed at 2 years until 1917.(6) Since then elections for county officers have been held quadrennially, for terms of 4 years, beginning on the first day of January following the election,(7) except county commissioners.(8)

An additional state-wide election, known as the June general election, was provided for by a legislative act of 1937. This election is held biennially, on Tuesday after the first Monday in June, beginning in 1937, under the same rules and general procedure as the November election.

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1) Ga. Code of 1933, #34-1904; Ga. Acts 1922, p. 100.
2) Ga. Code of 1933, #34-701; Ga. Acts 1894, p. 120.
3) Ga. Code of 1933, #34-1902; Ga. Acts 1922, pp. 97, 98.
4) Ga. Code of 1933, #34-1302.
5) Ga. Code of 1933, #1-102, #2-1501, #2-2603, #2-2701; #2-3801; Ga. Acts 1939, p. 134.
6) Ga. Acts 1799, Jan. An. Sess., pp. 119, 120; Act 1811, Cobb, p. 201.
7) Ga. Code of 1933, #34-2602; Ga. Acts 1872, pp. 80-82; 1894, p. 40; 1914, p. 47.
8) County Commissioners may or may not have 4-year terms, depending on the provisions of the act creating the particular board. The members of the board in Muscogee County have terms of 6 years. - Ga. Acts 1923, pp. 290, 291.

Vacancies in all State and county offices are filled in this election, and constitutional amendments and referendums which have been enacted or proposed by the General Assembly since the previous November election may be ratified or rejected in this election.(1)

Primary elections for the nomination of candidates for county offices are held under rules and regulations fixed by the executive committee of the political party holding such election. The laws governing regular elections apply to primaries.(2)

The ordinary has authority to fill by appointment vacancies in county offices, and to order special elections to fill the unexpired terms. In case of a vacancy in the office of ordinary, the clerk of the superior court must order an election to fill this vacancy, and until the vacancy is filled, the clerk must perform all the duties which the ordinary could perform as clerk, and no more.(3)

One justice of the inferior court or one justice of the peace and two freeholders were designated by an act of 1830 as superintendents of county elections. They were required to meet at the courthouse on the day after the election, to consolidate the returns and certify the result to the Governor.(4)

The persons now qualified to hold elections for members of the General Assembly and county officers are the ordinary, justices of the peace, and freeholders. There must be three managers, and one must be either the ordinary or justice of the peace.(5) All are required to take and subscribe an oath before some authorized officer, faithfully to superintend the election and make a just and true return thereof.(6)

The county sheriff or his deputies are required to attend at the polls as peace officers when elections are held,(7) and managers are authorized to employ, when deemed necessary, a sufficient number of temporary police to preserve order.(8)

Absentee Voting

When required by his regular business and habitual duties to be absent from the city or county, ward or district in which he is registered, any elector may vote by mail, if he gives notice in writing of his intention to the registrars of the county not less than 30 days nor more than

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1) Ga. Acts 1937, pp. 712-714.
2) Ga. Code of 1933, #34-3201; Ga. Acts 1890-91, vol. I, p. 210.
3) Ga. Code of 1933, #23-701, #24-406, #24-407, #24-2704, #24-2707, #24-2803, #24-1707.
4) Ga. Acts 1830, pp. 105-107.
5) Ga. Code of 1933, #34-1201; Ga. Acts 1880-81, p. 151.
6) Ga. Code of 1933, #34-1202.
7) Ga. Code of 1933, #24-2813, par. 2.
8) Ga. Code of 1933, #34-1303, par. 5; Ga. Acts 1869, p. 23.

60 days prior to the election in which he may desire to participate.(1) Such voters may forward by registered mail to the registrars a letter of application for a ballot, enclosing postage necessary for the return to him of a blank ballot and full instructions as to marking and returning it to the registrars.(2)

Canvass of Elections

The managers of election precincts, or three clerks under their appointment, are required to keep three lists of the names of voters, numbered in order of their voting, and also three tally sheets. As each ballot is received, the number of the voter on the list is marked on his ballot before being deposited in the box. The managers may begin to count the votes at any time, in their discretion, but they may not do so until the polls close, if a candidate objects. When the votes are counted, the managers must issue and sign a certificate stating the number of votes received by each candidate, and each list of voters and each tally sheet must be signed by the managers, who are required to send, in charge of one of their number, their certificates and all other papers relating to the election, including the ballots, to the county seat for consolidation. This delivery must be made by 12 o'clock noon of the next day.(3)

The vote of the county is consolidated by the managers who officiated at the county seat, or a majority of them, and at least one from each precinct. They make and subscribe two certificates, stating the whole number of votes each person received in the county; one of these certificates, together with one list of voters and one tally sheet from each place of holding the election, must be sealed up and without delay mailed to the Secretary of State; the other, with like accompaniments, must be directed to the clerk of the superior court of the county, and by him deposited in his office.(4)

Education

Early Academies and Poor Schools

Georgia's first Constitution (1777) laid the foundation for education in the provision "that schools shall be erected in each county, supported by the State,"(5) and voluminous legislation has been enacted upon this subject since that time. Not many of the early laws were general, but numerous local acts were passed establishing county academies. Muscogee Academy, the first public educational institution for training youths in this county was incorporated in 1828.(6)

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1) Ga. Code of 1933, #34-3301; Ga. Acts 1924, p. 186.
2) Ga. Code of 1933, #34-3302; Ga. Acts 1924, p. 186.
3) Ga. Code of 1933, #34-1303; Ga. Acts 1921, p. 91.
4) Ga. Code of 1933, #34-1303, par. 9; Ga. Acts 1921, p. 91
5) Ga. Const. 1777, art. LIV.
6) Ga. Acts 1828, p. 14.

Governmental Organization and Records System - Education (First entry, p. 129)

In a general act of 1821 the permanent endowment of county academies and an increase in the funds for the support of free schools had been provided for by setting apart $500,000, one-half for free schools and one-half for county academies.(1) One-third of the surplus fund derived from the United States was in 1836 allocated as a permanent free school and educational fund,(2) and the following year saw the passage of the first law devising a general system of education by common schools. This measure consolidated the academy and poor school funds, and these, with the interest on the one-third surplus revenue from the United States, were set apart as a general fund for common schools.(3) The legislature authorized an extra tax levy in 1843 by the justices of the inferior courts of the several counties for the education of poor children, and 1,733 shares of the capital stock of the Bank of the State of Georgia, 890 shares of the stock of the Bank of Augusta, and all available assets of the Central Bank were set apart as a permanent educational fund, the annual income from which was to be distributed to the counties in proportion to the number of school children.(4) An act of 1852 modified the provisions of the act of 1843 in some respects, and added 186 shares of stock of the Georgia Railroad and Banking Company to the educational fund.(5)

Several efforts were made prior to the outbreak of the War Between the States to establish state-wide common or free schools. In 1858 the General Assembly set apart $100,000 annually from the earnings of the Western and Atlantic (State-owned) Railroad for educational purposes. A provision of this act required that, upon payment of any portion of the public debt of the State by means of the sinking fund, bonds of the State to a like amount should be executed by the Governor and deposited with the Secretary of State, who was required to hold them as trustees of the educational fund, the interest thereon at six percent to be appropriated to school purposes.(6) County boards of education were provided for by the legislature in 1859,(7) but development of this and other plans for education were halted by the War for Southern Independence.

State-wide System

Revived general interest in education was shown in an act of 1866, which established a general system of Georgia schools, providing for a State Superintendent of Education and a commissioner of schools in each county.(8) The Constitution of 1868 directed the legislature, at its first session, to provide "a thorough system of general education, to be forever free to all children of the State, the expense of which shall be provided for by taxation or otherwise." The office of State School Commissioner was created, and funds derived from poll tax, taxes on shows

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1) Ga. Acts 1821, pp. 113, 114.
2) Ga. Acts 1836, pp. 138, 139.
3) Ga. Acts 1837, pp. 94-99.
4) Ga. Acts 1843, pp. 43, 44.
5) Ga. Acts 1851-52, pp. 1-4.
6) Ga. Acts 1858, pp. 49-51.
7) Ga. Acts 1859, pp. 29-31.
8) Ga. Acts 1866, pp. 58-64.

and exhibitions, and on the sale of spirituous and malt liquors, the proceeds from the commutation for military service, and, if necessary, the levy of a general tax on property, were to be applied to the support of this system.(1) Following closely the plan outlined in this constitution, an act of 1870 provided for a State School Board and a county board of education in each county to consist of one member from each militia district and one from each ward of any city or incorporated town, to be elected by the voters. Sources of funds for support of the system were those named in the Constitution of 1868, with the addition of one-half of the net earnings of the W. & A. (State) Railroad.(2) The legislature in 1872 enacted a law "to perfect the public school system and to supersede existing school laws." A State School Board was provided for, and each county was made a school district with a local board of education, the members of which were selected by the grand jury. The county board was vested with wide powers touching the administration of educational matters and the acquisition of property and its control in this behalf.(3)

The Constitution of 1877 provided for a thorough system of common schools for the education of children, as nearly uniform as practicable, the expenses of which were to be met by taxation or otherwise; and the schools were to be free to all children of the State, with separate schools provided for the white and colored races.(4)

Extensive legislation was enacted in 1919 reorganizing the school system and further defining the duties of the board of education.(5) This board, appointed by the grand jury, selects school sites, has authority over all the school property and physical equipment, and is authorized to receive donations, grants, and gifts.(6) A course of study for all common and high schools is prescribed by the State Board of Education, which maintains general authority and supervision over county school systems. Schools are supported by funds derived from taxes on polls, shows, beer and spirituous liquors, gasoline, Federal funds (for vocational schools), and by the regular biennial appropriations of the legislature.

Muscogee County System

Muscogee County now has 28 elementary schools, 20 for Negroes and 8 for white pupils.(7) Muscogee County operates no secondary schools. When the pupils complete their studies in the county elementary schools, they attend the secondary schools of the independent school system of the city of Columbus. The county pays the city system some $30,000 annually for the 600-odd county students attending the city schools.

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1) Ga. Const. 1868, art. VI, pars. 1-3.
2) Ga. Acts 1870, pp. 49-60.
3) Ga. Acts 1872, pp. 64-75.
4) Ga. Const. 1877, art. VIII, sec. I, par. 1.
5) Ga. Acts 1919, p. 320.
6) Ga. Code of 1933, #32-909; Ga. Acts 1919, p. 323.
7) Georgia State Department of Education, Sixty-sixth and Sixty-seventh Annual Reports, p. 143.

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The city of Columbus operates 12 elementary, 1 junior high, and 2 high (1 regular, 1 vocational) schools for white pupils, and 1 high school for colored pupils.(1)

In the 8 rural schools and 15 city schools for white pupils there were in 1938, 9,517 pupils, taught by 258 teachers. Investments in buildings and grounds of these schools total $1,756,594.(2) In the 20 rural schools and 5 city schools for Negroes there were 4,698 pupils, taught by 96 teachers. Investments in buildings and grounds devoted to the education of colored children total $316,675.(3)

Consolidated Schools

The board of education of any county is authorized to consolidate two or more schools located in the same or different districts, if the welfare of the schools and the best interests of the pupils appear to require such action.(4) The local board has power also, when the interests of the schools demand it, to separate or divide any school district into two or more districts and to provide for the election of a board of trustees for each.(5) Transportation facilities for pupils are provided by local authorities, the extent of this service being governed by the requirements of the particular school.

Compulsory Attendance

All children between the ages of 8 and 14 years, unless exempted or excused by reason of bad weather, sickness, death in the child's family, or other reasonable cause, must attend school continuously for 6 months of each year.(6) Responsibility for pupils' attendance is placed upon parents or guardians, whose failures to comply with this law subjects them to penalties or fines of from $10 to $20 and 30 days in jail for each offense.(7)

Enumeration by county boards of education of children between the ages of 6 and 18 years must be made every 5 years, under instructions from the State Superintendent of Schools.(8)

Free textbooks for all pupils in elementary and high school grades were provided in 1937.(9) The cost of this program is paid for with funds realized from the beer tax act of 1935.(10) Great improvement in school

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1) Georgia State Department of Education, Georgia Educational Directory, 1939-1940, pp. 91, 92, 110.
2) Georgia State Department of Education, Sixty-sixth and Sixty-seventh Annual Reports, pp. 75, 93, 106.
3) Ibid., pp. 80, 93, 106.
4) Ga. Code of 1933, #32-915; Ga. Acts 1919, p. 326.
5) Ga. Code of 1933, #32-916.
6) Ga. Code of 1933, #32-2101; Ga. Acts 1919, p. 358.
7) Ga. Code of 1933, #32-9906; Ga. Acts 1939, p. 187.
8) Ga. Code of 1933, #32-1601.
9) Ga. Acts 1937, pp. 896-901.
10) Ga. Acts 1935, p. 78.

enrollment, attendance, and promotion of students has resulted from this plan, according to school authorities.

Teacher-Training

The Georgia State College for Women, established in Milledgeville in 1889 as the Georgia Normal and Industrial College, was one of the first colleges in Georgia to provide courses for the training of female teachers.(1) A year later the Georgia State Industrial College for colored youths was created and located near Savannah,(2) and the State Teachers and Agricultural College (colored) was established at Forsyth.(3) The latter school was transferred from Forsyth to Fort Valley in 1939.(4) The legislature in 1917 appropriated $5,000 to provide a school for training Negro teachers,(5) and in 1919 this appropriation was raised to $15,000 annually.(6) This institution is located at Albany. A system of annual institutes for the instruction and training of teachers was inaugurated in 1919,(7) and was in effect until 1937, when it was repealed.(8) A normal school, or teachers' college, as a branch of the State University System, was established at Statesboro in 1924. The plant equipment of the former First District Agricultural and Mechanical School, located at this place, was transferred to the Georgia Normal School, and the trustees of the new institution were required to provide at least 2 years' training for teachers in the course of study.(9) The name of this college was changed in 1929 to that of "South Georgia Teacher's College."(10)

The curriculum of all State Normal Schools and of all other institutions, supported wholly or in part by public funds, having special courses adapted for the preparation of teachers, are required to contain one or more courses in physical education. Each teacher graduating from a course in one of these institutions must have completed one or more courses in physical education.(11)

The general law provides that certificates to teach shall be granted to persons upon satisfactorily passing a written examination prepared by the State Board of Education. Applicants who pass the examinations are granted first, second, and third grade licenses to teach. A license of the first grade continues in force for 3 years, a license of the second grade for 2 years, and a license of the third grade for 1 year.(12)

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1) Ga. Acts 1889, pp. 10-14; 1922, p. 135.
2) Ga. Acts 1890-91, vol. I, pp. 114-117.
3) Ibid.
4) Regents of the University System of Georgia, Annual Report, 1938 p. 107; 1939, p. 21.
5) Ga. Acts 1917, pp. 195, 196; 1918, p. 27.
6) Ga. Acts 1919, p. 364.
7) Ga. Code of 1933, #32-514; Ga. Acts 1919, p. 319.
8) Ga. Acts 1937, p. 891.
9) Ga. Acts 1924, pp. 165-167.
10) Ga. Acts 1929, pp. 186, 187.
11) Ga. Code of 1933, #32-1902; Ga. Acts 1920, p. 233.
12) Ga. Code of 1933, #32-1015, #32-1018; Ga. Acts 1937, pp. 885, 886, secs. 6, 7.

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Vocational Education

The Georgia General Assembly, in an act of 1917, accepted the provisions of the act of Congress of that year for the promotion of vocational education in agriculture and the trades and industries.(1) The State Board of Education has full power to represent the State in any and all matters i in reference to the expenditure, distribution, and disbursement of money received from the United States Government, and to appropriate and use such funds in whatever way, in its discretion, will best serve the interests of the State and carry out the spirit and intent of the Federal Act.(2) Acceptance of Federal legislation and provision for cooperation with the act of Congress of June 1920, in promoting vocational rehabilitation of persons injured in industry or otherwise were contained in a State legislative act of 1920.(3) Authority over this phase of training is also lodged in the State Board of Education.(4)

The following schools in Columbus provide vocational training:

The Jordan Vocational High School was established in 1906. This plant now occupies a new building containing 18 classrooms and a large auditorium. An athletic field adjoins it. This is a day school for training white boys in textiles, electricity, woodworking, and mechanical arts. The vocational work for girls consists of training in home economics and commercial subjects.

The McIhhenny Occupational School was founded in 1914. Seven teachers are employed in this school for boys, girls, and women whose education has been limited, and who seek training in a trade. Instruction is given women in dressmaking, home economics, and related subjects, and to boys in woodworking and manual arts.

Spencer High School is a grade school for Negroes. The curriculum includes subjects similar to those taught in the white vocational high school, namely; textiles, electricity, woodworking, and mechanical arts. The course for girls includes home economics and commercial training. Evening trade extension classes meet twice weekly for 2-hour sessions for employed Negroes, male and female, to better fit them for their jobs. The subjects taught are general domestic science, sewing, cooking, furniture repairing, service station attendance, and so forth.

A program providing vocational training to interested persons, under WPA supervision, was instituted in Muscogee County in May 1935, and functioned until September 1940.(5)

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1) Ga. Acts 1917, p. 200; 1919, p. 361.
2) Ga. Code of 1933, #32-2204; Ga. Acts 1917, p. 200; 1919, p. 363; 1931, pp. 7, 40.
3) Ga. Code of 1933, #32-2301; Ga. Acts 1920, pp. 279, 280.
4) Ga. Code of 1933, #32-2303; Ga. Acts 1920, p. 280; 1931, pp. 7, 40.
5) Information obtained from Mrs. Frances C. Coley, Asst. State Supervisor, WPA Educational Program, (January 17, 1941), by W. A. Chapman.

Adult Education

It is one of the duties of the State Board of Education to make researches, collect data and statistics, and make surveys of any and all communities for the purpose of obtaining definite knowledge as to the true conditions with regard to their adult illiteracy. The board is required to report to the General Assembly the results of its labors, and to perform any other act which may contribute to the elimination of adult illiteracy by means of education, instruction, and enlightenment.(1) County commissioners have authority in their discretion to provide for the carrying on of schools for instructing adult illiterates in the elementary branches of an English education only.(2)

In Muscogee County, adult education is provided for white persons at the McIlhenny occupational school, oppoutunity school, evening trade extension classes and distributive education classes.

Evening trade extension classes and provided for employed persons who wish to perfect themselves in their present vocations. The subjects taught are pattern drafting, machine shop practice, shop mathematics, printing, electric refrigeration, radio, blueprint reading, and mechanical drawing. Classes are held weekly for 2 hours each evening, in places convenient for workers.

Distributive education classes are held for persons engaged in distributive selling or public service, who come into direct contact with their customers. Subjects covered in these classes are conversational English, interior decorating, fashions, fabrics, display windows, sales promotional work, personality development, public speaking or oral English, suggestive selling, preemployment training, and cosmetology. Classes meet twice weekly for 2-hour sessions. The term for each subject lasts from 4 to 6 weeks. The number of teachers varies according to the demand from firms and business organizations.

Six textile mills located in or near Columbus participate in a training program for their workers. One hundred and twenty classes meet twice weekly for 2-hour sessions in these mills.

An opportunity school is operated in Columbus. It provides training for boys and girls and men and women who have completed high school but who desire further training in some chosen field, either commercial or manual.

A program of adult education was established in Muscogee County in December 1934, and this work has continued to the present time in collaboration with WPA. There has been an annual enrollment of about 957 persons to date, and up to January 1, 1940, 1,126 persons had been taught to read and write.(3)

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1) Ga. Code of 1933, #32-2401.
2) Ga. Code of 1933, #32-2501; Ga. Acts 1920, p. 249.
3) Information obtained from Mrs. Frances C. Coley, Asst. State Supervisor, WPA Education Program, (January 17, 1941), by W. A. Chapman.

Governmental Organization and Records System - Public Health (First entry, p. 129)

Public Health

General Provisions

In 1875 the legislagure created a State Board of Health.(1) County boards of health, consisting of the ordinary and two practicing physicians, were provided for in an amending act of 1876. The physicians were appointed by the county commissioners (or by the grand jury in counties having no commissioners).(2) No board of health, however, was established in Muscogee County under these provisions. Additional legislation relative to public health was enacted in 1903, 1906, and 1912, and in 1914 a complete revision of the health laws of the State was effected.(3)

County Boards

Authority to adopt measures to protect and promote public health in all the counties created prior to the adoption of the Constitution of 1868 was vested in the inferior court, sitting for county purposes. The ordinary succeeded the inferior court as the agency in charge of county affairs in 1868, and exercised general authority over health matters until a board of commissioners of roads and revenues was established in Muscogee County in 1872. This board still exercises considerable authority over health matters by reason of its control of county funds, and the fact that its chairman is ex officio a member of the county board of health. A board of health was established in Muscogee County in 1914 under the general health act of that year.(4) The county board is composed of the chairman of the board of commissioners, the superintendent of schools, and one physician, who is elected by the grand jury. The county board of health appoints a district commissioner of health from an eligible list furnished by the Director of the State Board of Health.(5) The activities of the health departments of the county and the city of Columbus were coordinated in December 1939 under one officer, known as city-county health officer, and this official directs all health work of both departments.(6)

The board of health has authority to adopt, enact, establish, and maintain all rules and regulations that it may deem necessary and proper for protecting the health of the county and for preventing the introduction, generation, and spread of infectious and contagious diseases therein.(7) The health commissioner is required to be vigilant in the work of disease prevention and the conservation of public health; to enforce all health laws of the State and health ordinances of his locality; together with the rules and orders of the

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1) Ga. Acts 1875, pp. 32-36.
2) Ga. Acts 1876, pp. 23, 24.
3) Ga. Code of 1933, #88-201; Ga. Acts 1903, pp. 72-75; 1906, p. 112; 1912, pp. 51, 52; 1914, pp. 124, 125.
4) Criminal Minutes, vol. G, p. 153, see entry 112.
5) Ga. Code of 1933, #88-303.
6) Criminal Minutes, vol. U, pp. 378, 565, see entry 112; Minutes, Commissioners Court, 1937--, p. 313, see entry 1.
7) Ga. Code of 1933, #88-201, #88-203; Ga. Acts 1901, p. 61; 1914, pp. 124, 125.

State Board of Health, and to make such sanitary surveys and inspections as may be required. He has authority to enter upon and inspect private property, to establish quarantine, and in connection therewith to order what is reasonable and necessary for the prevention and suppression of disease. Inspection of public buildings and institutions at least once in every 6 months is required of him, as also is the inspection once yearly of the buildings, grounds, and water supply of every school within his jurisdiction.(1)

Vital Statistics

Registration of vital statistics was made a function of counties in 1823. This act permitted parents to register births with the clerk of the inferior court, sitting for ordinary purposes.(2) State direction and supervision were provided in 1914, when the office of State Registrar of Vital Statistics was established under the State Board of Health.(3) An act of 1933 abolished the office of Registrar of Vital Statistics and provided for the operation of a Department of Public Health under the control of the State Board of Health and a director named by the board, in which was vested complete jurisdiction of vital statistics.(4)

The State is divided into registration districts, each city, incorporated towns, and militia district being made a registration district. Local officials in each of these units are listed as registrars, to whom are supplied all necessary blank forms and instructions for registering, recording and preserving returns.(5) Original birth and death certificates are forwarded to the State Department of Public Health in Atlanta and the duplicates are retained in the county by the health commissioner.(6)

Upon request, certified copies of birth and death certificates are issued by the Director of the Department of Public Health, the county Ordinary, or county or city health officer (city-county health officer in Muscogee).(7)

Public Welfare

Early Provisions

Public responsibility for general welfare was recognized by the State in early acts of the General Assembly in behalf of the indigent.(8) The inferior court, the State's earliest authority in matters of charity, was already functioning in older counties when Muscogee was organized in 1826. State legislation authorized the levy by this court, "sitting for county purposes," of taxes for the support of the poor and the instruction of

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1) Ga. Code of 1933, #88-309.
2) Ga. Acts 1823, pp. 45, 46.
3) Ga. Acts 1914, p. 157, et seq.
4) Ga. Acts 1933, pp. 10-12.
5) Ga. Code of 1933, #88-1101, #88-1102, #88-1103, #88-1202; Ga. Acts 1927, p. 355; 1931, p. 12; 1933, pp. 10-12.
6) Ga. Code of 1933, #88-1210.
7) Ga. Code of 1933, #88-1212; Ga. Acts 1935, p. 107.
8) Act 1792, Cobb, p. 346; Act 1818, Cobb, p. 347.

their children.(1) Care of the poor continued as a function of the inferior court until the adoption of the Constitution of 1868,(2) when the court of ordinary succeeded to this authority.(3) Upon its creation in 1872, the board of county commissioners was clothed with the responsibility of caring for the poor.(4)

The Muscogee Asylum for the poor was established under an act of the legislature in 1847. Trustees for this institution were elected jointly by the justices of the inferior court and the city council of Columbus. The trustees were made custodians and disbursers of all funds authorized by law to be collected for the benefit of the poor, together with a portion of the funds for the poor schools.(5) The act providing for this asylum was repealed in 1931.(6)

The county farm or almshouse, which succeeded the asylum for the poor, occupies an entire lot of 202 1/2 acres in the seventh district of the county. The farm is equipped with necessary buildings and conveniences, has its own lighting and water facilities, and produces a sufficient supply of vegetables for the use of the institution.

State and County Boards

Public welfare remained a matter of almost complete local concern until 1919, when a Board of Public Welfare "for inspection of jails, reformatories, and charitable institutions" was created.(7) An act of 1931, which purported to reorganize the departments of State government, established a Board of Control of Eleemosynary Institutions, under the authority and direction of which all State agencies in this category were brought.(8) The welfare department of the Board of Control was empowered by an act of 1935 to arrange care for homeless, dependent, and neglected children. Cooperation with county officials, juvenile courts, and agencies of the State charged with caring for children was provided for by this measure.(9)

The Public Welfare act of 1937 abolished the Board of Control created in 1931 and the Board of Welfare set up in 1914, and transferred the functions and activities of these boards to the Department of Public Welfare, under the supervision of a Director and such officers and employees as may be provided for by law. This department is empowered to administer and disburse funds appropriated and allocated to it by the General Assembly, by the several counties, and by the Federal government, for the purpose of distributing old age assistance and all other benefits provided for in this

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1) Act 1792, Cobb, p. 346; 1822, Cobb, p. 2.
2) Ga. Const. 1868, art. V, sec. XIV.
3) Ga. Const. 1868, art. V, sec. V, par. 2.
4) Ga. Acts 1872, pp. 451, 452.
5) Ga. Acts 1847, pp. 133-136.
6) Ga. Acts 1931, p. 1043.
7) Ga. Code of 1933, #99-101; Ga. Acts 1919, p. 224; 1931, pp. 7, 20.
8) Ga. Acts 1931, pp. 15-20.
9) Ga. Acts 1935, pp. 490, 491.

act. County boards of public welfare, which are appointed by the county commissioners, are subject to the rules and regulations of the State Board in the administration of all forms of public assistance in the county. These include home relief, indoor and outdoor care of those in need, aid to dependent children, old-age assistance, aid to the blind and otherwise handicapped, the care and treatment of dependent, neglected, delinquent, and handicapped children, certification to Civilian Conservation Corps camps and for work on WPA, and such other welfare activities as may be delegated to it by the State Department of Public Welfare or by the county commissioners.(1)

A county department of public welfare was established in Muscogee County in July 1937, in conformity to the act of that year.(2) The county director is appointed by the local board, subject to the approval of the State department, and serves as secretary of the board.(3)

Defectives

Muscogee County has no facilities for caring for defectives. The ordinary has jurisdiction of such cases, and if the person is declared insane, he is committed to the Milledgeville State Hospital.(4)

Soldiers and Sailors

The Georgia General Assembly took action shortly after the close of the War Between the States for the relief of indigent Confederate soldiers and their families. The inferior courts were directed to keep a list of all those persons in their counties and, upon recommendation of the grand jury, to levy a tax not exceeding 100 percent of the State tax for their benefit. The court was authorized to use its discretion as to levying the tax or issuing bonds for this purpose.(5)

A provision of the Constitution of 1877 for aid to Confederate soldiers was made effective by an act of 1879, which authorized taxation to supply artificial limbs to those who lost such members in the military service, and for pensions for all who served in these forces as well as for their widows.(6) An amendment to the Constitution ratified October 6, 1886, authorized suitable provisions for such Confederate soldiers as may have been permanently injured in that service.(7) Further amendments to the last State Constitution and successive acts of the General Assembly relative to pensions and other provisions for these soldiers and their widows added many beneficiaries to the rolls which, however, have greatly decreased in the past two decades by reason of deaths of pensioners.

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1) Ga. Acts 1937, pp. 355-370.
2) Information obtained from J. R. Smith, Administrative Aide, State Department of Public Welfare, (January 21, 1941), by Ward A. Chapman.
3) Ga. Acts 1937, pp. 364, 365.
4) Ga. Code of 1933, #49-601 to #49-619.
5) Ga. Acts 1865-66, pp. 257, 258.
6) Ga. Const. 1877, art. VII, sec. I, par. 1; Ga. Acts 1878-79, pp. 41, 42.
7) Ibid.; Ga. Acts 1884-85, p. 37, ratified Oct. 6, 1886.

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The amendment of 1889 gave pensions to widows of soldiers who died in the service or from wounds received or disease contracted therein, provided such widows were married at the time of the service and have remained unmarried since.(1) Soldiers and widows who, by reason of age and poverty, or blindness and poverty, are unable to provide a living for themselves, were added to the rolls in 1894.(2) Provisions were made in 1908 for pensions for all ex-Confederate soldiers then resident in the State who performed actual military service and who were honorably discharged therefrom, and to widows of soldiers who died in the service or were honorably discharged. The widows were also required to be residents of the State to be entitled to receive pensions. A proviso in this act excluded those having property exceeding $1,500 in value, and included only those widows married to such soldiers previous to the year 1870.(3) The property qualification was stricken in 1918.(4) A further amendment in that year extended the date of the marriage of widows from 1870 to 1881.(5)

Administration of pension laws, originally vested in the inferior court, (6) became a function of the court of ordinary when the former court was abolished in 1868.(7) Although there have been several changes in the State agencies controlling pension matters,(8) distribution of pension checks and certification of necessary changes in local rolls to the State agency remain among the responsibilities of the ordinary.

Numerous laws have been enacted for the benefit of those who served in the military and naval forces of the State. In 1892 any disabled Confederate soldier was authorized to carry on the business of a photographic or similar artist in any county without a license. A certificate of the ordinary of his being such a soldier is sufficient evidence thereof.(9) All Confederate soldiers who have resided in this State for 3 years next, preceding the filing of their applications are authorized to engage in the occupation of traveling life and fire insurance solicitors and to peddle in the State without a license from the State or any county or municipality thereof, and without being subject to any tax therefor.(10) Each county is authorized and directed to use so much of the poor fund raised by taxation as may be necessary to provide food and clothing for any ex-Confederate soldier of this State who may become chargeable to this fund, without compelling him to become an inmate of the poor house or poor farm of the county. (11) Parks and places of amusement, where the owners are disabled ex-Confederate soldiers, are exempt from special tax.(12)

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1) Ga. Const. 1877, art. VII, sec. I, par. 1; Ga. Acts 1888-89, p. 39.
2) Ibid.; Ga. Acts 1893, p. 19, ratified Oct. 3, 1894.
3) Ibid.; Ga. Acts 1908, p. 34, ratified Oct. 7, 1908.
4) Ibid.; Ga. Acts 1918, p. 96, ratified Nov. 5, 1918.
5) Ibid.; Ga. Acts 1918, p. 98, ratified Nov. 5, 1918.
6) Ga. Acts 1865-66, pp. 257, 258.
7) Ga. Const. 1868, art. V, secs. V, XIV.
8) Ga. Acts 1939, pp. 110-112.
9) Ga. Code of 1933, #84-2009; Ga. Acts 1892, p. 99.
10) Ga. Code of 1933, #84-2006; Ga. Acts 1893, p. 114; 1895, p. 93; 1897, p.25.
11) Ga. Code of 1933, #23-2401; Ga. Acts 1893, p. 118.
12) Ga. Code of 1933, #92-603; Ga. Acts 1899, p. 100.

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The Confederate Soldiers' Home of Georgia, initiated as a private benevolence, was taken over by the State in 1900. All Confederate soldiers who had resided in the State 5 years preceding the approval of this law were eligible for admission. Residents are furnished with food, lodging, necessary clothing, medicines and medical attendance, but could not until 1939 draw pensions while residing at the home.(1)

A service bureau for assisting ex-service men and women in securing the benefits provided for them by Federal legislation was set up by the State in 1896.(2) A director, appointed by the Governor, was required to disseminate information to veterans of the War with Spain, the World War, and to veterans of any war since 1897, their dependents and beneficiaries, as to their rights and benefits under any Federal or State legislation, and to assist them in the preparation and prosecution of their claims before the appropriate governmental departments.(3) An act of 1935 provided for the issuance by the State Revenue Commissioner of certificates of exemption from payment of peddlers' and business license tax to the holder of such disabled war veterans' licenses.(4) Service records on more than 107,000 veterans have been completed by this department. During the past fiscal year 1,500 new cases were received and developed, making a total of 40,000 cases in which this office represents Georgia veterans.(5)

Social Insurance

A Bureau of Unemployment Compensation for the State was created in 1937, and made a division of the State Department of Labor. The provisions of the Act of Congress of June 6, 1933, for the establishment of a national employment system were accepted, and cooperation with the Federal Social Security Board was pledged. Two coordinate divisions, the Georgia State Employment Service Division and the Unemployment Compensation Division, were established in the Bureau of Unemployment Compensation, and are administered by a director appointed by the Commissioner of Labor, by and with the approval of the Governor. The act became effective upon its approval March 29, 1937, and contributions to funds for this purpose have accrued since July 1 of that year.(6) The employers and employees of Muscogee County covered by this act have participated in this program since its inception, but no details as to the extent of their participation can be given because the State Bureau does not break down its figures by counties.

Work Relief

A program of work relief was initiated in Georgia in the fall of 1933 by the Civil Works Administration, a Federal emergency agency. This

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1) Ga. Code of 1933, #35-901; Ga. Acts 1900, p. 86; 1906, p. 124; 1922, p. 79; 1931, pp. 7, 18; 1939, p. 190.
2) Ga. Code of 1933, #78-101; Ga. Acts 1896, p. 66; 1923, p. 122; 1926, Ex. Sess., pp. 53, 54; 1931, pp. 7, 10.
3) Ga. Code of 1933, #78-105; Ga. Acts 1923, p. 122; 1926, Ex. Sess., pp. 53, 54; 1931, pp. 7, 10.
4) Ga. Acts 1935, pp. 163-166.
5) Atlanta Journal, Sept. 13, 1940.
6) Ga. Acts 1937, pp. 806-849.

organization prosecuted work projects for several months. This type of relief was continued in Muscogee County by the Emergency Relief Administration until the summer of 1935, when the Works Progress Administration began functioning. Work relief has continued under this organization from that time although the name of the organization was changed in 1939 to Work Projects Administration. Many useful projects have been completed in Muscogee County under this program.

Public Works

Roads and Bridges

Authority over roads, bridges, ferries, and their construction, maintenance, and repair, was at the time of Muscogee County's creation vested in the inferior court.(1) This jurisdiction was transferred to the court of ordinary in 1868,(2) and in 1872 passed to the board of county commissioners, which was established in that year.(3) Each of these agencies had charge of county affairs, and under such authority was vested with complete control and direction of all the county's public works, including the necessary financial provisions and management.

An act of 1830, which amended a law of the previous year "to provide for the improvement of the roads and rivers in this State," provided that superintendents direct overseers of road hands to take and convert to the use of the public roads any timber, stone, gravel, or other materials needed in the improvement of these highways.(4) In 1870 authority was granted the ordinaries and road commissioners of the several counties to classify the public roads, and to designate such roads in their respective counties as in their judgment should be deemed second-class roads. It was required that these roads be "cleared of all stumps, grubs and bushes for a width of at least 20 feet, and of such limbs of trees as may inconvenience horsemen or carriages." The carriage track was to be at least 5 1/2 feet wide.(5)

Adult male inhabitants of the county were subject to road duty,(6) unless they paid the commutation tax fixed by the county authority. These persons worked the roads under overseers, who were appointed by the road commissioners.(7) The road commissioners were appointed by the board of commissioners of roads and revenues or other authority having charge of county affairs.(8) It was the duty of the road commissioners to inspect and designate the roads to be worked, apportion hands to do the work, and to exercise general supervision over all public roads, bridges, and ferries.(9)

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1) Act 1796, Marbury and Crawford, pp. 171, 172.
2) Ga. Const. 1868, art. V, secs. V, XIV.
3) Ga. Acts 1872, pp. 451, 452.
4) Ga. Acts 1830, pp. 189, 190.
5) Ga. Acts 1870, p. 397.
6) Ga. Code of 1933, #95-401.
7) Ga. Code of 1933, #95-307.
8) Ga. Code of 1933, #95-302.
9) Ga. Code of 1933, #95-307.

Governmental Organization and Records System - Public Works (First entry, p. 129)

Road commissioners apparently were last appointed in Muscogee County in 1888.(1) The superintendent of roads and county engineer has been in charge of all work on county roads since 1935, except the State roads in the county under the direct control of the State Highway Department.

A State Highway Department was created under an act of the legislature approved August 16, 1916. This measure gave assent to the provisions of an act of Congress approved July 11, 1916, known as the "act to provide that the United States shall aid the States in the construction of rural post roads."(2) A reorganization of the Highway Department was effected by an act of 1919. A system of State-aid roads to connect the several county seats was to be designated, constructed, and maintained by this department. State and interstate bridges and other necessary subsidiary structures were included in the system. County road authorities were required to submit full information to the State Highway Engineer of any proposed highway construction involving a sum of $2,000 or more per mile, and of any proposed construction of bridge with a clear span of 10 feet or more. Two county-seat roads were designated in each county to connect with adjoining county roads, and additional main traffic highways were provided for when necessary to complete the intercommunicating system.(3)

Since 1919 there have been definite improvements in and wide extensions of the State's highway system. The primary objective of county-seat-to-county-seat roads has been achieved, and many additional roads have been built. Beginning with an aggregate mileage for the system in 1919 of 4,800 miles, successive additions have brought this total to 10,952 miles of improved highways in the State.(4) In 1938 the State Highway Department maintained about 81 miles of roads in Muscogee County,(5) and the mileage has increased since that time. All public roads in the State, including those in the rural-post roads system, were made a part of the State highway system in 1938.(6) The State Highway Department is vested with authority to designate such roads as State roads, without which designation the department will not be responsible for their maintenance, nor will counties in which they are located receive a pro rata share of the gasoline tax.(7)

Sources of State highway funds are taxes on gasoline, Federal allotments, and fees from motor license taxes. The first of these sources during the fiscal year ending June 30, 1938, supplied more than 58 percent of road money; Federal allocations accounted for 35 percent, and motor license fees brought in about 6 1/2 percent.(8) In collection of taxes on gasoline for

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1) Minutes Commissioners Court, vol. C, p. 29, see entry 1.
2) Ga. Acts 1916, pp. 125, 126.
3) Ga. Code of 1933, #95-1601, #95-1701, #95-1706, #95-1707; Ga. Acts 1919, pp. 242-253; 1921, pp. 199-203; 1925, pp. 207, 208; 1929, pp. 260-264.
4) State Highway Board of Georgia, Seventeenth Report...for the Fiscal Years Ending June 30, 1937, and June 30, 1938, p. 13.
5) Ibid., p. 75.
6) Ga. Acts 1937-38, Ex. Sess., pp. 430, 431.
7) Ga. Acts 1937-38, Ex. Sess., pp. 430, 431.
8) State Highway Board, op. cit., p. 199.

several years past, the record for each successive year has exceeded that of the previous year.

Reimbursement of counties for indebtedness incurred in the construction of highways was authorized in an amendment to the constitution ratified in 1932.(1) In accordance with this amendment, the General Assembly in 1933 declared the amounts represented by certificates issued by the State Highway Department to counties due and payable in installments of 10 percent annually on March 25 for the years 1936-45.(2) Proceeds of these certificates must be applied first to the payment of that part of the outstanding and unpaid bonded indebtedness of such county, or district, incurred and used for building bridges and road construction or paving.(3) State highway refunding certificates allotted to Muscogee County under the act of 1933 amounted to $827,817.07.(4)

Public Buildings

The public buildings of Muscogee County include the courthouse and jail, the almshouse and structures belonging to the county farm, and the county tuberculosis hospital, which is available to both city and county patients. All county buildings are under the custody, control, and maintenance of the county commissioners. The original public buildings of the county were erected under the supervision of the justices of the inferior court, who were given authority by the legislature in 1828 to sell land laid off for county purposes and to use the proceeds to erect a courthouse.(5) Jurisdiction over public works remained in this court until 1868, when it was transferred to the court of ordinary.(6) The board of county commissioners, created in 1872, succeeded to this authority and has retained it until the present.(7)

Drainage

Each county is empowered, whenever the constituted authorities thereof judge the same to be proper, to establish and maintain a system of drainage of the lowlands thereof. For that purpose, counties may acquire the right-of-way and other easements necessary for the construction of the canals, ditches, dams, drains, trunks, and other appurtenances incident to such a system.(8) The clerk of the superior court, together with the board of commissioners of roads and revenues, constitute a court with jurisdiction and authority to establish a levee or drainage district or districts in his county and to locate and establish the necessary facilities for draining and reclaiming wet, swamp, or overflowed lands. Such drainage of swamps

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1) Ga. Code of 1933, #2-5601; Ga. Acts 1931, p. 97, ratified November 8, 1932.
2) Ga. Code of 1933, #95-2101, #95-2102; Ga. Acts 1933, pp. 161-166.
3) Ga. Code of 1933, #95-2111; Ga. Acts 1933, pp. 170, 171.
4) Ga. Acts 1933, p. 164.
5) Act 1796, Marbury and Crawford, p. 171; Ga. Acts 1828, p. 167.
6) Ga. Const. 1868, Art. V, secs. V, XIV.
7) Ga. Acts 1872, pp. 451, 452.
8) Ga. Code of 1933, #23-2501; Ga. Acts 1878-79, pp. 171, 172.

and of agricultural lands and the reclamation of tidal marshes is considered a public benefit and conducive to the public health.(1)

During the 1930's considerable drainage wrok was accomplished in Muscogee County. For instance, in the calendar year 1939, 7,500 feet of ditch and pipe drainage system was completed, and 34 acres of lowlands and 3 ponds were drained in the county.(2)

Agricultural Activities

General Provisions

Legislation in behalf of agriculture in Georgia, exclusive of land grants and enactments relating only incidentally to the subject, may be said to have begun with an act approved February 28, 1874, which established a Department of Agriculture for the State.(3) This department is under the control and management of a Commissioner of Agriculture.(4) Within this department there is a Bureau of Markets;(5) a State Warehouse Department;(6) a Department of Horticulture, Pomology and Entomology;(7) a Fertilizer Inspection Department;(8) and systems of inspection, analysis, and registration of insecticides and fungicides, naval stores and lumber, foods, and drugs.(9) The farmers of Muscogee County are directly benefited by some of the services of this department, such as analysing fertilizers and furnishing information regarding the geological formation of the land of the county, and the crops to which the soil is best adapted.(10)

Research in agricultural and related subjects and practical experiments in crop, fruit, and tree growing are carried on at the State College of Agriculture at Athens and the agricultural experiment stations near Griffin, Eatonton, Blairsville, and Tifton. Substantial benefits arising from the work of these institutions flow directly to the farmers.

A county agricultural agent has been employed in Muscogee County since 1917. One of the duties of the county agent is to instruct the farmers of his county in approved and advanced methods of farming as recommended by the agricultural extension service.

A county home demonstration agent was employed in Muscogee County in 1914 and this office has functioned since that time, with the exception of

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1) Ga. Code of 1933, #23-2503; Ga. Acts 1911, p. 108.
2) Information obtained from L. N. Clarkson, Director of Public Health Engineering, State Board of Health (Jan. 22, 1941), by W. A. Chapman.
3) Ga. Code of 1933, #5-101; Ga. Acts 1874, pp. 5, 6; 1889, p. 63.
4) Ga. Acts 1935, p. 98.
5) Ga. Code of 1933, #5-201; Ga. Acts 1917, pp. 77, 78.
6) Ga. Code of 1933, #5-301; Ga. Acts 1918, p. 246; 1920, p. 282.
7) Ga. Code of 1933, #5-701; Ga. Acts 1931, pp. 7, 41.
8) Ga. Code of 1933, #5-1001; Ga. Acts 1901, pp. 65-70.
9) Ga. Code of 1933, #42-101; Ga. Acts 1906, p. 83; 1908, p. 80; 1910, p. 84; 1919, p. 281.
10) Ga. Code of 1933, #5-107; Ga. Acts 1874, p. 6; 1893, p. 136.

a lapse between 1931 to 1932. The duties of the demonstration agent are concerned chiefly with the activities of 4-H club girls and supervision of the work of domestic club organizations and various activities pertaining to domestic problems.

Other agencies in Muscogee County work in conjunction with the extension program. The Farm Security Administration, the Production Credit Association, the Emergency Crop Loan, the Flood Control Act, and others which have as their purpose the assisting of farmers to procure their fair share of the county, State, and National income.

Records System

County officials are required to keep such records in the discharge of their duties as are prescribed by statute. Rigid requirements as to keeping and preserving the records of individual offices in Georgia have been included in legislation from time to time since 1785, when the requirement that a deed of conveyance be registered in the county where the land lies was made a law.(1)

The records of all offices are important, but those most vital to the interests of the county, to the individual and to the State are those of the clerk of the superior court, the ordinary, and the county commissioners. All these are intimately concerned with the lives and property of the people. Records relating to taxes, education, roads, health, and welfare are perhaps of relatively less importance because these are partly State functions, and some of their records or duplicates thereof are preserved in State archives.

The certificate or attestation of any public officer, either of the State or any county thereof, is sufficient to give validity or authenticity to any copy or transcript of any record, document, or paper on file in his office.(2)

When a record has been burned or otherwise destroyed, its contents may be proved by secondary evidence which does not disclose the existence of other and better evidence.(3) Where any public records have been lost, mutilated, stolen, or destroyed, the superior court of the county where such records belong may establish copies. When so established, such records are in all respects as valid as the original records.(4)

An act of 1929 prescribed the form and manner of recording decrees, deeds, mortgages, or other instruments affecting title to lands. The clerk of the superior court is required to record these instruments upon good and substantial white paper, in either printing, typewriting, or handwriting in ink, and the record must be clear, legible, and permanent.(5)

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1) Act 1785, Marbury and Crawford, p. 115.
2) Ga. Code of 1933, #38-601; Act 1819, Cobb, p. 272; 1830, Cobb, p. 273; Ga. Acts 1855-56, p. 143.
3) Ga. Code of 1933, #38-607; Ga. Acts 1855-56, p. 138; 1858, p. 53.
4) Ga. Code of 1933, #38-614; Ga. Acts 1887, p. 112.
5) Ga. Code of 1933, #29-420; Ga. Acts 1929, p. 321.

Governmental Organization and Records System - Records System (First entry, p. 129)

There is no prescribed system for the filing of case papers in the counties. Each succeeding clerk may, if he elects to do so, change the plan in effect when he takes office. The superior court clerk in Muscogee County files his civil and criminal case papers separately in two series. The papers are filed chronologically and each new case receives the next number in the series. All the papers and pleadings of a particular case, from the petition to final judgment, receive the same number and are filed together. The lower courts of record generally follow a similar system in filing their original case papers. Location of the papers in a particular case is effected by reference to the minute books or dockets, which have self-contained indexes and show the name of the plaintiff and defendant, the date, and the case number.

The ordinary, who has jurisdiction over probate matters and estates of decedents, keeps records of all testate and intestate estates and those of minors and incompetent persons. Original wills and other types of estate papers were filed in separate series until 1934. Since then all wills and estate papers and pleadings have been filed together in a single series in chronological order, with cases numbered consecutively. The ordinary's office is also the place of registration of several licenses and privileges, and this office issues and keeps a record of marriage licenses.

The minutes and other records of the county commissioners and the cash books and ledgers of the county treasurer (now a disbursing agent) show all the transactions, financial or other, which come within the jurisdiction of these officers in connection with their administration of the county's affairs.(1)

The county commissioners make purchases of record books, filing equipment, and office supplies for all offices, upon requisitions from the various officers. There is little uniformity among the counties as to type, size, and appearance of volumes. Purchases frequently are made from different manufacturers or dealers, whose products often vary in some respects from those previously used, the offices thus accumulating books of different size, appearance, and utility.

State officials exercise no control over county records. An effort was made by the General Assembly in 1916 to bring about uniformity and to improve the system of record-keeping by the county officers through an act which created the office of Supervisor of County Officers and County Records, in the office of the Attorney-General of the State. It was made the duty of this supervisor to codify all laws relating to county records and to place this code in the hands of all county officers. This officer was authorized to contract for the record books used by county officials, and was required to see that the records prescribed, which were to be uniform throughout the State, were installed and kept by each officer.(2) The provisions of this act, so far as ascertainable, never became operative, and in 1919 the measure was repealed.(3)

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Governmental Organization and Records System - Records System

(First entry, p. 129)

A law designed to collect and preserve records in a central depository was passed in 1918, which created the Department of Archives and History. Under the provisions of this act, any official of the State, county, or other subdivision is authorized to turn over to this department any official books, records, documents, original papers, manuscript files, portraits, and printed volumes not in current use in his office.(1)

Provision for the accumulation and preservation of historical material and papers, other than legal matter, was made by the legislature in 1935. The ordinary, under this law, is required to file and preserve any material of historical interest that may be offered by any citizen, religious body, or civil, patriotic, or fraternal organization, including school records not otherwise preserved, and records pertaining to Confederate and other soldiers, when of such nature as to be of general interest and not otherwise recorded by court procedure. The ordinary and the county board of education in each county are constituted a board to pass upon the suitability of any matter submitted. The county commissioners are required to furnish the ordinary with suitable filing receptacles for this material, and the ordinary must keep an index thereof. For this law to become operative, it is necessary that two successive grand juries recommend its adoption.(2)

All books kept by any public officer under the laws of this State are subject to inspection of all the citizens of the State, within office hours, every day except Sundays and holidays.(3)

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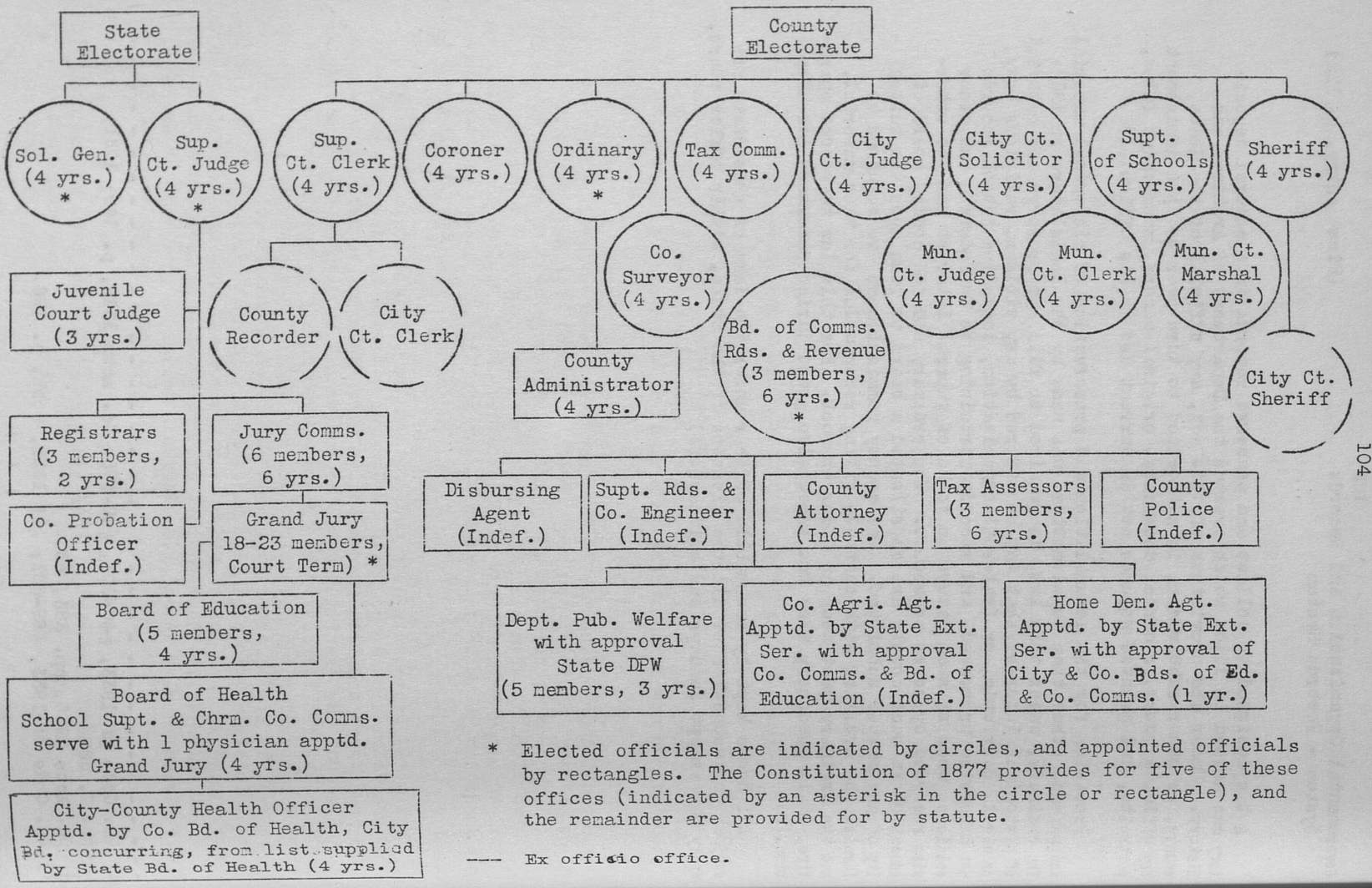
1) Ga. Code of 1933, #40-801, #40-805; Ga. Acts 1918, p. 140; 1931, pp. 7, 38.
2) Ga. Acts 1935, pp. 383, 384.
3) Ga. Code of 1933, #89-601; Act 1831, Cobb, p. 196.

Chart of Government - Muscogee County - 1941



* Elected officials are indicated by circles, and appointed officials by rectangles. The Constitution of 1877 provides for five of these offices (indicated by an asterisk in the circle or rectangle), and the remainder are provided for by statute.

--- Ex officio office.

(First entry, p. 129)

3. HOUSING, CARE, AND ACCESSIBILITY OF THE RECORDS

The present Muscogee County courthouse is the third such structure to have served the county since its creation in 1826. Built in 1894 and 1895, it replaced a smaller structure which had become inadequate for the increasing needs of the county and the municipal government of Columbus, both of which are housed in the present building.

The contract for the courthouse was awarded to "Mr. DeVolt of Ohio for the sum of $55,979.40."(1) The plans, as originally decided upon, provided for the construction of a semi-fireproof building, but, following erection of the foundation walls, the committee decided that in the interest of safety, modification was necessary at an additional cost of $7,500.

The building is 264 feet long, 84 feet wide and contains 1,239,840 cubic feet of space.

The foundation walls, which extend approximately 5 feet above the street level to the first, or main floor, are of rough-hewn granite. The walls above this are of red brick to the ornamental metal frieze which extends entirely around the building at the roof. This frieze is painted a buff color, as is the ornamental railing above it. A dome rises from the center of the building and it is surmounted by a figure of Justice with scales.

The courthouse main entrances are on the north and south sides. White marble steps rise between columns at both of these sides to marble porches over which are ornamental porticoes. The massive columns, which are of Corinthian architecture, rest on granite bases inset in the steps, and there are five at either entrance, rising to the level of the roof frieze.

There are small entrances at both east and west sides. All four entrances open into halls leading to a central rotunda which is lighted artificially as well as by a light well extending from the dome downward to the main floor. The stairway from the main to the second floor is in the center of this light well and is of white marble, protected at both sides by ornamental iron railings. The stairways rise from both north and south sides of the light well, converge to a platform halfway between the floors and, from this point, ascend both east and west to the second floor.

Ceilings on the first floor are 14 feet above the floor; those on the second floor are 15 feet in the offices and 22 feet in the hall surrounding the light well and in the superior and city courtrooms. Seven additional rooms are now in the course of preparation in the basement, and the ceilings of these are 9 feet above the floor. At the time of writing this essay the use to be made of these rooms had not been determined, except that a part of the new quarters will be occupied by the health department.

All first floor offices and halls are floored in marble laid over concrete and brick, and those of the second floor are of wood. Walls are of wood paneling to the window ledges and of buff-colored plaster above.

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1) Records (City of Columbus), vol. K, p. 60.

--- Ex officio office.
the remainder are provided for by statute.
Apptd. by Co. Bd. of Health, City Bd. concurring, from list supplied by State Bd. of Health (4 yrs.)

Housing, Care and Accessibility of the Records (First entry, p. 129)

Ceilings on both main and second floors are of wood in boxed-panel effect. Basement floors are of concrete, and walls and ceilings are of fireproof composition board over brick.

The most impressive room in the courthouse is that of the superior court on the second floor. An abundance of daylight is provided in this room by windows on three sides. The ceiling, is of wood, painted white and paneled in squares. The walls to the windows are of buff-colored plaster and above, of white plaster. The floors are covered with dark linoleum and rubber runners are provided down the aisles.

At the rear of the courtroom is a balcony, entered from the hall, and reserved for colored persons.

A mahogany-finished railing extending across the front of the courtroom separates the spectators from those attending the court on official business. The section which is reserved for lawyers and officials is raised above the courtroom level and the judge's bench is raised further by a dais. The wall behind this dais is relieved with flat columns and an arch in which is a rising sun. A clock and several oil paintings also are placed on the wall behind the judge's bench. Furnishings in the courtroom are mahogany-finished and are adequate for all purposes.

The courtroom of the city court, also on the second floor, while somewhat smaller and less ornamented, is similarly arranged and furnished, and is provided with platform and railing similar to those of the superior court.

The entire building is adequately ventilated and is comparatively cool in summer. A modern central plant in the basement supplies steam heat in winter. Lighting is uniformly good. The building is rated as 78 to 80 percent fireproof.

Records are kept by 14 county officials in 6 vaults and 17 rooms in the courthouse; those of the county agricultural agent and home demonstration agent in their respective offices in the post office building, and those of the department of public welfare in the Labor Temple. The department of health records are kept in the office of the school superintendent pending completion of the health board offices in the basement.

Of the six vaults, three are used by the superior court clerk, whose office is the most important record-keeping agency in the county; one is used by the ordinary, one by the tax commissioner, and the other by the county commissioners of roads and revenue. With the exception of a basement vault used by the superior court clerk for the storage of non-current records, all vaults are dry, property ventilated, well lighted, and fireproof. The basement vault is inclined to be damp, but meets other physical requirements for the satisfactory preservation of records.

More space for the keeping of records is needed by the superior court clerk; the county commissioners, whose vault is entirely inadequate; the tax commissioner; the juvenile court, where crowding is extreme; and the municipal court. If additional space were available, it could be used to advantage in making possible the separation of the records of the solicitors of superior

Housing, Care and Accessibility of the Records

(First entry, p. 129)

and city courts. Adequate facilities are provided for the various other county agencies.

It should be borne in mind that the additional basement rooms now in course of construction will also provide added facilities.

The entire west section of the courthouse main floor is occupied by city offices, with the exception of rooms five and seven, which are occupied by the juvenile court.

County offices on the north side of the east section (beginning at the rotunda) are the ordinary's main office, with his private office and a vault opening from the main office; the county superintendent of schools; the board of education and the county board of health (one room), the county board of tax assessors and county engineer's work room (one room); the tax commissioner, and, opening from this latter room, the tax commissioner's vault.

County offices on the south side of the east section (beginning at the rotunda) are the main office of the clerk of superior court, with his private office, the west vault, and the east vault opening from the main office; the State milk control office, which is used by the home demonstration agent for meetings; the office of the county commissioners and their clerk, and the vault of the county commissioners built in this room; and the private office of the county engineer.

On the second floor, the courtroom of the superior court opens off the east side of the central hall, and behind the judge's bench, on both sides are jury rooms with wash rooms between. Along the north side of the central hall are the main office of the superior court judge and a small private office for the same official, the office of the court reporter, and the grand jury room with a wash room behind it. On the south side of the central hall are the main office of the sheriff and a smaller private office opening from the main office, a cell and small room for county prisoners; the office of the county police, a wash room, and the office of the solicitor of superior and city courts, with a small office opening from this for the solicitor general. The city and the courtroom of the municipal court opens from the southwest side of the central hall and behind this courtroom are the office of the probation officer, a jury room, and wash rooms. At the northwest side of the central hall there is a corridor from which open the offices of the judge of the city court, the judge of the municipal court, the municipal court main office, and the office of the municipal court clerk.

In the basement central section are a vault for the superior court, a main storage room (not fireproof), storage spaces for county and city engineers, and a blueprint room.

The basement rooms under construction open on both north and south sides of a corridor 13½ feet in width, which extends from the central section to the western end of the building.

A description of the various rooms and their record-keeping facilities follows:

Housing, Care, and Accessibility of the Records (First entry, p. 129)

County Commissioners of Roads and Revenue. This office is 24 by 32 feet and contains an inbuilt vault, which reduces working space below that needed for convenience. The room has two entrances and four windows. Ventilation and lighting are good. Four feet of glass-fronted bookcases on the north wall contain unbound estimates and other records. A bench on the west wall holds unbound records in file covers. This room contains about 3 percent of the commissioners' records.

The commissioners' vault is 6 by 12 feet and is fireproof. It is entered through steel doors and ventilation is provided by three small air vents near the ceiling. The lighting and ventilation are fair. It is equipped with 108 feet of wooden shelving on north, east and west walls, and a file cabinet, 48 by 13 by 28 inches, against the west wall. This equipment provides for the filing of 50 volumes of commissioners' records, 1,560 documents of the commissioners in four file drawers, 2,000 documents of the commissioners in eight stacks, one volume belonging to the coroner's office, and city-county health office records in one file drawer. This vault is badly crowded and from 50 to 80 percent more room is needed. The vault contains approximately 90 percent of the commissioners' records.

Seven percent of the commissioners' records are stored in the basement. Records kept there are non-current.

Superior Court Clerk. (City court records also are kept by this official.) The general office is 24 by 32 feet. It contains five doors and four windows. Ventilation and lighting are good. This office houses four volumes of the clerk's records, and three volumes of city court records. This room is used for recording, typing, and clerical work, and is overcrowded. It is estimated that 50 percent more space would be sufficient. About 10 percent of the clerk's records are in this room.

The clerk's east vault is 18 by 32 feet and is fireproof. It has one door and two windows, all protected by fireproof steel closures. Small ventilators are provided near the ceiling for air circulation when the vault is closed. Both ventilation and lighting are good. There are 270 feet of metal roller book shelving along the east and west walls, a table at the north wall, and book racks at the west side of the vault. There is a standing desk in the center of the vault. The records housed here include 443 volumes of the clerk's office, 35 maps belonging to the clerk's office, 96 blueprints belonging to the clerk's office, four volumes of newspaper files of the ordinary's office, five volumes of city court records, one volume of municipal court records, and one file drawer containing records of the coroner. The records are easily accessible in this vault, but approximately 50 percent more space is needed for expansion. Approximately 40 percent of the superior court records are in this vault.

The clerk's west vault is 15 by 20 feet and is fireproof. It has one metal door and no windows. Air ducts near the ceiling provide ventilation and both ventilation and lighting are good. There is a total of 350 feet of metal roller shelving along the east and north walls, a total of 90 feet of file cabinets, containing file drawers 10 by 5 by 14 inches, against the west wall, and the south wall has a small section of metal roller shelving and 60 feet of wooden shelving. Two additional file

cabinets are against the east wall and one is against the south wall, containing drawers 10 by 5 by 14 inches. This vault houses 246 volumes, 281 file drawers, and three file boxes of the clerk's records, six volumes of jury commissioners' records, two volumes of grand jury records, two volumes of county court records, 58 volumes of city court records, one file drawer of grand jury records, and 44 file drawers of city court records. The room is crowded and approximately 50 percent more space is needed to provide for future expansion. Approximately 50 percent of the court records are kept in this vault.

The clerk's basement vault is 12 by 14 feet and has one door 38 by 72 inches and no windows. The ventilation, furnished by small slots in the door and walls facing the corridor, is fair; the lighting is poor. The walls are plaster over brick painted white and the ceiling is of whitewashed brick between steel girders. There are 380 feet of wooden shelving around the walls, and 216 file boxes 10 by 5 by 15 inches. Housed here are 119 volumes of the clerk's records, 94 file drawers and 18 file boxes of the clerk's records, 83 volumes of newspapers, nine volumes of grand jury records, 126 volumes of newspapers belonging to the ordinary, 30 volumes of city court records, seven volumes of county commissioners' records, five volumes of 668th militia district justice of the peace records; two volumes of 675th militia district justice of the peace records; two volumes of 772nd militia district justice of the peace records; five volumes of 773rd militia district justice of the peace records; three volumes of 921st militia district justice of the peace records; 12 volumes of municipal court records; and 26 volumes of the tax commissioners' records. Fifty-one file drawers in this vault are used by the city court, three by the tax commissioner, and two file boxes for city court records. In addition, there are 84 bundles containing an estimated 17,000 papers belonging to the county commissioners, approximately 2,400 additional documents of the county commissioners, and 71 bundles of papers of the tax commissioner.

The court reporter's office on the second floor contains 10 file drawers, in which are housed the reporter's records of cases in the superior and city court. All the records in this vault are non-current and twice as much storage space is needed.

The clerk's private office is 12 by 18 feet and has one door and four windows. Both ventilation and lighting are good and sufficient space has been provided. No records are kept there.

Solicitor General. (Solicitor of city court also uses these rooms.) The general office, on the second floor of the courthouse is 18 by 20 feet, and has two doors and three windows. Ventilation and lighting are good. There is a stand against the west wall on which are three file boxes, 12 by 14 by28 inches, and six file boxes, 10 by $4\frac{1}{2}$ by 14 inches. A special file cabinet contains 18 drawers, 11 by 10 by 14 inches for forms and similar papers, and one metal file cabinet contains one drawer 8 by 12 by 14 inches. Additional space would permit separation of the two court agencies.

A small office opening from the general office is 12 by 15 feet, and

has one door and two windows. Five sections of sectional bookcases house part of the courts' law library. There are no public records in this office. Ventilation and lighting are good.

Grand Jury Room. (Also used by jury commissioners.) This room is 32 by 20 feet and has two doors and four windows. No records are kept here, all grand jury records being kept in the vault of the superior court clerk.

Court of Ordinary. The office of the clerk of ordinary is 32 by 24 feet. It contains three doors and one large window. Ventilation and lighting are good. The room is supplied with 66 feet of glass-fronted shelving against the north wall, containing the court's law library, the largest in the courthouse. This office also contains 23 volumes of the ordinary's records, four volumes of newspapers, 28 file drawers of ordinary's records, six bundles of papers of the ordinary, one map, one volume of the tax commissioner's records, and one map belonging to the superior court clerk. Approximately 20 percent of the records are kept in the office.

The ordinary's vault is 15 by 20 feet and is provided with a fireproof steel door. It has no windows, and ventilation is provided by air vents near the ceiling. The lighting is good. Ten sections of steel roller shelving are against the west wall and three steel file cabinets are against the south wall. There is a total of 136 feet of wooden shelving along the east wall. The remainder of the court's law library is kept on these shelves. Included in this vault are 220 volumes of ordinary's records, 105 file drawers of ordinary's records, two file boxes, one stack of newspapers, and four maps of the ordinary, 49 volumes of newspapers, 44 volumes of the tax commissioner's office, 33 volumes of the county commissioners' records, three volumes of the coroner's records, one file drawer of coroner's records, and 11 maps from the superior court clerk's office. More steel shelving could be used advantageously for record books.

City Court. The records of this agency are kept by the superior court clerk.

Municipal Court. Records of this court are kept in four rooms on the second floor of the courthouse, the municipal courtroom, the general office, the clerk's office and the judge's office. The municipal courtroom is 48 by 64 feet and has four doors and eight windows. Ventilation and lighting are good. Only six volumes of records are stored in the courtroom.

The general office is 20 by 32 feet and has two doors and four windows. Ventilation is good, the lighting fair. A counter, divided in the center and running east and west, is adjacent to the entrances. The east section of the counter is 36 inches high, 28 inches wide and $9\frac{1}{2}$ feet long. The west section of the counter is 36 inches by 26 inches by 7 feet. On top of this section is a metal case 12 by 14 by 28 inches, containing one file box. There is a metal cabinet, 35 by 48 by 18 inches, against the east wall containing file drawers. Three cardboard file boxes are on top of the case. There are also three large file cabinets against the south

wall, and a table against the west wall. There are 35 volumes and 240 file drawers of records in this office. This room houses approximately 90 percent of the municipal court's records.

The clerk's office is 12 by 14 feet and opens directly off the general office. Ventilation and lighting are good, and the room is provided with one door and two windows. The records in this room consist of six volumes and 17 file drawers of documents. Approximately 7 percent of the court's records are housed in this room.

The judge's office is 20 by 32 feet and contains one door and two windows. Ventilation and lighting are good. Against the south wall is a metal cabinet, 68 b6 40 by 14 inches, containing roller book shelves. In this room there are eight volumes of the municipal court records and one volume of the children's court. This room houses approximately 2 percent of the court's records.

Adult Probation Officer. The office of the adult probation officer is on the second floor of the courthouse in the extreme west section of the building. It is 12 by 14 by 12 feet and has one door and one window. The floor and ceiling are wood, the latter painted white. The walls are light tan plaster and are in good condition. The ventilation and lighting are good. The records of this office are contained in four file drawers. The space is adequate for the records kept by this officer.

Juvenile Court. This department which occupies space in the city section of the main floor, uses two of the regular offices, each 20 by 36 feet, but these two rooms have been subdivided into eight small rooms by partitions which extend only part way to the ceiling.

The record room is the only one of the eight in which records are located. It is well lighted and ventilated, and is provided with three doors and two windows. The records of this office are contained in two volumes and 17 file drawers. This agency could use considerably more room to advantage.

County Attorney. This official keeps no separate records as his transactions involving county contracts and legal matters in general are covered by the records of the county commissioners and the ordinary.

County Coroner. The records of this office are kept in a file drawer in the superior court clerk's east vault, on the first floor, and three volumes and one file drawer in the ordinary's vault, and one volume in the commissioners' vault.

County Sheriff. The general office, 23 by 20 feet, is located on the south side of the second floor and is well ventilated and lighted by three windows. There are 42 feet of shelving in a glass case against the west wall. Against the north wall is a filing case 48 by 14 by 28 inches. The records of this office are contained in 20 volumes and eight file drawers.

County Police. This office is located on the south-central side of

the second floor next to the sheriff's office and is 16 by 20 feet. It has two large windows a fording good ventilation. There is one filing cabinet on a desk. The department's records are contained in five volumes, one file drawer and approximately 2,000 documents arranged in eight stacks.

Tax Commissioner. Located on the main floor in the northeast corner of the building, this office, 20 by 32 feet, has four large windows and opens into the east corridor. This office houses 61 volumes, 10 file drawers of records, two maps, and, in addition, 11 volumes of county commissioners' records. Thirty percent of the records for this agency are kept in this room and seventy percent in the vault.

The tax commissioner's vault is 14 by 16 feet, and has one door 36 by 72 inches and one window 44 by 84 inches. The vault contains 308 volumes of tax records, 19 file drawers of tax records, and 20 volumes of county registrars' records. The room also contains 30 linear feet of miscellaneous supplies, including receipt books. Seventy percent of the records of this office are kept in this vault.

County Auditor. The county lets yearly contracts for this work, and the records are kept by the county commissioners.

County Registrars. Records of this agency consist of lists of registered voters in the county by district and year. They are in 20 volumes which are kept in the tax commissioner's first floor vault.

County School Superintendent. Records kept in this room are of the county board of education, superintendent of schools, and county board of health. The room is 20 by 32 feet, and is on the main floor in the northeast section of the building. There are two windows affording ample light. The records consist of 12 volumes used by the superintendent, three volumes by the board of education, and one volume by the board of health. Five file drawers also are given over to the superintendent's records.

City-County Health Officer. The records of this office are contained in 40 volumes, 13 file drawers, and 16 file boxes.

County Department of Public Welfare. This office is located on the first and second floors of the Labor Temple at 13½ West 11th Street, Columbus. Because of the number of rooms in which this agency keeps records, a tabular breakdown of the filing locations is given here for clarity:

Type of Record	Quantity	Size in inches	Location
Minutes	1 vol.	13 x 8 x 1	Second floor office
Cases	12 file drawers	11 x 13 x 26	Filing room, first floor
	1 " "	14 x 12 x 24	Second floor office
	1 " "	4 x 6 x 16	" " "
	16 " "	11 x 13 x 26	Filing room, first floor
	18 " "	14 x 12 x 24	Second floor office
Index	18 " "	4 x 6 x 6	" " "
	9 " "	6 x 5 x 14	First floor office

Housing, Care, and Accessibility of the Records

(First entry, p. 129)

Type of Record	Quantity	Size in Inches	Location
	One binder	14 x 9 x 5	First floor general office
Investigations	1 file drawer	6 x 8½ x 14	First floor, 2nd room office
Control cards	3 " "	10½ x 12 x 32	First floor office and rear general waiting room
Civilian Conservation Corps	1 " "	5 x 10 x 14	First floor office
Daily record sheets	1 clip board	12 x 9 x 1	First floor, third office from waiting room
	1 binder	12 x 6½ x 3	First floor, second office
	" "	9 x 12 x 1	" " " "
	2 "	6 x 8 x 2½	" " " "
	1 "	6 x 9 x 4	" " " "
	1 file drawer	6 x 6 x 24	" " rear "
	1 binder	16 x 10 x 4	" " second "
	" "	12½ x 10 x 3	" " first "
	" "	12 x 9 x ½	" " second "
	" "	14 x 8 x 1	" " " "
	1 file drawer	11 x 13 x 26	" " " "
	1 binder	12 x 18 x 3	" " general "
	" "	10 x 12 x 6	" " second "

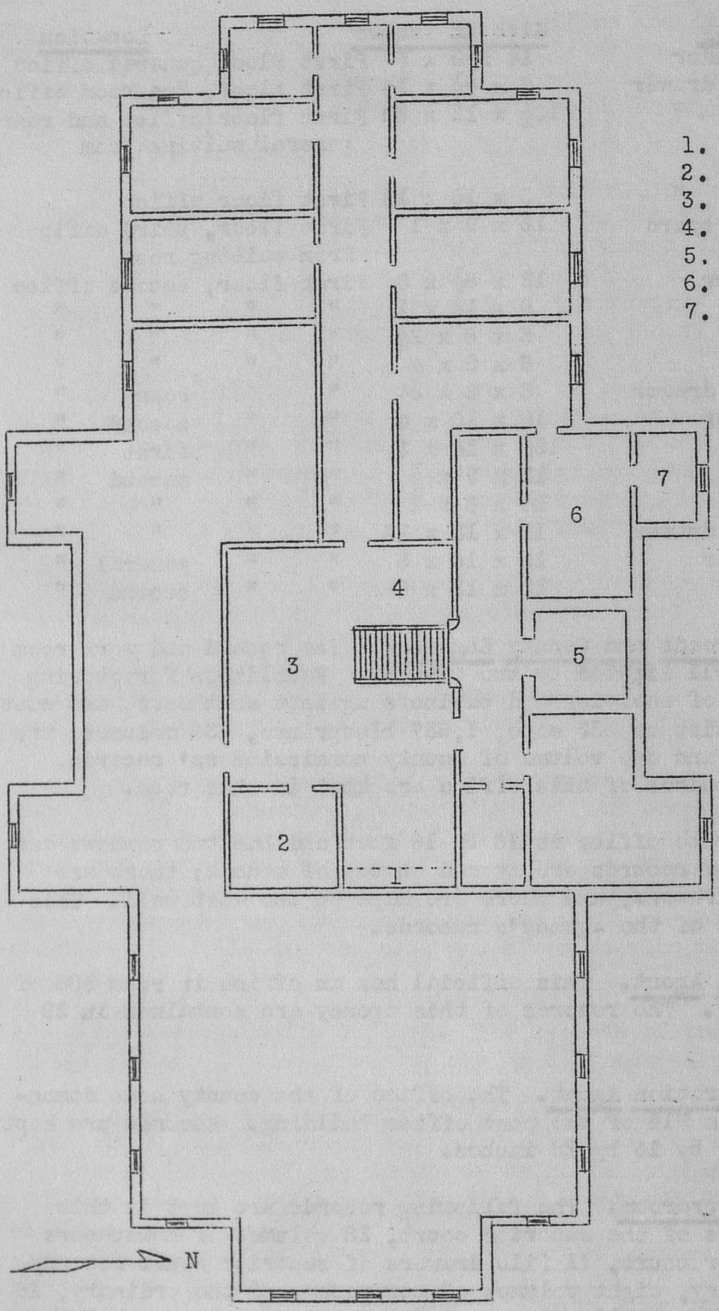
Superintendent of Roads and County Engineer. The record and work room is 20 by 32 feet, and well lighted by two windows. Facilities for storing records include 26 feet of shelving and cabinets against southeast, and west walls. The records consist of 533 maps, 1,637 blueprints, 136 volumes, two file drawers of papers, and one volume of county commissioners' records. Ninety percent of the records of this office are kept in this room.

The engineer's private office is 16 by 18 feet and has two windows and a door. A few volumes of records are stored on top of a desk; there are blueprints in the desk drawers, and there are maps on the west wall. This room contains 10 percent of the agency's records.

County Agricultural Agent. This official has an office in room 308 of the post office building. The records of this agency are contained in 29 file drawers.

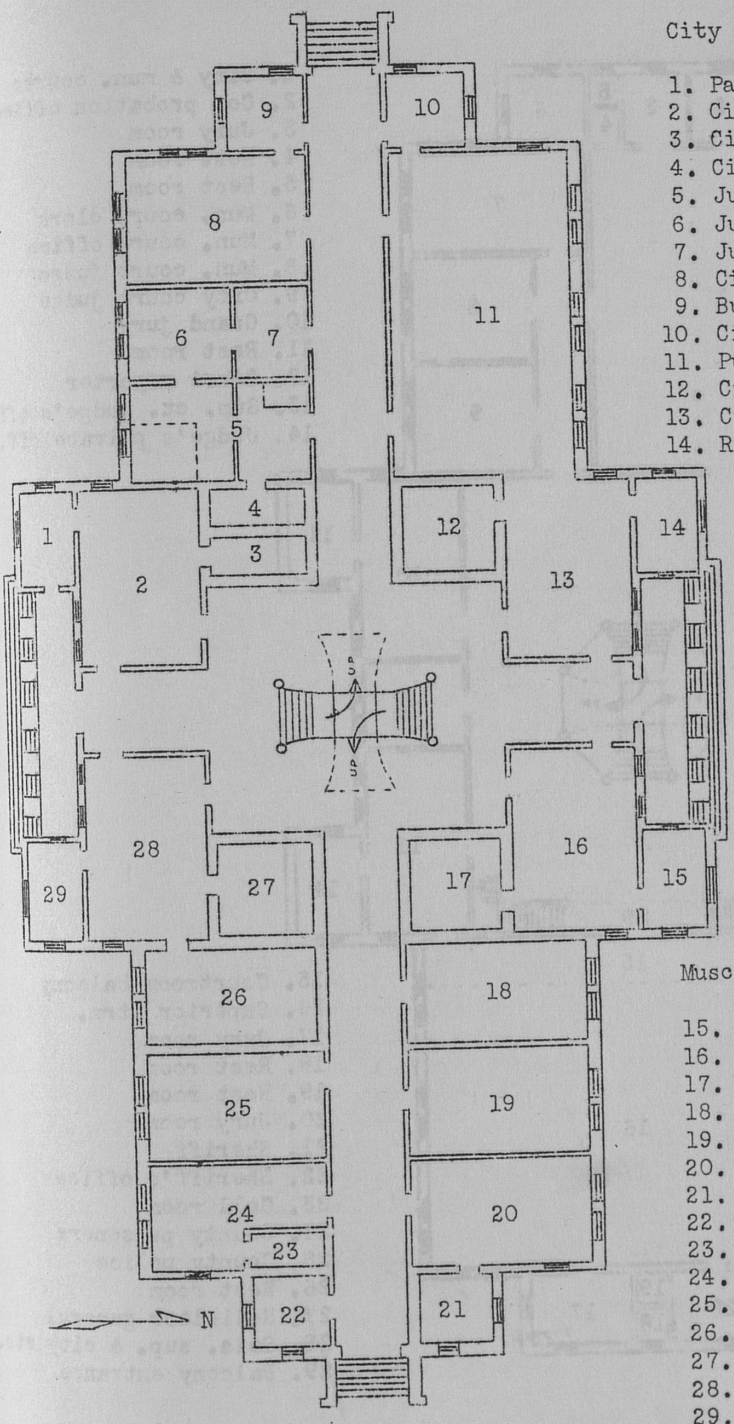
County Home Demonstration Agent. The office of the county home demonstration agent is in room 314 of the post office building. Records are kept in five file drawers 12½ by 14 by 28 inches.

General Basement Storeroom. The following records are kept in this large room: eight volumes of the superior court, 28 volumes of newspapers belonging to the superior court, 11 file drawers of superior court records, one volume of the ordinary, eight volumes of newspapers of the ordinary, 18 volumes of the inferior court, 10 volumes of the county court, one volume of the district court, 947 volumes of the tax commissioner, and 17 bundles of documents of the tax commissioner.



1. Old tax books
2. Co. eng. strm.
3. Main strm.
4. Records stored here
5. Sup. ct. cl.'s va.
6. City eng. strm.
7. Blueprint room

Basement, Muscogee County Courthouse
Showing Location of Records
Scale: 1" = 32'



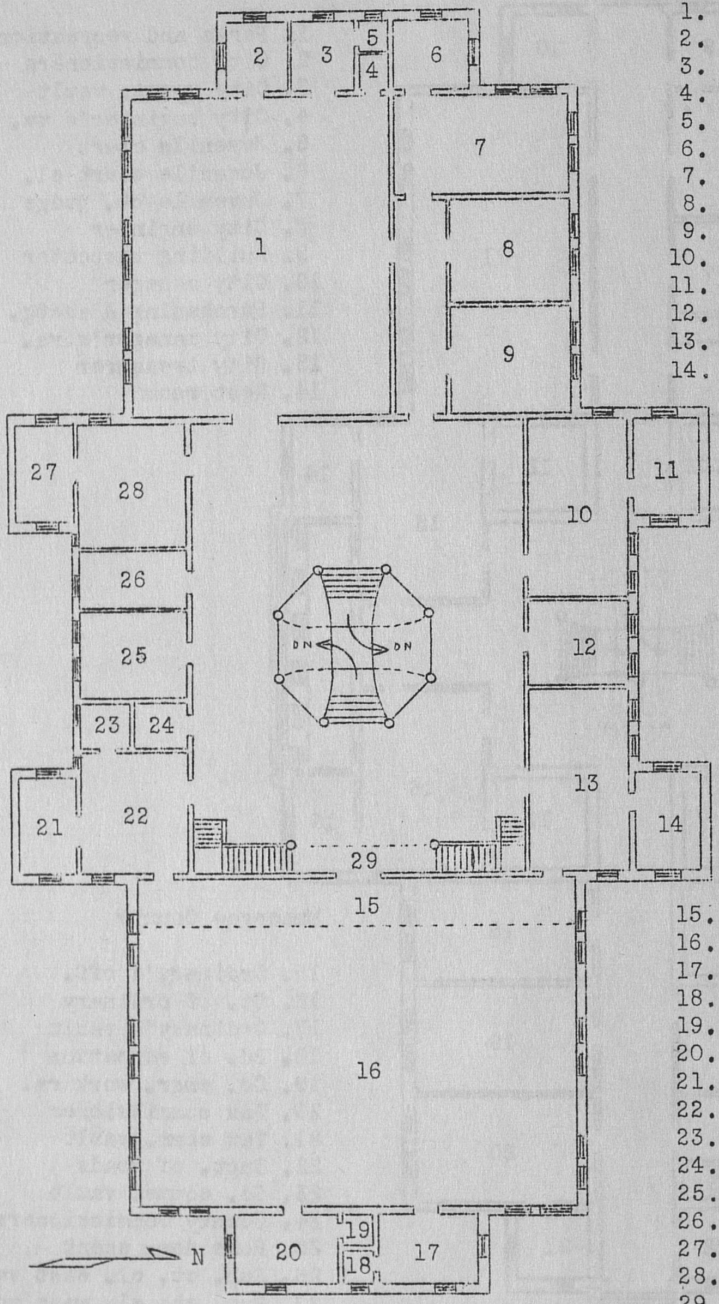
City of Columbus

1. Parks and recreation
2. City commissioners
3. City comms. vault
4. City engineer's va.
5. Juvenile court
6. Juvenile court cl.
7. Juvenile ct. judge
8. City engineer
9. Building inspector
10. City manager
11. Purchasing & acctg.
12. City manager's va.
13. City treasurer
14. Rest room

Muscogee County

15. Ordinary's off.
16. Ct. of ordinary
17. Ordinary's vault
18. Bd. of education
19. Co. engr. work rm.
20. Tax commissioner
21. Tax comm. vault
22. Supt. of roads
23. Co. comms. vault
24. County commissioners
25. Home dem. agent
26. Sup. ct. cl. east va.
27. Sup. ct. cl. west va.
28. Sup. & city ct. cl.
29. Superior ct. clerk

First Floor, Muscogee County Courthouse
City of Columbus - West half; Muscogee County - East half
Scale: 1" = 32'



1. City & mun. courts
2. Co. probation officer
3. Jury room
4. Rest room
5. Rest room
6. Mun. court clerk
7. Mun. court office
8. Mun. court judge
9. City court judge
10. Grand jury
11. Rest room
12. Court reporter
13. Sup. ct. judge's off.
14. Judge's private off.

15. Courtroom balcony
16. Superior ctrm.
17. Jury room
18. Rest room
19. Rest room
20. Jury room
21. Sheriff
22. Sheriff's office
23. Cell room
24. County prisoners
25. County police
26. Rest room
27. Solicitor general
28. Sols. sup. & city cts.
29. Balcony entrance

Second Floor, Muscogee County Courthouse
County Offices Only
Scale: 1" = 32'

(First entry, p. 129)

ABBREVIATIONS, SYMBOLS, AND EXPLANATORY NOTES

Abbreviations

agri.	agricultural
alph.	alphabetical(ly)
approx.	approximate(ly)
arr.	arranged, arrangement
art.	article
aver.	average
bd.	board
bsmt.	basement
bdle(s).	bundle(s)
chron.	chronological(ly)
cl.	clerk
co.	county
comm.	commissioner
Const.	Constitution
cont'd.	continued
ct(s).	court(s)
ctrm.	courtroom
dem.	demonstration
dept.	department
DPW	Department Public Welfare
engr.	engineer
est.	estimated
et al.	et alii et alias (and other)
et seq.	et sequentia (and the following)
Ex. Sess.	Extra Session
Ext. Ser.	Extension Service
f.b.	file boxes
f.d.	file drawers
fl.	floor
fm(s).	form(s)
Ga.	Georgia
gen.	general
hd(s).	heads
hdw.	handwritten
Ibid.	ibidem (in the same place)
indef.	indefinite
infra	below
J. P.	justice of the peace
loc. cit.	loco citato (in the place cited)
M. D.	militia district
mun.	municipal
no(s).	number(s)
numer.	numerical(ly)
off.	office
op. cit.	opere citato (in the work cited)
ord.	ordinary
p., pp.	page(s)
par(s).	paragraph(s)
passim	here and there

pr.	printed
pt.	part
rd.	road
rm(s).	room(s)
sec(s).	section(s)
S.E.	Southeastern Reporter
sol.	solicitor
strm.	storeroom
supra	above
supt.	superintendent
sup.	superior
v.	versus
va.	vault
vol(s).	volume(s)
WPA	Work Projects Administration

Symbols

x	by (in dimensions)
--	current
'	foot, feet
"	inches
#	space marks are used in footnote citations preceding sections of the Georgia Code, as a symbol for Section.

Explanatory Notes

Titles of Records. The exact titles of records, as they appear on the spine or outside of volumes and record containers, are written in solid capitals without parentheses. In the absence of titles, descriptive titles have been assigned, which are written in solid capitals and enclosed in parentheses. If a record title is not adequately descriptive of the contents of the record, an assigned explanatory title (or explanatory words), written with initial capitals and enclosed in parentheses, has been added to the exact title. If in a single series the title of a record varies, the current or most recent title is used as the entry title, but variations are shown in the title lines, as well as volumes that have no title.

Dates. All dates used are inclusive. Missing records are indicated by broken dates.

Quantity. When two or more types of containers are considered in a single entry, the quantity is shown in chronological order, insofar as possible.

Labeling. Figures or letters in parentheses, following the number of volumes, file boxes, or other types of containers, indicate the labeling. If no labeling is indicated, it may be assumed that there is none.

Discontinuance. Where no statement is made that the record was discontinued at the last date shown in the entry, it could not be definitely

established that such was the case. Where no comment is made on the absence of prior, subsequent, or intermediate records, no definite information could be obtained.

Description of Records. The description of the contents of a record applies only to the current or most recent record unless change in contents is actually shown in a record entry.

Indexing. All indexes to records, unless otherwise stated, are self-contained. If a record has a separate index, the index entry immediately follows the record entry where possible. Cross references are given in an entry for a separate index to the record entry or entries it serves; and conversely, cross references are given in a record entry to the separate index serving it, or entries where there is more than one separate index.

Condition of Records. It may be assumed records are in good condition unless otherwise indicated.

Dimensions. Dimensions in entries are always given in inches, unless otherwise indicated, and, therefore, the symbol for inches (") has been omitted.

Location of Records. When all or the majority of the records of an office have a common location, the location is indicated in the last sentence of the office essay instead of in each individual entry.

Cross References. Title-line cross references are used to show the continuity of a record series which has been kept separately for a period of time and with other records for different periods of time. An example of this type is entry 49: "1837-1935 in Deed Records, entry 29." They are also used in all artificial entries which are set up to cover records that must be shown separately under their proper office even though they are kept in files or records appearing elsewhere in the inventory, as, for example, the title-line cross reference in entry 264: "In Superior and City Court Costs, entry 118." or in those set up for a record which is never kept separately but is found in two or more records of miscellaneous content, such as entry 190. In both instances, the description of the master entry shows the title and entry number of the record from which the cross reference is made as, for example, these words in entry 189 do: "Also contains: (Sales Bills), entry 190." Dates shwon in the description of the master entry or entry of miscellaneous content are only for the part or parts of the record contained therein, and are shown only when they vary from those of the master entry.

Separate third-paragraph cross references from entry to entry, and See also references with subject headings or subheadings are used to show prior, subsequent, or closely related records which are not parts of the same series.

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- - - -
1) Ga.
2) Ga.
3) Ibid
4) Ga.
5) Ga.
6) Ga.
7) Ga.
8) Ga.

I. BOARD OF COMMISSIONERS OF ROADS AND REVENUE

The State Constitution of 1868 granted authority to the General Assembly to create boards of county commissioners in such counties as might require them, and to define their duties.(1) Under this authority, a board of commissioners of roads and revenue was created for Muscogee County by an act of the legislature approved August 26, 1872. The board consisted of three members,(2) and this number has been retained.

The only condition for holding the office of commissioner, under the creating act, was residence in the county for at least one year next preceding qualification.(3) An act of the legislature, approved August 2, 1923, required commissioners to be at least twenty-five years of age at the time of their election, and qualified voters of the county for at least two years next preceding their election. This act also required that board members continue as residents of the county and as qualified voters during tenure of office, and that they could hold no other public office, except that of commercial notary public or member of the State militia. Women were also made eligible for the office.(4)

The first commissioners were named in the act establishing the board and it was provided that their successors should be elected every three years by the grand jury at its spring term next preceding the expiration of their terms of office.(5) The act of 1872 was amended by an act approved February 26, 1875, so as to provide for the election of the successors to the original commissioners by the grand jury at the spring term of the superior court in 1875, one commissioner serving one year from his election, another for two years, and the third for three years. Each succeeding grand jury, at the spring term, was to elect one commissioner to serve for three years, filling the vacancy occurring by operation of the act.(6) In 1923 the General Assembly passed an act, effective in 1924, which provided for biennial election of the commissioners by the qualified voters of the county. The terms of those in office were extended so as to allow for the filling of one vacancy every two years.(7)

Under the act creating county commissioners, no oath was required of the appointees.(8) However, an amendatory act in 1923 required each of the commissioners to take the oath provided for all county officials, and in addition, an oath faithfully to discharge the duties of his office; to act as, in his judgment, would serve the welfare and best interest of the entire county; to uphold the Constitution of the State of Georgia and of the United States; that he has not, directly or indirectly expressed or implied his promise of support to any person for any office in the county, nor influenced his election by the unlawful use of money or intoxicating liquors, and

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1) Ga. Const. 1868, art. V, sec. XV.
2) Ga. Acts 1872, pp. 451, 452.
3) Ibid.
4) Ga. Acts 1923, pp. 288-305.
5) Ga. Acts 1872, pp. 451, 452.
6) Ga. Acts 1875, p. 262.
7) Ga. Acts 1923, pp. 288-305.
8) Ga. Acts 1872, pp. 451, 452.

that he will be governed by his convictions as to the public good within the laws and Constitution of the State and of the United States.(1)

Each commissioner is required to give bond of $5,000 payable to the county and conditioned for the faithful discharge of his duties of the office. The bond and security must be approved by the ordinary.(2)

The original act fixed the commissioners' terms of office at three years.(3) By an act approved February 26, 1875, provision was made for the grand jury at its spring term, in 1875, to elect one commissioner to serve one year, another to serve two years, and the third to serve three years. At each succeeding spring term of the grand jury, one commissioner was to be elected for three years.(4) By an act of the legislature approved August 2, 1923, the term of one commissioner expiring on or about August 1, 1924, was extended to January 1, 1925, another expiring August 1, 1925, was extended until January 1, 1926, and the third, expiring August 1, 1926, was extended until January 1, 1927. In order that the terms might be six years thereafter, and to provide that one vacancy be filled every two years at the general State elections, two members of the board were elected in 1924, one to serve for four years from January 1, 1925, and the other to serve for five years from January 1, 1926.(5) Since then the commissioners have served six-year terms and until their successors have been elected and qualified.

The original act made no provision for specific compensation of the commissioners, but under an act approved December 13, 1871, provision was made to compensate county ordinaries for services relating to county business where the existing laws provided no compensation. Such officers submitted their claims in writing with proof thereof to the grand juries of the superior court at the spring term, and the jury allowed such compensation as it deemed just and proper.(6) As the county commissioners supplanted the ordinary in the management of county affairs and were delegated powers formerly vested in the ordinary,(7) it is obvious they were in position to compensate themselves in the manner provided by law. Since January 1, 1924, each member of the board of commissioners has received a salary of $1,200 per annum, payable in equal monthly installments.(8)

Commissioners may be removed from office, in the same manner and for the same cause as other county officers, for conviction of malpractice in office.(9) The act of 1923 provides for the removal of any of the Muscogee County commissioners by recall after he has served for six months. A petition for recall must be signed by at least five percent of the county's qualified voters and is filed with the ordinary, who must notify the commissioner or

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1) Ga. Acts 1923, pp. 288-305.
2) Ibid.
3) Ga. Acts 1872, pp. 451, 452.
4) Ga. Acts 1875, p. 262.
5) Ga. Acts 1923, pp. 288-305.
6) Ga. Acts 1871-72, p. 51.
7) Ga. Acts 1872, pp. 451, 452.
8) Ga. Acts 1923, pp. 288-305.
9) Ga. Code of 1933, #2-8301; Ga. Acts 1914, p. 43.

commissioners involved. After five days, the ordinary must prepare three copies of the recall petition, and if twenty-five percent of the qualified voters of the county sign it within thirty days, the ordinary must order a recall election, which must be held not less than thirty nor more than sixty days after the expiration of the period of five days. If a majority of the votes are cast for removal, the involved commissioner is deemed removed from office.(1)

Vacancies were filled under the original act creating the county commissioners by the remaining members,(2) but in 1923 this provision was changed by an amending act which provided that all vacancies be filled by appointment by the Governor, pending the next general State election.(3)

From its first meeting on September 25, 1872, until January 1, 1925, the board of county commissioners met with the ordinary, who had been in charge of the county records, and who continued to act as secretary and executive officer of the board until the legislative provision was made in 1924 for the dual position of clerk of the board and county disbursing clerk.(4)

The office of county treasurer was abolished by this act, and the board of commissioners was empowered to select two incorporated banks to serve as custodians and fiscal agents of the county, these institutions being required to give bonds in sums named by the board.(5) An amending act of 1933 provided that in lieu of a surety bond by a depository of the county funds, bonds of the United States or of this State, or validated bonds of counties or municipalities of this State could be deposited with the clerk of commissioners, in such amount as the board prescribed.(6)

It became the duty of the clerk of the commissioners, as disbursing agent, under the act of 1924, to receive all funds then in the county treasury and all books and papers pertaining to the treasurer's office. In this act, it was provided that on and after January 1, 1925, all county funds except such as might be excepted by law, were to be disbursed by the clerk of the board, who was also charged with the following specific duties: to collect from all officers and others all county dues; to receive all moneys due to Muscogee County, and to deposit them immediately in depositories selected by the county commissioners; to examine the minutes and execution dockets of the different courts of the county, to demand and receive all moneys appearing to be due thereon, and to institute proceedings against defaulters; to prepare without delay, for issuance by the commissioners, all necessary orders for the payment of amounts due by the county; to take and file a receipt on each order or warrant when paid; to enter all receipts in a well-bound book, stating when received, from whom, and on what account, and all amounts paid out, stating when paid, to whom, and on what account; to record all county orders and other forms of indebtedness as they are

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1) Ga. Acts 1923, pp. 288-305.
2) Ga. Acts 1872, pp. 451, 452.
3) Ga. Acts 1923, pp. 288-305.
4) Ga. Acts 1924, pp. 357-363.
5) Ga. Acts 1924, pp. 357-360.
6) Ga. Acts 1933, pp. 640-642.

presented, in a well-bound book; to record a copy of the orders levying county taxes; to receive, hold, or disburse all funds the county treasurer formerly received, held, or disbursed; to report to and appear before the commissioners whenever notified or required, and to appear before any grand jury, on request, to render an account of his activities as disbursing agent, and to exhibit his books and vouchers whenever notified; to publish in the gazette of Muscogee County in which the sheriff's advertisements are published his annual statement to the commissioners of roads and revenue, containing a full and complete statement of the finances of the county during the preceding year, showing in complete and itemized detail all receipts and from what sources derived, and all disbursements, and for what purpose paid out; and to publish also the quarterly statements or reports as required by the act of 1923, in such manner as to show plainly the revenue of the county, as well as the cost of county government in every branch. The clerk is required to give bond of $40,000 payable to the county.(1)

The county depositories and the clerk of the commissioners are each liable both civilly and criminally as the county treasurers were formerly liable for any nonfeasance, misfeasance, or malfeasance of their respective duties.(2)

The county commissioners appoint and have control of the following county officers: the five members of the county board of public welfare, agreeably to the rules of the State Board of Public Welfare;(3) the county police and patrol;(4) board of tax assessors;(5) road commissioners;(6) county auditor;(7) county attorney;(8) and superintendent of roads-county engineer.(9)

Administration of county affairs was originally vested in the inferior court. The statutory inferior court, set up by the judiciary act of December 23, 1789,(10) nine years later gave way to the powers of the inferior court, established by the Constitution of 1798.(11) This court, sitting for county purposes, had charge of public works and buildings, the levying of taxes,(12) and the supervision and maintenance of roads, bridges, and

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1) Ga. Acts 1924, pp. 357-363; 1933, pp. 640-642.
2) Ibid.
3) Ga. Acts 1937, pp. 355-370.
4) Ga. Code of 1933, #23-1401; Ga. Acts 1914, p. 142.
5) Ga. Code of 1933, #92-6903, #92-6904; Ga. Acts 1913, pp. 123, 124.
6) Ga. Code of 1933, #95-301, #95-302; Act 1818, Cobb, p. 947.
7) Ga. Code of 1933, #23-1301; Ga. Acts 1901, p. 57.
8) A county has the right to sue and be sued, and necessarily has the right to employ counsel. In addition to the specific jurisdiction and powers granted the commissioners by the creating act, they were vested with "such other powers...as are indispensable to their jurisdiction." - Ga. Acts 1872, pp. 451, 452.
9) Ga. Code of 1933, #95-801; Ga. Acts 1882-83, pp. 140-145; 1890-91, vol. I, pp. 135-138.
10) Act 1789, Watkins, pp. 389-407.
11) Ga. Const. 1798, art. III, sec. VI.
12) Ga. Acts 1799, Nov. Ex. Sess., pp. 57-65; Act 1801, Clayton, p. 39; 1818, Lamar, p. 919.

ferries.(1) It was authorized to levy extraordinary taxes for county purposes, upon the approval of the grand jury at a regular session of the inferior court, such levy being limited to 50 percent of the State tax for that year.(2) It was empowered to change election precincts and militia districts,(3) to order elections to fill vacancies occuring in county offices, and to appoint persons to fill such vacancies until elections were held.(4) It examined and audited the accounts of all officials handling county funds, regulated peddling and fixed the rate of licenses therefor; made rules and regulations for the support of the county poor, county patrol, and for quarantine and the promotion of health;(5) appointed one or more persons in each county to take a census of the population every seven years;(6) appointed county treasurers for two-year terms and fixed their bonds;(7) obtained one each of the standards of weights and measures adopted by the Congress of the United States,(8) and appointed liquor inspectors.(9)

In 1866 the inferior court was empowered by the legislature to issue bonds to pay the accumulated indebtedness incurred by the county during the Civil War period,(10) and an act of the same year provided that the justices could authorize the treasurer to issue bonds, repayable in not more than three years, to rebuild courthouses and jails where such structures had been destroyed by the Federal army.(11)

Wide supervisory and financial powers were vested in the inferior court in relation to county educational affairs. Distribution of the poor school funds in each county, according to the white population, was provided for in 1826,(12) and in 1859 the justices were authorized to appoint persons to receive and give receipts to the Governor for money received from the State for educational purposes, in the event the ordinary failed to make bond qualifying him to receive such funds.(13) Another act of the same year appointed the justices of the inferior court, the ordinary, and one other person, to be selected by these officers, as a board of education in each county.(14)

The justices of the inferior court were specifically required by an act of 1815 to purchase a sufficient number of well-bound books for the use of the clerks of the ordinary, superior, and inferior courts in each county as record books, and the clerks of the inferior courts were required, at the

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1) Ga. Acts 1799, Nov. Ex. Sess., pp. 57-65; 1805, pp. 30, 31; 1818, pp. 158, 159.
2) Ga. Acts 1821, p. 115.
3) Ga. Acts 1839, pp. 37, 38; 1860, p. 30.
4) Ga. Acts 1826, pp. 120, 121.
5) Ga. Acts 1815, pp. 93, 94; Act 1819, Cobb, p. 773; Ga. Acts 1836, p. 181.
6) Ga. Const. 1798, art. I, sec. 25; Ga. Acts 1823, pp. 36, 37.
7) Ga. Acts 1825, pp. 67-69.
8) Ga. Acts 1839, pp. 224, 225.
9) Ga. Acts 1857, pp. 13, 14.
10) Ga. Acts 1865-66, pp. 258, 259.
11) Ga. Acts 1866, pp. 51, 52.
12) Ga. Acts 1826, p. 28.
13) Ga. Acts 1859, p, 28.
14) Ga. Acts 1859, pp. 29, 30.

expiration of each year, to make a schedule of such books and have it duly recorded. The clerk was further required to make a report at the first session annually of the court of county funds received and expended.(1) In 1820 the clerk was required to give receipts for all moneys received by him, and county officers paying over such funds to the clerk of the inferior court were compelled to deliver such receipts to the clerk of the superior court, whose duty it then became to file and enter them for subsequent presentation to the grand jury.(2) In 1823, however, the legislature required the clerk of the inferior court to make and present such a report in greater detail, directly to the grand jury at the first session of the superior court annually.(3)

A constitutional amendment proposed in 1850 and ratified in 1852,(4) vested the powers of a court of ordinary, or register of probates, in an ordinary for each county, and transferred the powers in relation to estates formerly lodged in one section of the inferior court to this new tribunal. The Constitution of 1868, which abolished the inferior court in toto, provided that jurisdiction over county affairs be added to the powers of the ordinary, and also gave permission for the creation, in any county that required one, of a board of county commissioners.(5) Thus, from 1868 until August 26, 1872, when its first board of commissioners was created, county affairs in Muscogee County were controlled and administered by the court of ordinary.(6)

The commissioners of roads and revenue are charged with the administration of all county affairs, the creating act providing that the board should have exclusive jurisdiction over the following matters: governing and controlling all property of the county; levying general taxes for general purposes, and specific taxes for specific county purposes, according to the laws of the State; establishing and changing election precincts and militia districts; examining, auditing, settling, and allowing all claims against the county; examining and auditing the accounts of all officers having the care, management, keeping, collecting, and disbursing of money belonging to the county, or appropriated for its use and benefit, and bringing these officers to a settlement.(7)

The commissioners make rules and regulations for the support of the poor of the county and promotion of health; establish, alter, or abolish roads, bridges, and ferries; appoint road commissioners, enforce the road laws, and exercise such other powers as are granted or indispensable to their jurisdiction over county matters. They also have exclusive control of the prisoners confined in the county jail; remove and appoint jailers and fix their compensation and bond; and approve all disbursements to be paid by the treasurer from county funds. They may purchase for the county

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1) Ga. Acts 1815, pp. 93, 94.
2) Ga. Acts 1820, pp. 7-9.
3) Ga. Acts 1823, pp. 43, 44.
4) Ga. Acts 1849-50, pp. 117, 118; 1851-52, pp. 49, 50, 91 et seq.
5) Ga. Const. 1868, art. V, sec. XV.
6) Minutes, Commissioners Court, vol. B, 1857-71, p. 313, see entry 1; Ga. Acts 1872, pp. 451, 452.
7) Ibid.

such property as may be sold for State and county taxes, paying no more than the amount of taxes and costs.(1)

The commissioners appointed registrars for each militia district for the registration of voters until the office of county registrars was established in each county in 1894.(2) They select custodians and fiscal agents for the county funds, and appoint a clerk who is the official receiving and disbursing agent of the county.(3)

The board of commissioners of roads and revenue may bring and maintain necessary action against railroad corporations to sustain the rights of the public with regard to any public road or highway over which the commissioners are charged with administrative duties.(4) The creating act provided that they should have, in addition to specific stated powers, "The same powers in appointing road commissioners and enforcing the road laws as is now held by the ordinary...and shall exercise such other powers as are granted by the code of this State to said ordinary, or as are indispensable to their jurisdiction."(5)

The county commissioners of Muscogee County finance county expenses by tax levies for general and for specific purposes.(6) All sums, from whatever sources, paid into the county treasury also become a part of the county revenue.(7)

It is the duty of the authority empowered to levy taxes to have prepared, by the time of the organization of the grand jury at the first spring term, a statement of the financial condition of the county, and the amount of tax required for county purposes for that year. This statement is submitted to the grand jury.(8) If the grand jury fails to recommend the necessary tax, the authority empowered to levy taxes may levy the necessary tax without such recommendation, but this tax must not exceed 50 percent of the State tax for that year.(9) Extra or specific taxes for the payment of accumulated debts, for county buildings, and for support of the poor may also be levied.(10)

The inferior court was vested with authority over matters pertaining to

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1) Minutes, Commissioners Court, vol. B, 1857-71, p. 313, see entry 1; Ga. Acts 1872, pp. 451, 452.
2) Ga. Acts 1884-85, pp. 631-633; Ga. Code of 1933, #34-301; Ga. Acts 1894, pp. 115-118.
3) Ga. Acts 1924, pp. 357-363.
4) Ga. Acts 1889, p. 102.
5) Ga. Acts 1872, pp. 451, 452.
6) Ga. Code of 1933, #92-3706, #92-3707; Act 1821, Cobb, p. 184; Seaboard Airline Railway Company v. Wright, Comptroller General, 122 S.E. 35; 157 Ga. 722 (1924); Hutcheson, administrator v. Mehaffey et al., 142 S.E. 756; 165 Ga. 630-635 (1927-28)
7) Ga. Code of 1933, #92-3901.
8) Ga. Code of 1933, #92-3709; Act 1823, Cobb, p. 193.
9) Ga. Code of 1933, #92-3710; Ga. Acts 1880-81, p. 41.
10) Ga. Code of 1933, #92-3702, #92-3713, #92-3715.

the promotion of health until 1868,(1) when this authority was transferred to the ordinary. The ordinary exercised this jurisdiction until 1872, when the board of commissioners of roads and revenue was created for Muscogee County and county health matters came under its jurisdiction.(2) In 1914 an act was passed by the legislature creating a State Board of Health, and the same act set up a county board of health in Muscogee County, consisting of three persons, one of whom is the county superintendent of schools, another the chairman of the board of commissioners of roads and revenue of the county, and the third member, a reputable physician, elected by the grand jury.(3) This county board of health administers county health matters at the present time.

The construction of a tuberculosis hospital for Muscogee County was authorized by the board of commissioners of roads and revenue on January 1, 1923, and in August 1926, the hospital was ready to receive patients.(4) Under an agreement between the authorities of the city of Columbus and the county of Muscogee, maintenance of the sanatorium was provided on an equal basis by the city and county.(5) The facilities were found inadequate and, after negotiations for financial assistance, the board of commissioners of roads and revenue authorized the construction of a new fireproof plant, equipment, and furnishings. The cost of the building was $45,000, and of the equipment, $10,000, all paid from county funds. The hospital is under the supervision of the city-county health officer. Patients are received from both city and county and cared for alike.(6)

The responsibility of looking after the poor devolved originally on the inferior court.(7) From 1826, when Muscogee County was created,(8) until 1848, the inferior court continued to perform this duty. By an act of the legislature in 1847, a board of trustees was authorized for the Muscogee asylum for the poor, and this board was charged with the handling of all county and city of Columbus funds, for use of the poor. The trustees were elected by the justices of the inferior court and city council jointly.(9) The asylum was abolished August 24, 1931, by the General Assembly, and the commissioners of roads and revenue were vested with control of all expenditures of funds raised by taxation for support of the poor.(10) Under this act, the county commissioners administered to the poor until 1937, when the State and county departments of public welfare were created. The county board consists of five members, appointed by the commissioners of roads and revenue, and the county board appoints a director for the county.(11)

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1) Ga. Acts 1815, pp. 93, 94; Act 1819, Cobb, p. 773; Ga. Acts 1836, p. 181.
2) Ga. Acts 1872, pp. 451, 452.
3) Ga. Acts 1914, pp. 124-131.
4) Minutes, Commissioners Court, 1926-32, p. 380, see entry 1.
5) Minutes, City of Columbus, 1926-28, p. 52; Minutes, Commissioners Court, vol. G, 1923-26, p. 405, see entry 1.
6) Minutes, Commissioners Court, 1937--, pp. 12, 81, 86, 95, 100, 103, 129, 209, see entry 1.
7) Act 1792, Watkins, p. 497; 1796, Prince to 1837, pp. 169, 170.
8) Ga. Acts 1826, pp. 57, 58.
9) Ga. Acts 1847, pp. 133-136.
10) Ga. Acts 1931, pp. 1043, 1044.
11) Ga. Acts 1937, pp. 355-370.

Board of Commissioners of Roads and Revenue (1)
Minutes

Jurisdiction over roads, bridges, ferries, public buildings, and other county property has been vested, since the creation of Muscogee County, in three separate agencies. These have been the inferior court to 1868, the ordinary to 1872, and the board of commissioners of roads and revenue to date. Although the act creating the latter board gave it "exclusive jurisdiction over...establishing, altering, and abolishing roads, bridges, and ferries, according to law,"(1) jurisdiction over some highways is in conjunction with the State Highway Department, and in fewer instances, with the Federal Government.

The importance of county records has been stressed by legislative enactments since the early days of the State's organization.

Section 34 of the judiciary act of 1799 required clerks of courts to copy into a book of record all the proceedings in all civil cases in the courts and provided also that they keep regular and fair minutes of all the proceedings in any of the courts. These minutes were signed by the judge of the superior court, or presiding justices of the inferior court (as the case might be) prior to adjournment from day to day.(2)

The act creating Muscogee County's board of commissioners provided that this board should keep a written record of all their proceedings in a well-bound book which was submitted for inspection to each grand jury at its regular sitting.(3) This provision was amended in 1923 to require the commissioners to keep full and correct minutes and records of their official acts, and also a book showing all recipts and disbursements; a general ledger; a warrant book; a book containing a complete list of county property; a road register, in which was kept a record of all public and private roads granted or ordered kept open. All paid warrants and vouchers and other papers necessary to show a complete record of all transactions of the county were required to be kept on file, all to be subject to inspection by the grand jury at each of its regular sessions.(4)

The State code requires the board to prepare a complete statement of the financial condition of the county for presentation to the grand jury in the spring and fall of each year.(5) The commissioners are also required to receive one copy of the tax digests made out by the tax receiver;(6) a copy of the tax collector's insolvent lists;(7) and a defaulters' record book.(8)

Minutes

1. MINUTES, COMMISSIONERS COURT, 1838--. 12 vols. (A-C, B-G; 3 vols. not labeled). Untitled 1838-86, 1926--, 7 vols.

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1) Ga. Acts 1872, pp. 451, 452.
2) Ga. Acts 1799, Jan. An. Sess., sec. 34, pp. 36, 37.
3) Ga. Acts 1872, p. 452.
4) Ga. Acts 1923, pp. 293, 294.
5) Ga. Code of 1933, #23-911; Ga. Acts 1922, p. 86.
6) Ga. Code of 1933, #92-6303; Ga. Acts 1851-52, p. 291; 1913, p. 123.
7) Ga. Code of 1933, #92-7105; Ga. Acts 1857, p. 132; 1861, p. 80; 1880-81, p. 45; 1933, pp. 78-90.
8) Ga. Code of 1933, #92-7201; Ga. Acts 1884-85, p. 28.

Board of Commissioners of Roads and Revenue (2-7)
Minutes; Receipts and Expenditures;
Financial Statement; Requisitions and Orders

Minutes of all meetings, proceedings, and business transacted by inferior court to 1868, ordinary to 1872, and county commissioners since 1872, showing date, nature of business transacted or applications and petitions considered, and decision of board. Arr. chron. by date of meeting. Indexed alph. by first letter of subject or surname of person receiving order and chron. thereunder. 1838-1900, 7 vols., hdw.; typed thereafter. Aver. 600 pp. 14 x 10 x 3. 7 vols., 1838-1900, ord.'s va.; 5 vols., 1900--, comms'. va.

Receipts and Expenditures

2. RECEIPTS AND DISBURSEMENTS, 1928--. 2 vols. (dated).
Record of receipts and disbursements of county, showing date, amount, from whom received, and name of depository; disbursements show date, amount, order number, on what fund drawn, and purpose. Arr. chron. by date of receipt or disbursement. No index. Hdw. under pr. hds. Aver. 132 pp. 32 x 12 x 3½. Comms'. va.

3. LEDGER OF ORIGINAL ENTRY, 1922--. 8 vols.
Ledger containing original satisfied requisitions, orders, and numbers, posted in volume, showing amounts, from whom moneys collected and to whom disbursed, for what purpose, and date. Arr. chron. by date of transaction. No index. Hdw. under pr. hds. Aver. 400 pp. 36 x 12 x 4. Comms'. off.

Financial Statement

4. (COUNTY FINANCIAL STATEMENT AND RECORD), 1828--. 1 vol.
Record, initially compiled in 1934, of assets, inventories, liabilities, public debt, expenses, supplies bought, roads, health, poor, and police departments, public buildings, and general miscellaneous, showing dates, items, quantities, locations, costs, and totals. Arr. by subject and chron. by date of statement thereunder. No index. Hdw. under pr. hds. 200 pp. 11 x 12 x 3. Comms'. va.

Requisitions and Orders

5. REQUISITIONS, ORDERS AND VOUCHERS, 1922--. Est. 40,000 papers in 200 f.d. (dated).
Carbon copies of requisitions, orders, and vouchers, showing date, quantity of articles or supplies, requisition, and amount. Arr. chron. by date filed. No index. Hdw. on pr. fms. 8 x 6 x 10. Comms'. off.

6. RECORD OF COUNTY ORDERS, 1901-22. 5 vols. (A-E).
Record of orders issued on county treasurer, showing serial number, amount, date, purpose, payee's name, and from what fund payable. Arr. chron. by date issued and numer. by order no. Indexed alph. by first letter of payee's surname and chron. thereunder. Hdw. on pr. fms. Aver. 500 pp. 18½ x 13 x 3. Ord.'s va.

7. (INVOICES), 1922-29. Est. 17,000 invoices in 84 bdles. (dated).
Creditors' invoices for material and supplies, showing order number, amount, date, name of payee, and cancelled checks remitted. Arr. chron. by date paid

and numer. by check no. No index. Typed on pr. fms. Aver. 12 x 10 x 3. Sup. ct. cl.'s bsmt. va.

Warrants

8. RECORD OF COUNTY ORDERS, 1872--. 14 vols. (5 vols. not labeled; A-I).
Original orders drawn by county commissioners, showing name of payee, serial number of order, fund from which drawn, purpose, amount, and date. Arr. chron. by date issued and numer. by order no. Indexed alph. by first letter of payee's surname and chron. thereunder. 1872-1900, 5 vols., hdw.; hdw. on pr. fms. thereafter. Aver. 500 pp. 17 x 12 x 3. 9 vols., 1872-1922, ord.'s va.; 5 vols., 1923--, comms'. va.

9. COUNTY ORDERS (Warrant Stubs), 1919--. 21 vols. (dated).
Stubs of warrants drawn on county treasury, showing name of payee, warrant number, fund from which drawn, purpose, amount, and date. Arr. chron. by date issued and numer. by warrant no. No index. Hdw. on pr. fms. Aver. 400 pp. 14 x 14 x 2½. 4 vols., 1919-22, sup. ct. cl.'s bsmt. va.; 17 vols., 1923--, comms'. va.

Tax Records

10. TAX DIGEST, 1929--. 11 vols. (dated).
Duplicate of tax digest, showing information as in entry 343. Vols. divided into sections by militia districts, each section arr. alph. by name of taxpayer. No index. Hdw. under pr. hds. Aver. 250 pp. 17½ x 15 x 2. Ord.'s va.

11. FINAL REPORT OF TAX COMMISSIONER, 1928--. 11 vols. (dated).
Reports of tax commissioner containing statements of collections, lists of defaulters and insolvents relieved, showing name, color, and amount, taxes returned but not entered, interest on tax fieri facias, and amounts and totals thereof. Arr. by subject. No index. Typed. Aver. 50 pp. 14 x 9½ x ½. Tax comms'. va.

Audits

12. REPORT OF AUDITOR, 1923--. Est. 160 papers in 1 f.d.
Report of a certified public accountant of an audit of all departments of county for years given, showing collections, fees, receipts, disbursements, and balance. Arr. chron. by date of audit. No index. Typed under pr. hds. 10 x 14 x 32. Comms'. va.

13. AUDIT OF TAX COMMISSIONER, 1924--. 16 vols. (dated).
Audit of tax commissioner's books, showing statement of errors, taxes assessed, amount of taxes collected, total amount paid State and county. Arr. by exhibit. No index. Typed under pr. hds. Aver. 100 pp. 14 x 9½ x 3/4. Comms'. va.

Inventories

14. CAPITAL ASSETS (County Property), 1928--. 1 vol.

Board of Commissioners of Roads and Revenue (15-21)
Roads and Bridges; Contracts; Police Reports;
Prisoners

A complete inventory of all property owned by Muscogee County, showing description and value of property, date, name of department for which purchased, and cost. Arr. by name of department. No index. Hdw. under pr. hds. 500 pp. 11 x 12 x 2. Comms'. va.

15. FURNITURE AND FIXTURES, 1934--. 1 vol.
Inventory of furniture and furnishings in courthouse offices, showing itemized list, value, and location. Arr. by offices. No index. Hdw. under pr. hds. 160 pp. 11 x 12 x 2. Comms'. va.

Roads and Bridges

16. (ROAD AND BRIDGE REGISTER), 1938--. 1 vol.
Register of roads and bridges, showing classification, district traversed, date paved (if paved), cost of building, and list of materials used in road construction and maintenance. Arr. alph. by first letter of name of road and chron. thereunder. No index. Typed. 250 pp. 13 x 10½ x 2. Comms'. va.

17. NOTE BOOK (Bridges), 1876. 1 vol.
Field inspection book of all bridges in Muscogee County, showing date, bridge number, construction, amount of material used, length of span, condition of floors, and record of repairs. Arr. numer. by bridge no. No index. Hdw. 92 pp. 10 x 8 x ½. Ord.'s va.

Contracts

18. CONTRACTS, 1922--. Est. 400 papers in 1 f.d.
Contracts entered into by county for building and repairing roads, bridges, and buildings, showing date, names of parties, materials to be purchased, and amount of bid. Arr. chron. by date of contract. No index. Hdw. on pr. fms. 10 x 12 x 36. Comms'. va.

Police Reports

19. MONTHLY REPORT TO COMMISSIONERS MUSCOGEE COUNTY, 1929--. Est. 2,000 papers in 8 stacks.
Report of offenses investigated by county police, showing date, number of cases reported, kind of case, and whether disposed of. Arr. chron. by date of report. No index. Typed. 16 x 8½ x 4. Comms'. va.

Prisoners

20. (RECORD OF CONVICTS), 1911-23. Est. 2,400 papers in 8 f.d.
Record of men sent to chain gang by the city and superior courts, showing name, age, color, weight, height, offense charged, sentence, and date of release (if released). Arr. alph. by first letter of prisoner's surname and chron. thereunder. No index. Hdw. on pr. fms. 10 x 3 x 12. Sup. ct. cl.'s bsmt. va.

21. CHAIN GANG RECORD OF MUSCOGEE COUNTY, 1907-17. 1 vol.
Record of work done by the chain gang, showing date, number of men assigned

to each work project, location and type of work. Arr. chron. by date of assignment. No index. Hdw. on pr. fms. 250 pp. 14 x 12 x 2. Sup. ct. cl.'s bsmt. va.

County Poor

22. RECORD BOOK OF MINUTES OF THE BOARD OF COMMISSIONERS OF THE POOR, 1889-1902. 1 vol.
Record of proceedings of commissioners pertaining to the poor, showing name of person receiving charity, date, and amount received. Arr. chron. by date of meeting. No index. Hdw. 400 pp. 15½ x 10½ x 1½. Sup. ct. cl.'s bsmt. va.

23. ALMS HOUSE, 1937--. 1 vol.
Record of supplies purchased for use at almshouse, showing date, name of article, amount, and cost. Arr. alph. by first letter of subject matter and chron. thereunder. No index. Hdw. 300 pp. 10 x 13 x 1½. Engr.'s off.

24. (COUNTY POOR FUND VOUCHERS), 1907-9. 1 vol.
Shows order number, date, for what account and from whom ordered, supplies purchased, and amounts. Arr. chron. by date issued. No index. Hdw. on pr. fms. 150 pp. 8 x 6 x 1½. Sup. ct. cl.'s bsmt. va.

County Bonds

25. BOND RECORD, 1926. 1 vol.
Bonds and coupons issued by Muscogee County for paving of highway, showing amounts, rate of interest, serial number, purpose for which issued, dates of issue, maturity, and cancellation. Arr. numer. by bond no. No index. Hdw. on pr. fms. 250 pp. 36 x 18 x 1. Comms'. va.

Correspondence

26. (CORRESPONDENCE AND PAPERS), 1922--. Est. 1,000 papers in 2 f.d.
Miscellaneous papers, principally correspondence, pertaining to construction and repair of roads, bridges, or buildings, other county improvements, and materials to be purchased or sold, showing names of correspondents and dates. Arr. alph. by first letter of name of firm or surname of person and chron. thereunder. No index. Hdw. and typed. 12 x 10 x 36. Comms'. va.

II. SUPERIOR COURT CLERK AS EX OFFICIO COUNTY RECORDER

The principal recording officer of the county since the establishment of the State government has been the clerk of the superior court, whose office was created under authority of Georgia's first constitution.(1) There has, however, never been any specific provision designating the clerk as county recorder. For the purpose of this essay, the duties of the clerk as county recorder have been separated arbitrarily from his duties as court clerk, although it is sometimes difficult to distinguish between the two. In some instances, the legislature has vested duties under both classifications

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1) Ga. Const. 1777, arts. XXXVI, XL, L.

in the clerk by the same act.(1)

The clerk is required to keep his office and records at the courthouse, unless it is impracticable to do so, in which case, he may obtain special permission from the ordinary to keep them at some other designated place, not more than a mile from the courthouse.(2) The major portion of instruments and papers required to be recorded are kept in the clerk's office. However, jurisdiction over some professional registrations is vested in the ordinary, who records wills, marriage licenses and the returns thereon, the appraisers' return of property set aside for widows' years support, and other important instruments.(3)

An act of 1785 required that "all deeds of conveyance, by way of bargain and sale bona fide, of lands or tenements must be registered by the clerk of the court in the county where such lands or tenements lie, within twelve months from the date of such deed."(4) Expressing doubt as to whether any previous law had provided that mortgage deeds be recorded, an act of 1827 required that all such instruments be recorded by the superior court clerk of the county in which the property lies, within 12 months of the passage of the act.(5) A subsequent act provided that should public records of a county be destroyed by fire, any deed or other instrument in writing that is found to have been recorded and the record burned, shall be held in all courts of this State, upon proof of execution, to have been recorded legally.(6)

As county recorder, the clerk keeps a filing docket of deeds, mortgages and liens that are required to be recorded within a specified time; well-bound books in which to record all deeds, conveyances, mortgages, and other liens and bills of sale.(7)

Certified copies of proceedings in bankruptcy under the bankruptcy act of the United States may be recorded in the office of the superior court clerk in any county in the same manner as deeds, and the clerk is required to docket, record, and index such certified copies in the same manner as deeds.(8)

The clerk is required to have properly stamped and labeled, numbered or lettered, all books herein enumerated. He must keep a proper index for each, and supply any of the books or indexes needed. He must transcribe the contents of any books or records which may be in a dilapidated condition, and keep a duplex index book in which is entered the names of grantor and grantee of every instument recorded in his office.(9) The clerk keeps a loose-leaf

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1) The manner of selection of the clerk, his term of office, compensation, manner of removal, and similar subjects are treated under, Superior Court and Clerk, infra, p. 142.
2) Ga. Code of 1933, #24-2714.
3) See Court of Ordinary, infra, p. 176.
4) Act 1785, Marbury and Crawford, p. 115.
5) Ga. Acts 1827, pp. 111-114.
6) Ga. Code of 1933, #38-607; Ga. Acts 1855-56, p. 138; 1858, p. 53.
7) Ga. Code of 1933, #24-2714; Ga. Acts 1889, p. 106.
8) Ga. Acts 1939, pp. 242-244.
9) Ga. Code of 1933, #24-2715; Ga. Acts 1887, p. 53.

binder of all plats, maps, and blueprints;(1) a record of charters of incorporation granted in the superior court;(2) a record of trade name affidavits and an index thereto under the assumed, fictitious, or trade name;(3) and a record of the discharge certificates of ex-service men resident in the county.(4)

The clerk is also required to keep a register of practicing attorneys;(5) a register for posting land, or game register;(6) a record of wild lands in the county;(7) a register of decreos of title;(8) a record of owners' lists of security deeds and realty mortgages;(9) a Federal tax lien index;(10) and a record of constitutional homesteads granted by the ordinary.(11) The clerk records the certificates to practice of the following professionals: architects,(12) chiropractors,(13) chiropodists,(14) dentists,(15) physicians,(16) optometrists,(17) and osteopaths.(18)

Real and Personal Property

General Property Records

27. FILING DOCKET, 1890--. 10 vols. (1890-96, 1929--, 3 vols. not labeled; 2-8).

All instruments conveying or encumbering realty and personalty are registered in dockets when filed for record, and docket shows names of grantor and grantee, date and character of instrument, date and hour filed in office, recording fee, date paid, date and to whom delivered. Arr. chron. by date filed. No index. Hdw. under pr. hds. Aver. 640 pp. 15 x 14 x 4. 4 vols., 1890-1911, sup. ct. cl.'s bsmt. va.; 5 vols., 1911-37, sup. ct. cl.'s 1st fl. E. va.; 1 vol., 1937--, sup. ct. cl.'s off.

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1) Ga. Code of 1933, #24-2717; Ga. Acts 1933, p. 193.
2) Ga. Code of 1933, #22-305; Ga. Acts 1890-91, vol. I, p. 70.
3) Ga. Code of 1933, #106-301, #106-303; Ga. Acts 1929, pp. 233, 234.
4) Ga. Code of 1933, #24-2726; Ga. Acts 1921, p. 184.
5) Ga. Code of 1933, #24-2628; Ga. Acts 1821, pp. 77, 78; Cobb, p. 460; Rules of Superior Courts of Georgia, in Convention at Atlanta, Established by the Judges December 4, 1936; (Atlanta, c. 1937) p. 8, #24-3311 to #24-3317.
6) Ga. Code of 1933, #45-402; Ga. Acts 1903, p. 44.
7) Ga. Code of 1933, #40-1508; Ga. Acts 1880-81, p. 45.
8) Ga. Code of 1933, #60-401; Ga. Acts 1917, p. 120.
9) Ga. Code of 1933, #92-7408; Ga. Acts 1925, p. 252.
10) Ga. Code of 1933, #67-2602; Ga. Acts 1924, p. 124.
11) Ga. Code of 1933, #51-402; Ga. Acts 1898, p. 51; 1877, p. 18.
12) Ga. Code of 1933, #84-314; Ga. Acts 1919, p. 131; 1931, pp. 7, 37.
13) Ga. Code of 1933, #84-511; Ga. Acts 1921, p. 175.
14) Ga. Code of 1933, #84-604; Ga. Acts 1933, pp. 115-117.
15) Ga. Code of 1933, #84-711; Ga. Acts 1920, p. 137; 1921, pp. 179, 182; 1931, pp. 7, 37.
16) Ga. Code of 1933, #84-908; Ga. Acts 1913, pp. 101-104; 1918, pp. 173, 189; 1931, pp. 7, 37.
17) Ga. Code of 1933, #84-1105; Ga. Acts 1916, p. 85; 1931, pp. 7, 37.
18) Ga. Code of 1933, #84-1207; Ga. Acts 1909, pp. 123-127; 1931, pp. 7, 37.

County Recorder (28-34)
Real and Personal Property

28. RECORDING CARDS, 1919--. Est. 35,000 cards in 66 f.d. (41 f.d. dated; 1928--, 25 f.d. not labeled). Title varies: Superior Court Cards, 1919-28, 41 f.d. Untitled 1935--, 18 f.d.
Cards made from the filing docket to record the filing of deeds, mortgages, quitclaim deeds, liens and security deeds, showing date of filing, names of grantor or mortgagor and grantee or mortgagee, date and character of instrument, description of property, charges, amount paid, and to whom delivered. Arr. chron. by month and numer. thereunder beginning at 1 each month. No index. Hdw. on pr. fms. 10 x 5 x 18. 48 f.d., 1919-34, sup. ct. cl.'s bsmt. va.; 18 f.d., 1934--, sup. ct. cl.'s 1st fl. W. va.

Deeds

29. DEED RECORD, 1837--. 198 vols. (H1, A-I, K-Z, AA-II, KK-ZZ; 1-9, 12, 14-150).
Record of deeds, debt deeds, bills of sale, conditional sales, agreements for title, and leases, showing date of instrument, names of grantor and grantee, consideration of instrument, description and location of property, and date recorded. Also contains: Mortgage Record, 1837-83, entry 39; Plats - Original Record, 1837-1935, entry 49. Arr. chron. by date recorded. 1838-42, 1848-55, 1859-89, 23 vols., indexed alph. by first letter of grantor's and grantee's surnames and chron. thereunder; 1837-38, 1842-48, 1855-60, 6 vols., indexed alph. by first letter of grantor's surname and chron. thereunder; also separate indexes, entries 31-38. 1837-1903, 43 vols., hdw.; 1903, 1 vol., hdw. and typed; 1903--, 154 vols., typed. Aver. 600 pp. 19 x 13 x 3½. Sup. ct. cl.'s 1st fl. E. va.

30. DEED RECORD, 1911-16. 3 vols. (10, 11, 13).
Record of deeds of Columbus Investment Company, showing date, names of grantor and grantee, location and description of property, and date recorded. Arr. chron. by date recorded. For index, see entries 34, 35, 37, 38. Typed on pr. fms. Aver. 600 pp. 18½ x 13 x 3. Sup. ct. cl.'s 1st. fl. E. va.

31. INDEX TO DEEDS (Direct), 1838-87. 2 vols. (1, 2).
Index shows names of grantor and grantee, date and character of instrument, brief description of property conveyed, date recorded, and volume and page number where recorded. Serves as index to Deed Record, entry 29. Arr. alph. by name of grantor. Hdw. under pr. hds. Aver. 600 pp. 19 x 13 x 3. Sup. ct. cl.'s 1st fl. E. va.

32. INDEX TO DEEDS (Reverse), 1838-87. 2 vols. (1, 2).
For description, see entry 31. Serves as index to Deed Record, entry 29. Arr. alph. by name of grantee. Hdw. under pr. hds. Aver. 600 pp. 19 x 13 x 3. Sup. ct. cl.'s 1st fl. E. va.

33. INDEX TO DEEDS (Grantor, Grantee), 1887-1909. 4 vols. (3-6).
For description, see entry 31. Serves as index to Deed Record, entry 29. Arr. alph. by names of grantor and grantee. Hdw. under pr. hds. Aver. 600 pp. 19 x 15 x 3. Sup. ct. cl.'s 1st fl. E. va.

34. INDEX TO DEEDS - GRANTOR, 1909--. 7 vols. (labeled by contained letters of alph.).
For description, see entry 31. Serves as index to Deed Record, entries

29, 30. Arr. alph. by name of grantor. Hdw. under pr. hds. Aver. 500 pp. 9½ x 17 x 5½. Sup. ct. cl.'s 1st fl. E. va.

35. INDEX TO DEEDS - GRANTEE, 1909--. 7 vols. (labeled by contained letters of alph.).
For description, see entry 31. Serves as index to Deed Record, entries 29, 30. Arr. alph. by name of grantee. Hdw. under pr. hds. Aver. 500 pp. 9½ x 17 x 5½. Sup. ct. cl.'s 1st fl. E. va.

36. INDIVIDUAL INDEX, 1848-57. 1 vol.
Individual indexes which have been removed from deed record books and bound into one volume, showing names of grantor and grantee, date and character of instrument, date recorded, volume and page number where recorded. Serves as index to Deed Record, entry 29. Arr. alph. by first letter of grantor's and grantee's surnames and chron. thereunder. Hdw. 100 pp. 19 x 13 x 3. Sup. ct. cl.'s 1st fl. E. va.

37. GRANTOR'S INDEX TO DEEDS, 1910-14. 2 vols. (labeled by contained letters of alph.).
For description, see entry 31. Serves as index to Deed Record, entries 29, 30. Arr. alph. by name of grantor. Hdw. under pr. hds. Aver. 500 pp. 16 x 9½ x 3½. Sup. ct. cl.'s bsmt. va.

38. GRANTEE'S INDEX TO DEEDS, 1910-14. 2 vols. (labeled by contained letters of alph.).
For description, see entry 31. Serves as index to Deed Record, entries 29, 30. Arr. alph. by name of grantee. Hdw. under pr. hds. Aver. 500 pp. 16 x 9½ x 3½. Sup. ct. cl.'s bsmt. va.

Mortgages

39. MORTGAGE RECORD, 1883--. 166 vols. (A-I, K-II, KK-ZZ; 1-116). 1837-83 in Deed Record, entry 29.
Record of deeds to secure debt, mortgages, conditional sales of personalty, chattel mortgages, and foreclosures thereon, showing date of instrument, names of mortgagor and mortgagee, amount property encumbered, terms and conditions of instrument, description and location of property, and date recorded. Arr. chron. by date recorded. 1883-90, 6 vols., indexed alph. by first letter of mortgagor's and mortgagee's surnames and chron. thereunder; 1876--, also separate indexes, entries 40, 41. 1883-1904, 22 vols., hdw.; 1905, 1 vol., hdw. and typed; typed thereafter. Aver. 600 pp. 19 x 13 x 3. Sup. ct. cl.'s 1st fl. E. va.

40. INDEX TO MORTGAGES OF PERSONALTY, 1876--. 26 vols. (1-26).
Shows names of mortgagor and mortgagee, date and character of instrument, date recorded, description, location, and valuation of property, and volume and page number where recorded. 1876-83, serves as index to personalty mortgages in Deed Record, entry 29; 1883--, serves as index to Mortgage Record, entry 39. Arr. alph. by first letter of surnames of mortgagor and mortgagee and chron. thereunder. Hdw. Aver. 300 pp. 17½ x 13 x 3. Sup. ct. cl.'s 1st fl. E. va.

41. INDEX TO MORTGAGE - REALTY, 1883--. 2 vols. (1 vol. not labeled; A).

For description, see entry 40. Serves as index to Mortgage Record, entry 39. Arr. alph. by names of mortgagor and mortgagee. Hdw. under pr. hds. Aver. 500 pp. 19 x 14 1/2 x 3. Sup. ct. cl.'s 1st fl. E. va.

42. RECORD OF FORECLOSURE OF MORTGAGES, 1869-72. 1 vol.
Record of foreclosures of mortgages, showing date, names of mortgagor and mortgagee, description and location of property, amount of mortgage, amount in default, and date recorded. Arr. chron. by date of entry. Indexed alph. by first letter of mortgagor's and mortgagee's surnames and chron. thereunder. Hdw. 838 pp. 18 x 12 x 4. Sup. ct. cl.'s 1st fl. W. va.

Land Title Registers

43. RECORD OF DECREES OF TITLE, 1930--. 1 vol.
Copies of decrees of title, showing registration number, person title to disputed land decreed to be in, description and location, lists of liens and encumbrances, and date decree issued. Arr. chron. by date recorded. Indexed alph. by first letter of owner's surname and chron. thereunder. Typed on pr. fms. 398 pp. 18 1/2 x 12 1/2 x 2. Sup. ct. cl.'s 1st fl. E. va.

44. TITLE REGISTER, 1930--. 1 vol.
Register shows name of property owner, certificate of title number, description and location of property, date and to whom transferred, whether partial or total transfer, whether voluntary, consideration, and date and hour registered. Arr. chron. by date recorded. Indexed alph. by first letter of owner's surname and chron. thereunder. Hdw. on pr. fms. 201 pp. 18 x 11 x 2. Sup. ct. cl.'s 1st fl. E. va.

45. PETITION FOR REGISTRATION OF LAND TRUST CO. (Company) OF COLUMBUS, 1936--. 28 papers in 1 f.b.
Certification of transfer of title, showing name of owner, name of person to whom transferred, date, names of witnesses, and signature of notary public. No obvious arr. No index. Hdw.; hdw. and typed on pr. fms. 11 x 5 x 14. Sup. ct. cl.'s 1st fl. W. va.

46. (SECURITY DEED AND REALTY MORTGAGE REGISTER), 1925--. 1 vol.
Register shows names of grantor or mortgagor and grantee or mortgagee, their addresses, date filed, kind of instrument, volume and page number where recorded. Arr. chron. by date recorded. No index. Typed. 300 pp. 12 x 9 x 2. Sup. ct. cl.'s off.

47. REGISTER FOR POSTED LANDS, 1903--. 1 vol.
Record of land posted against trespassing, showing description of land, district and land lot numbers, name and address of owner, and date of registration. Arr. chron. by date registered. Indexed alph. by first letter of owner's surname and chron. thereunder. Hdw. 152 pp. 15 x 11 1/2 x 1. Sup. ct. cl.'s 1st fl. W. va.

48. WILD LANDS - MUSCOGEE COUNTY, 1872. 1 vol.
Record of wild land, showing name and address of owner, location of land, district number, value of land, and taxable value. Arr. alph. by first letter of owner's surname and chron. thereunder. No index. Hdw. 100 pp. 16 x 12 x 1/2. Sup. ct. cl.'s bsmt. va.

County Recorder
Homesteads; Charters of
Incorporation

Land Maps and Plats

49. PLATS - ORIGINAL RECORD, 1936--. 1 vol. 1837-1935 in Deed Record, entry 29.
Original maps and plats of lots, parcels, and subdivisions of land, showing name of surveyor, scale, ward, block, and lot in city; if in county, shows acreage, where situated, roads and streams, district and lot numbers. Arr. numer. by plat no. No index. Handdrawn on tracing cloth and pasted in vol. 58 pp. 25 x 19 x 1½. Sup. ct. cl.'s 1st fl. E. va.

50. PLATS - COPIES OF ORIGINALS, 1936--. 1 vol.
Blueprints of original maps and plats of lots and subdivisions of land, showing location of land, lot number, and blueprint serial number. Arr. numer. by plat no. No index. Blueprint. 63 pp. 25 x 19 x 1½. Sup. ct. cl.'s 1st fl. E. va.

Homesteads
(See also entries 193, 203-206)

51. HOMESTEADS OF REALTY AND PERSONALTY, 1840-49, 1868--. 2 vols. (1 vol. not labeled; B). Untitled 1840-49, 1 vol. Last entry 1933.
Record of petitions by heads of families to ordinary, together with related papers, praying that real or personal property, or both, in the aggregate value of $1,600 be set aside as an exemption, such exemption being known as a constitutional homestead, showing names of all of petitioner's creditors, amount owed each, their addresses, itemized schedule of the property exempted, together with appraisers' valuation thereof, and notation of order allowing or disallowing same. Also contains: Bar Docket, Inferior Court, 1840-49, entry 164. Arr. chron. by date recorded. Indexed alph. by first letter of petitioner's surname and chron. thereunder. Hdw. Aver. 250 pp. 12½ x 8½ x 2. Sup. ct. cl.'s 1st fl. E. va.

Charters of Incorporations

52. CHARTERS GRANTED, 1900--. Est. 2,500 papers in 8 f.b. (7 f.b. dated; 7).
Original petitions for charters, and petitions to amend charters, showing term of court, names of petitioners, corporate name, capital structure, amount of capital paid in, kind and extent of business in which engaged, and location of principal office. Arr. chron. by date filed. No index. Typed on pr. fms. 10 x 5 x 14. 7 f.b., 1900-1933, sup. ct. cl.'s bsmt. va.; 1 f.b., 1933--, sup. ct. cl.'s 1st fl. W. va.

53. CHARTER RECORD, 1889--. 6 vols. (1-6).
Record of petitions for charters, and orders of incorporation granted by court, showing term of court, names of petitioners, corporate name, kind and amount of stock to be issued, capital paid in, kind and extent of business in which engaged, and location of principal office. Arr. chron. by date recorded. Indexed alph. by first letter of name of corporation and chron. thereunder. 1889-1904, 1 vol., hdw.; typed thereafter. Aver. 300 pp. 18 x 12 x 2½. Sup. ct. cl.'s 1st fl. W. va.

County Recorder (54-60)

Trade Names; Professional Registration; Soldiers

Trade Names

54. ASSUMED NAME FIRMS OR PARTNERSHIP AFFIDAVITS, 1929--. Est. 100 papers in 1 f.d.

Affidavits, signed by petitioner and witnessed by notary public, showing record number, proprietor's name, kind of business in which engaged, date, location of business, and trade name. Arr. chron. by date filed. For index, see entry 55. Typed on pr. fms. 11 x 5 x 19. Sup. ct. cl.'s 1st fl. W. va.

55. ASSUMED NAME (Index and Power of Attorney), 1929--. 2 vols. (1 vol. not labeled; 2).

Trade name index, showing name of person owning firm, affidavit number, and fictitious or trade name used. Record of power of attorney authorizing agent to act in name of principal, showing names of principal and agent, date, and extent of authority granted agent. Serves as index to Assumed Name Firms or Partnership Affidavits, entry 54. Index arr. alph. by first letter of surname of firm and chron. thereunder; powers of attorney arr. chron. Typed. Aver. 260 pp. 11½ x 9 x 2. Sup. ct. cl.'s 1st fl. W. va.

Professional Registration

56. PHYSICIANS REGISTER, 1881--. 2 vols. (1, 2).

Copies of licenses issued by State Board of Medical Examiners, licensing medical practitioners to practice their profession, showing serial number, name of applicant, professional training, and date of registration. Also contains: Register of Dentists, 1902--, entry 57. Arr. chron. by date recorded. Indexed alph. by first letter of applicant's surname and chron. thereunder. 1881-1926, 1 vol., hdw.; typed thereafter. Aver. 335 pp. 12½ x 8 x 1½. Sup. ct. cl.'s 1st fl. W. va.

57. REGISTER OF DENTISTS, 1882-1901. 1 vol. 1902-- in Physicians Register, entry 56.

Copies of licenses issued by State Board of Dental Examiners, showing serial number, name of applicant, professional training, and date of registration. Arr. chron. by date registered. No index. Hdw. under pr. hds. 50 pp. 8⅛ x 8½ x ¼. Sup. ct. cl.'s 1st fl. W. va.

58. ATTORNEY'S REGISTER, 1937--. 1 vol.

Register of attorneys who reside in the county, showing name, address, when and where admitted to practice, whether admitted by examination, diploma, or by comity, and date of admission. Arr. chron. by date registered. Indexed alph. by first letter of attorney's surname and chron. thereunder. Typed on pr. fms. 400 pp. 16 x 10 x 3. Sup. ct. cl.'s 1st fl. W. va.

59. (ARCHITECTS REGISTER), 1919--. 1 vol.

Copies of certificates issued architects upon successfully passing the State board examination, showing date, name, and certificate number. Arr. chron. by date registered. No index. Typed on pr. fms. 150 pp. 12 x 8 x ½. Sup. ct. cl.'s 1st fl. W. va.

Soldiers

(See also entries 213-215)

60. ARMY AND NAVY DISCHARGE RECORD, 1922--. 1 vol.

County Recorder (61-66)

Aliens and Citizenship;
Maps

Record of honorable discharges granted to men from the army and navy, showing name and serial number of soldier, military rating, date entered service, date and place of birth, physical description, date and place of discharge, whether married or single, character rating, and amount of travel expenses allowed. List supplied by the Adjutant General of the United States, showing names and addresses of World War soldiers accredited to Muscogee County. Vol. divided into sections: discharges arr. chron. by date recorded; list of soldiers arr. alph. by name of soldier. Discharges indexed alph. by first letter of surname of soldier or sailor and chron. thereunder; list of soldiers, no index. Typed on pr. fms.; typed. 400 pp. 18 x 13 x 3. Sup. ct. cl.'s 1st fl. E. va.

61. (REPORT OF LOCAL BOARD ON REGISTRATION), 1917-18. 2 vols.
Photostatic copies of official list of men registered for military service, 1917-18, showing name and address, age, color, and serial number. Arr. numer. by serial no. No index. Photostat. Aver. 185 pp. 10½ x 7 x 1. Sup. ct. cl.'s bsmt. va.

Aliens and Citizenship

62. (NATURALIZATION BOARD), 1919--. 1 vol. Last entry 1919.
Petitions to be naturalized, showing name, age, and place of birth of petitioner, date and port of entry into United States, names of witnesses, oath of allegiance, and order of court admitting petitioner to citizenship. Arr. chron. by date of petition. Indexed alph. by first letter of petitioner's surname and chron. thereunder. Hdw. on pr. fms. 200 pp. 18 x 11½ x 1. Sup. ct. cl.'s 1st fl. W. va.

Maps

63. PLAN OF THE CITY OF COLUMBUS, 1828. 1 map.
Physical map of city of Columbus and Girard, Alabama, showing date, names of surveyor and publisher, streams, and land lots. Author: A. J. F. Phelan. Publisher: Endicott Lithograph Co., New York, N.Y. Pr. No scale. 26 x 27. Sup. ct. cl.'s 1st fl. E. va.

64. NEW MAP OF COLUMBUS, GA. (Georgia), 1901. 1 map.
Physical map of Columbus, showing lots, lot numbers, streets, alleys, roads, public buildings, churches, and schools. Author: Frank Downing. Publisher: A. E. Lytle, Baltimore, Md. Pr., mounted, and framed. No scale. 27 x 19½. Sup. ct. cl.'s 1st fl. E. va.

65. LAND LOT MAP OF MUSCOGEE COUNTY, 1905. 1 map.
Physical map, showing land lots, fractional land lots, and land lot numbers. Author and publisher: Central of Georgia Railway Company, Savannah, Ga. Blueprint. No scale. 23 x 28. Sup. ct. cl.'s 1st fl. E. va.

66. MAP OF MUSCOGEE COUNTY, 1907. 8 maps.
Communications, political, and physical maps of Muscogee County, showing railroads, roads, towns, militia districts, land lots, fractional lots, streams, and bench marks. Authors: Duncan Hennegon and Oscar Jones. Publisher: A. Hoen and Co., Baltimore, Md. Pr. and colored. Scale: 2 in. equals 1 mi. 36 x 52. 5 maps, ord.'s va.; 3 maps, sup. ct. cl.'s 1st. fl. E. va.

67. MAP OF MUSCOGEE COUNTY, 1907. 1 map.
Physical and political map, showing all roads, location of houses, churches, schools, bench marks, and voting precincts. Authors: Duncan Hennegon and Oscar Jones. Black and white. Scale: 4 in. equals 1 mi. 72 x 104. Ord.'s off.

68. MAP OF COLUMBUS, GA. (Georgia) AND ENVIRONS, 1914. 5 maps.
Communications and political maps, showing land lots, lot number and tract within and adjoining the corporate limits of city of Columbus. Authors: C. C. Peters and Josiah Flournoy. Publisher: G. E. Coltmann, New York, N. Y. Black and white. Scale: 2½ in. equals 1,000 ft. 48 x 67. Ord.'s va.

69. MAP OF COLUMBUS, GEORGIA, 1928. 1 map.
Physical and political map, showing land lots, public buildings, manufacturing plants, schools, and churches. Authors: Josiah Flournoy and A. Clyde Ellis. Pr. Scale: 1 in. equals 400 ft. 65 x 44. Sup. ct. cl.'s lst fl. E. va.

70. MUSCOGEE COUNTY, EXCEPT THE COWETA RESERVE, no date shown. 1 map.
Political and physical map, showing towns, railroads, roads, and streams. Author unknown. Black and white. Condition poor. No scale. 51 x 72. Ord.'s va.

71. MAP OF GEORGIA, no date shown. 1 map.
Physical and political map, showing streams, counties, towns, railroads, and roads. Author unknown. Publisher: National Map Company, Indianapolis, Ind. Pr. and colored. Scale: 1 in. equals 8 mi. 48 x 48. Sup. ct. cl.'s lst fl. E. va.

III. SUPERIOR COURT AND CLERK

With Muscogee County's creation in 1826,(1) the superior court was established under authority of the State's first constitution(2) and the county was included in the Chattahoochee Circuit, which also embraced the counties of DeKalb, Fayette, Coweta, Carroll, Troup, and Lee.(3) The present Chattahoochee Circuit is composed of the counties of Muscogee, Chattahoochee, Harris, Marion, Talbot, and Taylor.(4)

Jurisdiction over the Chattahoochee Circuit was originally vested in one superior court judge,(5) and although a constitutional amendment of August 22, 1905, ratified October 3, 1906, granted authority to the legislature to add one or more additional judges for any circuit requiring them,(6) there is only one judge of this circuit at the present time.

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1) Ga. Acts 1826, pp. 57, 58.
2) Ga. Const. 1777, arts. XXXVI et seq.
3) Ga. Acts 1826, pp. 57, 58; Act 1826, William C. Dawson, A Compilation of the Laws of the State of Georgia...1819 to 1829...,(Milledgeville, 1831), p. 133.
4) Ga. Acts 1939, Superior Court Calendar, p. 1464.
5) Ga. Acts 1826, pp. 57, 58.
6) Ga. Code of 1933, #2-3101; Ga. Acts 1905, p. 66.

Superior Court and Clerk (Next entry 72, p. 148)

Qualifications for judgeship of the superior court are a minimum age of thirty years, citizenship in the State for three years, and the practice of law for seven years.(1)

The Constitution of 1789 provided for election of the judges by the General Assembly(2) and it was not until 1852 that their election by "all free white male persons qualified by law to vote for members of the General Assembly" was established.(3) The Constitution of 1861 provided for appointment of superior court judges by the Governor, with the advice and consent of two-thirds of the Senate,(4) but the Constitution of 1865 directed that, until the legislature should otherwise provide, the superior court judges were to be elected by the voters of the circuit in which they were to serve.(5) Appointment was again placed in the hands of the Governor in 1868,(6) but the Constitution of 1877 provided for their election by the General Assembly in joint session.(7) An amendment of 1897 placed the election of judges in the hands of the voters entitled to vote for members of the General Assembly at the general election next preceding the expiration of their respective terms.(8) This is the law at present in force.(9)

Superior court judges take the oath required of all civil officers, and in addition, swear to discharge all their duties faithfully and impartially according to law.(10)

Superior court judges served for terms of three years under the provisions of the Constitution of 1789,(11) and in 1828 the term was made four years.(12) This tenure of office remained in effect until 1868, when the constitution of that year established their terms at eight years.(13) The term was again reduced to four years by a provision of the Constitution of 1877(14) and this tenure of office is the law now in force.(15)

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1) Ga. Code of 1933, #24-2603, #2-4101; Ga. Const. 1877, art. VI, sec. XIV, par. 1.
2) Ga. Const. 1789, art. IV, sec. II.
3) Ga. Acts 1851-52, pp. 85-88.
4) Ga. Const. 1861, art. IV, secs. I, II.
5) Ga. Const. 1865, art. IV, sec. II, par. 1.
6) Ga. Const. 1868, art. V, sec. III.
7) Ga. Const. 1877, art. VI, sec. III, par. 2; sec. XII.
8) Ga. Acts 1897, p. 16, ratified Oct. 5, 1898.
9) Ga. Code of 1933, #2-3102, #24-2602; Ga. Acts 1897, p. 16.
10) Ga. Code of 1933, #24-2605, #89-302. When the oaths of any county officer are taken before the ordinary or superior court clerk, the oaths are filed in the office of the superior court clerk and entered on the minutes of the superior court; when taken by sheriffs, they are filed with the ordinary, but are entered on the superior court minutes, and when taken before the coroner, tax collector, tax receiver, county treasurer, justices of the peace, or other county official empowered to administer oaths, they are filed in the office of the ordinary and entered on his minutes. - (Ga. Code of 1933, #89-306).
11) Ga. Const. 1789, art. III, sec. V.
12) Ga. Acts 1828, pp. 71, 72.
13) Ga. Const. 1868, art. V, sec. III, par. 1.
14) Ga. Code of 1933, #2-3101; Ga. Const. 1877, art. VI, sec. III, par. 1.
15) Ga. Code of 1933, #24-2601.

Superior Court and Clerk (Next entry 72, p. 148)

The Constitution of 1789 provided that the superior court judges receive "competent" salaries,(1) the Constitution of 1798 stipulated salaries "adequate to their services."(2) An act of 1804 fixed their salaries at $1,400 per annum,(3) and an act of 1832 set their salaries at $2,100 per annum.(4) This was reduced to $2,000 by the Constitution of 1877.(5) Of the present salary of the judge of the superior court of the Chattahoochee Circuit, $5,000 per annum is paid by the State,(6) and a constitutional amendment of 1925, ratified November 2, 1926, authorized Muscogee County to supplement this salary $3,000, making the judge's remuneration $8,000 per annum.(7)

Under the Constitution of 1798, superior court judges were removable by the Governor on address of two-thirds of the members of the General Assembly, or by impeachment and conviction thereof.(8) The Constitution of 1861 restated the same conditions for their removal.(9) The law at present in force provides that superior court judges can be impeached for misconduct in office and failure to perform certain duties.(10) The State House of Representatives has the sole power to impeach office holders,(11) and the Senate has the sole power to try impeachments.(12)

A vacancy in the office of superior court judge is filled by appointment by the Governor until the first day of January after the general election held next after the expiration of 30 days from the time such vacancy occurs, at which election a successor for the unexpired term is chosen.(13)

The Constitution of 1777 provided for a "clerk of the county"(14) and an act of 1799 empowered the same person to serve as clerk of both the superior and inferior courts.(15) At present, the clerk of the superior court is elected by the voters of the county for a term of four years,(16) and to be eligible for the office of clerk, the candidate must be a qualified voter and have been a resident of the county for two years.(17) The clerk is required

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1) Ga. Const. 1789, art. III, sec. V.
2) Ga. Const. 1798, art. III, sec. II.
3) Act 1804, Clayton, pp. 178, 179.
4) Ga. Acts 1832, pp. 20-24.
5) Ga. Const. 1877, art. VI, sec. XIII, par. 1.
6) Ga. Code of 1933, #2-4001, #24-2606; Ga. Acts 1904, p. 72; 1913, p. 30, ratified Nov. 3, 1914; 1916, p. 22, ratified Nov. 7, 1916; 1917, p. 36, ratified Nov. 5, 1918; 1922, pp. 24-26, ratified Nov. 7, 1922; 1925, p. 70, ratified Nov. 2, 1926.
7) Ga. Code of 1933, #2-4001; Ga. Acts 1925, p. 70.
8) Ga. Const. 1798, art. III, sec. I.
9) Ga. Const. 1861, art. IV, sec. II, par. 1.
10) Ga. Code of 1933, #24-103, #24-2620 to #24-2624.
11) Ga. Code of 1933, #2-1703.
12) Ga. Code of 1933, #2-1603.
13) Ga. Code of 1933, #24-2604, #2-3103; Ga. Acts 1897, p. 16, ratified Oct. 5, 1898.
14) Ga. Const. 1777, art. XL.
15) Ga. Acts 1799, Jan. An. Sess., sec. 36, p. 38.
16) Ga. Code of 1933, #2-8301, #24-2701, #34-2602; Act 1799, Cobb, p. 574; Ga. Acts 1872, pp. 80-82; 1914, p. 43.
17) Ga. Code of 1933, #2-8301; Ga. Acts 1914, p. 43, ratified Nov. 3, 1914.

to take an oath before an officer qualified to administer them, faithfully and impartially to discharge his duties.(1) Clerks are required to give a bond of $3,000, and they may appoint deputies, who must take the same oath the clerk takes, and from whom bonds are required.(2)

Compensation of the clerk of the superior court of Muscogee County from the date of its creation in 1826 until January 1926, was based on a schedule of fees for his various duties.(3) The legislature in 1924 provided for the payment of salaries in lieu of fees in counties of specified population,(4) and under the provisions of this act, Muscogee County, from January 1, 1926, to date has paid its clerk a salary, fixed annually by the county commissioners.

The superior court clerk also serves ex officio as clerk of the city court.(5) In 1916 his salary as such ex officio clerk was set at $1,400 per annum,(6) and in 1919 the salary was increased to $1,700.(7)

Superior court clerks may be removed for malpractice in office,(8) and if a vacancy occurs in the office from any cause, the ordinary is empowered to fill the vacancy temporarily and to set a date for a special election, giving 20 days notice thereof. The person elected serves the unexpired term of his predecessor.(9) If, from any sudden emergency, there is a vacancy, and it is not immediately filled, the ordinary or his clerk may act as superior court clerk,(10) and, if for any reason, the clerk or his deputy does not, or cannot act, the superior court judge may appoint a clerk for the court term plus 10 days, or until a person is appointed or elected.(11)

Precedent for the establishment of uniform practice and proceedings in the superior court was established in 1799 by the judiciary act of that year requiring judges of the superior court to meet annually at the seat of government to formulate "rules and regulations for the government or more orderly proceedings in said courts, and for determining on such points as may be referred for argument, and which may require uniform decision."(12) This law was repealed in 1801,(13) but was reenacted 20 years later, and has continued

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1) Ga. Code of 1933, #24-2712, #89-302.
2) Ga. Code of 1933, #24-2713; Ga. Acts 1817, p. 55; Cobb, p. 573; Ga. Acts 1851-52, pp. 78, 79.
3) Ga. Code of 1933, #24-2727, #24-2728; Act 1792, Cobb, pp. 353, 354; Ga. Acts 1857, p. 51; 1880-81, pp. 87-89; 1920, p. 117.
4) Ga. Acts 1924, pp. 90-97.
5) Ga. Acts 1884-85, pp. 455-460.
6) Ga. Acts 1916, p. 219.
7) Ga. Acts 1919, p. 460.
8) Ga. Code of 1933, #2-8301; Ga. Acts 1914, p. 43.
9) Ga. Code of 1933, #24-2704 to #24-2707; Ga. Acts 1826, pp. 120, 121; Cobb, pp. 212, 213.
10) Ga. Code of 1933, #24-2708; Act 1826, Cobb, p. 213.
11) Ga. Code of 1933, #24-2710, #24-2711; Ga. Acts 1842, p. 163; Cobb, p. 216; Ga. Acts 1853-54, p. 28.
12) Ga. Acts 1799, Jan. An. Sess., sec. 59, p. 54.
13) Ga. Acts 1801, p. 97.

as the law in force.(1) An act of 1847 declared all rules of practice for the superior and inferior courts as established by any other authority null and void, since the superior court judges had been authorized by law to establish, in convention for such purpose, rules of practice for all the superior and inferior courts of the State.(2)

Judges of the superior courts were authorized in 1806 to alternate in their districts,(3) and in 1879 the General Assembly provided that two or more judges might sit in bank in all counties having a city of 10,000 or more inhabitants, or that the courts might be held in two or more sections under such regulations as the circuit judge might direct.(4)

The superior court has original and exclusive jurisdiction over divorce (5) and equity cases, causes respecting the title to land, and felony criminal cases.(6) It has concurrent jurisdiction over all other cases, except probate and estate matters, original jurisdiction of which is vested in the court of ordinary. The superior court has appellate jurisdiction over all inferior judicatures, including the court of ordinary (except in cases touching the probate of wills, where a jury must be impaneled).(7) The superior court has the power to create corporations, except banking, insurance, railroad,

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1) Ga. Code of 1933, #24-2628; Ga. Acts 1821, pp. 77, 78; Cobb, p. 460.
2) Ga. Acts 1847, p. 198.
3) Ga. Acts 1806, pp. 43, 44.
4) Ga. Acts 1878-79, p. 149.
5) Divorces were granted exclusively by the legislature until the adoption of the Constitution of 1798, which provided that a verdict be obtained in the superior court authorizing a divorce before the General Assembly could pass a confirmatory act. - (Ga. Const. 1798, art. III, sec. IX). An act to carry into effect this article of the constitution was approved December 1, 1802. This act recognized total divorces only and pointed out the mode of procedure in obtaining them. - (Ga. Acts 1802, pp. 69-71). An amendatory act of 1806 provided for two forms of divorce...total and conditional (separating the parties from bed and board)...and further provided that where the special jury brought in a verdict for absolute divorce, and the General Assembly refused to carry the verdict into effect, either party might apply to the superior court, whose duty it was to appoint three commissioners to inquire into the situation and report their decision back to the court, the decision of these commissioners to be entered as the judgment of the court. - (Ga. Acts 1806, pp. 16-20). It was not until 1833 that a constitutional amendment was proposed and subsequently adopted which provided that "divorces shall be final and conclusive when the parties shall have obtained the concurrent verdicts of two special juries authorizing a divorce on legal principles." - (Ga. Acts 1833, pp. 47, 48). This act was amended in 1847 by an act which empowered the General Assembly to establish the "legal principles" upon which divorces should be allowed - (Ga. Acts 1847, pp. 63, 64), and divorce has remained under the exclusive jurisdiction of the superior court since that time.
6) Ga. Code of 1933, #2-3201.
7) Ga. Code of 1933, #24-2615; Act 1799, Cobb, p. 1135; Ga. Acts 1868, p. 131.

canal, navigation, express, and telegraph companies.(1)

The judge of the superior court appoints, and the clerk keeps a register of, notaries public;(2) appoints the members of the board of jury commissioners;(3) and the superior court clerk is, by virtue of his office, clerk of this board,(4) and is required to make a list of the names contained in the grand jury box and in the traverse jury box, and record such lists in a book to be kept in his office.(5) The superior court judge also appoints the county registrars(6) and the judge of the juvenile court.(7)

Provision was made in 1819 for taking and recording testimony in all trials for capital offenses.(8) The superior courts in 1824 were authorized to appoint three persons to assign and set off dower, and the persons appointed were required to make a return of their acts and proceedings to the court.(9) This provision is now in force except that five persons are now appointed to assign dowers.(10) Judges were required under an act of 1841 to write out and place upon the court's minutes their decisions in full in cases of motions for new trials, whether granted or not, and in certain other specified cases;(11) and an act of December 7, 1860, required that in cases of felony and on appeals or final trials of all civil cases, they give their charges to the jury in writing when requested by counsel.(12)

It is the duty of the clerk of the superior court to keep his office and records at the courthouse, unless this is impracticable from any cause, in which event, by special permission of the ordinary, they may be kept at some other designated place not more than one mile therefrom.(13) The clerk is also required to attend all sessions of the court and keep a fair and regular minutes of its proceedings from day to day; and to keep the following dockets and books:(14) an issue docket on which shall be placed all civil cases pending in the court in which an issue to be tried by a jury is made or likely to be made; a motion docket on which shall be placed only those motions which are to be decided by the judge without the intervention of a jury; duplicates of the issue and motion dockets, for the use of the bar; two subpoena dockets, one for civil and the other for criminal cases; all commissions for

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1) Ga. Code of 1933, #22-301; Act 1843, Cobb, p. 542; 1845, Cobb, p. 543; Ga. Acts 1878-79, p. 172; 1889, p. 160.
2) Ga. Code of 1933, #71-101, #71-104; Act 1824, Cobb, p. 210; Ga. Acts 1868, p. 130.
3) Ga. Code of 1933, #59-101; Ga. Acts 1878-79, p. 27; 1887, p. 52; 1901, p. 43; see Jury Commissioners, infra, p. 163.
4) Ga. Code of 1933, #59-104; Ga. Acts 1878-79, pp. 27, 28; 1882-83, p. 101.
5) Ga. Code of 1933, #59-109; Ga. Acts 1878-79, pp. 27, 34; 1889, p. 84.
6) Ga. Code of 1933, #34-301; Ga. Acts 1894, pp. 115, 118; see County Registrars, infra. p. 254.
7) Ga. Code of 1933, #24-2421.
8) Ga. Acts 1819, pp. 53, 54.
9) Ga. Acts 1824, pp. 54-56.
10) Ga. Code of 1933, #31-203; Ga. Acts 1862-63, pp. 160, 161; 1894, p. 51.
11) Ga. Acts 1841, p. 132.
12) Ga. Code of 1933, #81-1102; Ga. Acts 1860, p. 42.
13) Act 1807, Clayton, p. 404.
14) Ga. Acts 1882-83, pp. 55, 56; 1892, p. 68.

taking interrogatories; an execution docket, a general execution docket, on which shall be entered all executions, and a reverse index to such docket; a trial docket of criminal cases; a docket of criminal cases, to be known as the dead docket, to which cases shall be transferred at the discretion of the presiding judge and which shall only be called at his pleasure,(1) and an attachment docket in connection with the general execution docket, or in a separate book.(2)

The clerk is required to procure and preserve a complete file of all newspapers in which his advertisements appear, and he must immediately record in his book of final records every part of the pleadings of every case;(3) and the judge may, in his discretion, require the clerk to make a calendar of all cases pending in the court.(4) The clerk is required to keep a record book of recognizances taken for the appearance of either parties or witnesses. This book is kept separate and distinct from the minutes, and to it the clerk must affix an alphabetical index.(5) He also keeps a register of the names of all persons who may be fined by the court, showing the time, the offense for which each was fined, and the amounts received and disbursed.(6)

The dockets and other books of the superior court were destroyed with other records of the county, by the burning of the courthouse on October 15, 1838. The records from the latter date, however, are clear and in good order.

Under the present clerk, the loose-leaf docket system has been put into effect in both the superior and city courts. In this plan an original sheet is started with the entry of the case and this sheet follows with the proper entries through all the stages of the case until its completion and its transfer to the docket of cases disposed of, showing a complete history of the case.

Civil

Case Papers and Pleadings

72. SUPERIOR COURT CIVIL PAPERS, 1897--. Est. 18,000 papers in 147 f.d. (1897-1913, 31 f.d., dated; 116 f.d. labeled by contained case numbers). Title varies: Civil Cases of Superior Court, 1897-1913, 31 f.d.

Original case papers and pleadings in civil cases, showing case number, names of attorneys, plaintiff, defendant, and witnesses, amount of judgment, nature of case, and disposition thereof. 1897-1913, 31 f.d., arr. chron. by court term; 1911--, 116 f.d. arr. number. by case no. No index. Hdw. and typed on pr. fms. $10\frac{1}{2}$ x 5 x 12. 31 f.d., 1897-1913, sup. ct. cl.'s bsmt. va.; 116 f.d., 1911--, sup. ct. cl.'s lst. fl. W. va.

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1) Ga. Acts 1882-83, p. 55; 1876, p. 99.
2) Ga. Code of 1933, #24-2714; Act 1799, Cobb, p. 573; 1810, Cobb, p. 577; 1850, Cobb, p. 455; Ga. Acts 1851-52, pp. 77, 78; 1890-91, vol. I, p. 208.
3) Ga. Code of 1933, #24-2715; Ga. Acts 1880-81, p. 93.
4) Ga. Code of 1933, #24-3324.
5) Ga. Code of 1933, #24-3349.
6) Ga. Code of 1933, #24-3315.

Superior Court and Clerk (73-78)
Civil

Dockets

73. APPEARANCE DOCKET, 1897-94, 1912. 2 vols.
Appearance docket of all cases in which an issue to be tried by a jury is made, or is likely to be made, showing case number, names of attorneys, plaintiff, and defendant, nature of case, date filed, entries against the case, and disposition of case. Arr. chron. by court term. No index. Hdw. under pr. hds. Aver. 435 pp. 17 x 12 x 3. Sup. ct. cl.'s bsmt. va.
For subsequent records, see entries 77, 78.

74. ISSUE DOCKET, 1839, 1844-50, 1884-1913. 7 vols. (5 vols. dated; 1844-50, 2 vols. not labeled). Title varies: Bar Docket, 1839, 1844-50, 3 vols.
Docket of civil cases pending in court in which an issue to be tried by a jury is made, or is likely to be made (for use of lawyers), showing case number, names of attorneys, plaintiff, and defendant, kind of action, date filed, notes, and remarks. Arr. chron. by court term. No index. 1839-50, 3 vols., hdw.; hdw. on pr. fms. thereafter. Aver 400 pp. 14 x 10 x 3. Sup. ct. cl.'s bsmt. va.
For subsequent records, see entries 77, 78.

75. BENCH DOCKET, 1840-45, 1870-73, 1885-1913. 9 vols. (3-5; dated; 3 vols. not labeled).
Docket of civil cases (for use of judge) in which an issue to be tried by a jury is made, or is likely to be made, showing names of attorneys, plaintiff, and defendant, case number, date, nature of case, and disposition thereof. Arr. chron. by court term. 1840-45, 3 vols., no index; 1870-1913, indexed alph. by plaintiff's surname and chron. thereunder. 1840-45, 3 vols., hdw.; hdw. on pr. fms. thereafter. Aver. 495 pp. 16 x 12 x 3. Sup. ct. cl.'s bsmt. va.
For subsequent records, see entries 77, 78.

76. APPEARANCE DOCKET, 1938--. 1 vol.
Shows case number, names of attorneys, plaintiff, defendant, and witnesses, date filed, nature of case, and disposition thereof. Volume is loose-leaf; when case is ready for trial, its page is transferred from this docket to Trial Issue Docket, entry 77; when case is finally determined, page is again transferred to Civil Cases Disposed of (Docket), entry 78; there is only one page to each case and case retains the same number from time of filing to final judgment. Arr. numer. by case no. No index. Hdw. under pr. hds. 100 pp. 14 x 10 x 1. Sup. ct. cl.'s 1st fl. E. va.

77. TRIAL ISSUE DOCKET, 1938--. 1 vol.
For description, see entry 74. Arr. numer. by case no. Indexed alph. by first letter of plaintiff's and defendant's surnames and chron. thereunder. Hdw. under pr. hds. 300 pp. 14 x 10 x 3 1/2. Sup. ct. cl.'s off.

78. CIVIL CASES DISPOSED OF (Docket), 1913--. 4 vols. (2 vols. not labeled; 2, 3).
For description, see entry 76. Arr. numer. by case no. Indexed alph. by first letter of defendant's surname and chron. thereunder. Hdw. under pr. hds. Aver. 800 pp. 14 x 10 x 6. Sup. ct. cl.'s 1st fl. W. va.

79. MOTION DOCKET, 1839--. 7 vols. (3 vols. not labeled; dated). Docket of cases which are to be decided by the judge without the intervention of a jury, showing date, names of plaintiff, defendant, and attorneys, nature of action, and term of court. 1839-1930, 6 vols., arr. chron. by court term and numer. by case no. thereunder; 1 vol., numer. by case. No index. Hdw. under pr. hds. Aver. 450 pp. 16 x 12 x 3. 5 vols., 1839-1910, sup. ct. cl.'s bsmt. va.; 1 vol., 1910-30, sup. ct. cl.'s 1st fl. W. va.; 1 vol., 1930--, sup. ct. cl.'s off.

80. CLAIM DOCKET, 1869-83. 1 vol.
Docket of claims cases, showing names of plaintiff, defendant, attorneys, and witnesses, term of court, and disposition of case. Arr. chron. by court term. No index. Hdw. 220 pp. 16 x 10½ x 2. Gen. bsmt. strm.

81. CERTIORARI DOCKET, 1869-83. 1 vol.
Docket of cases where parties are dissatisfied with rulings and judgments of courts of inferior jurisdiction, and have certioraried the case and records to superior court for rehearing, showing term of court, names of plaintiff, defendant, and attorneys, date filed, the ruling and judgment of the lower court complained of, judgment of superior court thereon, and date rendered. Arr. chron. by court term. No index. Hdw. under pr. hds. 442 pp. 16 x 10 x 1½. Gen. bsmt. strm.

82. TRANSFER, APPEAL AND EQUITY DOCKET, 1840-61. 1 vol.
Shows date, court from which transferred (if not an equity case), names of defendant, plaintiff, and attorneys, date of trial, nature and disposition of case. Arr. chron. by court term. No index. Hdw. 500 pp. 18 x 12 x 2. Sup. ct. cl.'s bsmt. va.

83. BAR APPEAL DOCKET, 1853-58. 1 vol.
Docket of cases appealed from lower courts (for use of lawyers), showing court appealed from, names of plaintiff, defendant, and attorneys, case number, court term, character of case, and verdict. Arr. chron. by court term. No index. Hdw. 500 pp. 16½ x 11½ x 2. Gen. bsmt. strm.

84. DEMURRER DOCKET, 1905-15. 1 vol. Discontinued.
Docket of cases in which demurrers have been filed, showing names of plaintiff, defendant, and attorneys, nature of case, court term, date of hearing, and ruling thereon. Arr. chron. by court term. No index. Hdw. on pr. fms. 700 pp. 15 x 12 x 3. Sup. ct. cl.'s bsmt. va.

85. COMMON LAW TRIAL DOCKET, 1869-74. 1 vol.
Shows names of plaintiff, defendant, and attorneys, date, nature of case, and verdict. Arr. chron. by court term. No index. Hdw. 800 pp. 18 x 12 x 4. Sup. ct. cl.'s bsmt. va.

86. TRANSFER EQUITY DOCKET, 1869-78. 1 vol.
Docket of equity cases only, transferred from old equity docket to new, showing names of plaintiff and defendant, date of transfer, and page number of old record, nature of case, and disposition thereof. Arr. numer. by case no. No index. Hdw. 216 pp. 16 x 10½ x 2. Sup. ct. cl.'s bsmt. va.

87. EXECUTION DOCKET, 1839--. 6 vols. (1839-58, 1873-1928, 4 vols., B, C, H. I; 1859-73, 1 vol., not labeled; 2).

Superior Court and Clerk
Civil; Minutes and
Proceedings

Docket of executions issued on superior court judgments, showing case number, names of plaintiff, defendant, and attorneys, date and amount of judgment, date entered on docket, and remarks. Arr. chron. by court term. Indexed alph. by first letter of plaintiff's and defendant's surnames and chron. thereunder. Hdw. under pr. hds. Aver. 600 pp. 18 x 13 x 3. 2 vols., 1839-58, gen. bsmt. strm.; 4 vols., 1859--, sup. ct. cl.'s 1st fl. E. va.

88. GENERAL EXECUTION (and Attachment) DOCKET (and Federal Tax Liens), 1890--. 8 vols. (A-H).

Contains:

i. Attachment docket shows writ number, term and name of court in which filed, names of plaintiff and defendant in attachment, amount of claim, day and hour of levy, and brief description of property attached.

ii. Docket of executions issued on judgments obtained in all courts of the county and from foreign courts, showing names of plaintiff, defendant, and attorneys, name of court judgment obtained in date and amount of judgment, date of execution, date entered on docket, and if satisfied, date noted thereon.

iii. Federal tax liens, 1925--, showing name and residence of the taxpayer, collector's notice serial number, date and hour filed, and the amount of tax and penalty assessed.

Arr. chron. by date entered. 1890-95, 1 vol., loose index arr. alph. by first letter of plaintiff's and defendant's surnames and chron. thereunder; 1895--, 7 vols., self-contained indexes alph. by first letter of plaintiff's and defendant's surnames and chron. thereunder; 1895--, loose index strictly alph. by names of plaintiff and defendant; 1898-1913, also separate index, entry 89. Hdw. under pr. hds. Aver. 600 pp. 18 1/2 x 13 x 3. Sup. ct. cl.'s 1st fl. E. va.

89. INDEX TO GENERAL EXECUTION DOCKET, 1898-1913. 1 vol.

Shows names of plaintiff and defendant, date, and book and page number where recorded. Serves as index to General Execution Docket, entry 88. Arr. alph. by names of plaintiff and defendant. Hdw. 700 pp. 14 x 10 x 5. Sup. ct. cl.'s bsmt. va.

90. CIVIL SUBPOENA DOCKET, 1850-58, 1874--. 4 vols. (A; 1 vol. dated; 2 vols. not labeled).

Docket of subpoenas issued in civil cases, showing names of plaintiff, defendant, and attorneys, kind of action, names of witnesses subpoenaed, and date. Arr. chron. by court term. 1850-58, 1 vol., no index; 3 vols., indexed alph. by first letter of plaintiff's surname and chron. thereunder. 1850-58, 1 vol., hdw.; 1874-98, 1 vol., hdw. under pr. hds.; 1898--, 2 vols., hdw. on pr. fms. Aver. 325 pp. 15 x 11 x 2 1/2. 1 vol., 1850-58, gen. bsmt. strm.; 1 vol., 1874-98, sup. ct. cl.'s bsmt. va.; 2 vols., 1898--, sup. ct. cl.'s 1st fl. W. va.

Minutes and Proceedings

91. CIVIL MINUTES, 1840--. 45 vols. (A-I, K-Z; 1-20). Title varies: Minutes, 1840-90, 20 vols.

Minutes of all civil proceedings, business, and cases had before court, showing

name and nature of case or business, date, and disposition thereof. Also contains: Criminal Minutes, 1840-90, entry 112. Arr. chron. by court term. Indexed alph. by first letter of plaintiff's, defendant's, or principal's surname and chron. thereunder. 1840-1903, 25 vols., hdw.; typed thereafter. Aver. 550 pp. 17 x 12 1/2 x 3. Sup. ct. cl.'s 1st fl. W. va.

92. MINUTES AT CHAMBERS, 1888-1903. 1 vol.
Minutes of all civil proceedings, business, and cases had before court in chambers, showing name and nature of case or business, date, and disposition thereof. Arr. crhon. by date of hearing. Indexed alph. by first letter of petitioner's surname and chron. thereunder. Hdw. 600 pp. 16 x 12 x 3. Sup. ct. cl.'s 1st fl. W. va.
Prior and subsequent records in Civil Minutes, entry 91.

93. RECORD OF WRITS, 1838--. 110 vols. (C; 2 vols. not labeled; 63 vols. dated; 1-44). Title varies: Record Book, 1838-44, 1847-68, 18 vols.; Records, 1838-41, 1844-47, 1852-56, 1858-60, 1868-73, 8 vols.
Record of all pleadings and papers of civil cases prosecuted to judgment, showing date, names of plaintiff, defendant, and witnesses, term of court, case number, nature of case, verdict and judgment. Arr. chron. by court term. Indexed alph. by first letter of plaintiff's surname and chron. thereunder. 1838-1907, 50 vols., hdw.; typed thereafter. Aver. 600 pp. 18 1/2 x 12 1/2 x 3. 1 vol., 1838-39, sup. ct. cl.'s bsmt. va.; 109 vols., 1839--, sup. ct. cl.'s 1st fl. W. va.

Criminal

Case Papers

94. SUPERIOR COURT CRIMINAL CASES, 1900--. Est. 25,000 papers in 77 f.d. (dated; 1920--, labeled by contained case numbers).
Original papers and pleadings in criminal cases, showing case number, date filed, date indictment found, date pleading filed, term of court, names of prosecutor, defendant, grand jurors, attorneys, clerk, and judge, offense charged, and disposition of case. 1900-1920, 11 f.d. arr. chron. by date filed; 1920--, arr. chron. and numer. by case no. No index. Hdw. and typed on pr. fms. 10 1/2 x 5 1/2 x 12. 11 f.d., 1900-1920, gen. bsmt. strm.; 66 f.d., 1920--, sup. ct. cl.'s 1st fl. W. va.

95. SUPERIOR COURT CRIMINAL CASES (Indictments), 1920--. Est. 2,500 documents in 69 f.d. (labeled by contained case numbers).
Original indictments in criminal cases, showing case number, names of jurors, defendant, prosecutor, and witnesses, offense charged, date crime alleged to have been committed, date of trial, and disposition of case. Arr. numer. by case no. No index. Hdw. on pr. fms. 11 x 5 x 13 1/2. Sup. ct. cl.'s 1st fl. W. va.

96. (COURT CALENDAR), 1938--. 21 papers in 1 folder.
Superior court clerk's calendar of criminal cases, showing court term, day cases set for trial, names of attorneys, number of case, name of defendant, and offense charged. Arr. numer. by case no. No indes. Typed. 8 1/2 x 14 x 1/2. Sup. ct. cl.'s 1st fl. W. va.

97. STATE TESTIMONY, 1906--. Est. 5,400 papers in 12 f.d. Transcript of oral testimony in criminal cases, showing date, term of court, case number, names of defendant, solicitor general, and attorneys, offense charged, and full and complete record of all testimony, both for the State and defense. Arr. chron. by court term. For index, see entry 99. Typed. 12 x 6 x 24. 11 f.d., 1906-37, sup. ct. cl.'s bsmt. va.; 1 f.d., 1937--, sup. ct. cl.'s 1st fl. W. va.

98. STATE TESTIMONY, 1906--. Est. 7,500 papers in 7 boxes and 8 f.d. Duplicates of entry 97. 1906-32, 7 boxes, no obvious arr.; 1932--, 8 f.d., arr. chron. by court term. No index. Typed. Boxes 24 x 24 x 24; f.d., 10 x 15 x 32. 7 boxes, 1906-32, sup. ct. cl.'s bsmt. va.; 8 f.d., 1932--, official reporter's off.

99. STATE TESTIMONY, 1877--. 25 vols. (1 vol. not labeled; B, C, E-Z). Record of oral testimony in criminal cases, showing date, term of court, case number, names of defendant, solicitor general, and attorneys, offense charged, and full and complete record of all testimony, both for the State and defense. Serves as index to State Testimony, 1906--, entry 97. Arr. chron. by court term. Indexed alph. by first letter of defendant's surname and chron. thereunder. 1877-1907, 9 vols., hdw.; typed thereafter. Aver. 600 pp. 16 1/2 x 13 x 3. Sup. ct. cl.'s 1st fl. W. va.

100. SUPERIOR COURT NOLLE PROS (Prosequi) ORDERS, ETC., 1913--. Est. 1,000 papers in 3 f.d. Title varies: Superior Court No. Pros. (Nolle Prosequi) Orders, No Bills, Etc., 1913-22, 2 f.d. Pleadings of criminal cases in which nolle prosequi entered, showing date and order of judge, made upon motion of solicitor general; and indictments upon which grand jury found "no bills", showing case number, names of jurors, State's witnesses, prosecutor, and accused, date, and detailed description of crime alleged to have been committed, signature of foreman of grand jury, and date. Arr. chron. by date "no bill" found. No index. Hdw. and typed on pr. fms. 12 x 5 x 12. 2 f.d., 1913-22, sup. ct. cl.'s bsmt. va.; 1 f.d., 1922--, sup. ct. cl.'s 1st fl. W. va.

101. (Habeas Corpus), CHARTERS AND EX PARTE PROCEEDINGS, 1913--. Est. 2,500 papers in 5 f.b. (dated).

There are no charters in these files; for charters, see entry 50.

Contains:

i. Petitions for writ of habeas corpus, command to sheriff to produce body of person alleged to be illegally held, and other pleadings in connection therewith, showing term of court, date filed, names of petitioner and person in custody, date heard before court, and disposition.

ii. It is necessary to obtain two verdicts in Georgia before a decree of divorce will issue, and these are all pleadings in connection with divorce proceedings, showing date, names of parties to action, case number, grounds for divorce, and verdict of jury.

iii. Mortgage foreclosures on real and personal property, showing date, names of mortgagor and mortgagee, and description and valuation of property.

Arr. chron. by date filed. No index. Hdw. and typed. 12 x 5 x 24. 4 f.b., 1913-33, sup. ct. cl.'s bsmt. va.; 1 f.b., 1933--, sup. ct. cl.'s 1st fl. W. va.

102. DEAD DOCKET, 1879--. Est. 900 documents in 3 f.d.
Pleadings of criminal cases which have been ordered transferred to dead docket by the presiding judge, to be called for trial at his pleasure, if at all, showing name of defendant, offense charged, and date transferred. Arr. numer. by case no. No index. Hdw. and typed on pr. fms. 10 x 5 x 14. Sup. ct. cl.'s 1st fl. W. va.

Inquests

103. CORONER'S INQUESTS, 1914--. Est. 460 papers in 2 f.d.
Original inquest papers, showing name of person responsible for death, name of deceased, date and cause of death, if ascertainable; record of results of autopsy, if performed; names of witnesses, and their testimony. Arr. chron. by date of inquest. No index. Hdw. on pr. fms. 10 x 5 x 14. 1 f.d., 1914-22, 1935--, sup. ct. cl.'s 1st fl. E. va.; 1 f.d., 1923-34, ord.'s va.

104. CORONER'S JURY (Voucher Stubs), 1923--. 4 vols. (dated; 2 vols. not labeled).
Stubs of vouchers drawn to pay coroner's jury, showing voucher number, date, name of juror, amount of voucher, and name of deceased, if known. Arr. numer. by stub no. No index. Hdw. on pr. fms. Aver. 225 pp. 18½ x 10½ x 1. 3 vols. 1923-34, ord.'s va.; 1 vol., 1935--, comms'. va.

Dockets

105. STATE DOCKET, 1838-1913. 9 vols. (1838-80, 2 vols., not labeled; C-I).
Docket of criminal cases tried, showing date, term of court, names of prosecutor, defendant, and attorneys, offense charged, date of trial, and disposition of case. Arr. numer. by case no. 1838-1902, 6 vols., no index; 1903-13, 3 vols., indexed alph. by first letter of defendant's surname and chron. thereunder. Hdw. under pr. hds. Aver. 750 pp. 15 x 10½ x 3½. 2 vols., 1838-80, gen. bsmt. strm.; 7 vols., 1881-1913, sup. ct. cl.'s bsmt. va.

106. (CRIMINAL DOCKET), 1938--. 1 vol.
Shows term of court, case number, names of defendant, prosecutor, and attorneys, offense charged, and disposition of case. Each case has a separate sheet; when a case is tried or otherwise disposed of, it is transferred from this loose-leaf volume to Criminal Cases Disposed of (Docket), entry 107. Arr. numer. by case no. No index. Hdw. under pr. hds. 100 pp. 14 x 14 x 1. Sup. ct. cl.'s off.

107. CRIMINAL CASES DISPOSED OF (Docket), 1913--. 6 vols. (1-6).
For description, see entry 106. Arr. numer. by case no. Indexed alph. by first letter of defendant's surname and chron. thereunder. Hdw. under pr. hds. Aver. 800 pp. 14 x 14 x 5½. Sup. ct. cl.'s 1st fl. W. va.

108. DEAD DOCKET, 1871-1931. 1 vol.
Docket of criminal cases ordered transferred to dead dockets by presiding judge, to be called for trial at his pleasure, showing name of defendant, offense charged, and date transferred. Arr. chron. by date transferred. Indexed alph. by first letter of defendant's surname and chron. thereunder. Hdw. 250 pp. 16 x 11 x 2. Sup. ct. cl.'s 1st fl. W. va.

109. NO ARREST DOCKET, 1906-15. 2 vols. (1906-15, 1 vol., not labeled; dated). Title varies: State Docket, No Arrest, 1909-13, 1 vol.
Docket of cases in which no arrests were made, showing name of defendant, date, case number, and reason no arrest made. 1906-15, 1 vol., arr. numer. by case no.; 1909-13, 1 vol., arr. chron. by court term. 1906-15, 1 vol., indexed alph. by first letter of defendant's surname and chron. thereunder; 1909-13, 1 vol., no index. Hdw. on pr. fms. Aver. 400 pp. 15 x 9 x 2½. Sup. ct. cl.'s bsmt. va.

110. (RECOGNIZANCE BOOK), 1922--. 2 vols.
Docket of recognizances given to assure appearance of defendants and witnesses at trials, showing date and amount of bond, date forfeited (if forfeited), date of recording, case number, and date to appear for trial. Arr. numer. by case no. Indexed alph. by first letter of principal's surname and chron. thereunder. Hdw. under pr. hds. Aver. 300 pp. 12 x 18 x 3. Sup. ct. cl.'s 1st fl. W. va.

111. CRIMINAL SUBPOENA DOCKET, 1901--. 5 vols. Title varies: State Subpoena Docket, 1901-25, 4 vols.
Record of subpoenas issued to witnesses to appear and testify in criminal cases, showing names of prosecutor, defendant, and witnesses, offense charged, date and to whom delivered, and date of trial. Arr. chron. by date issued. Indexed alph. by first letter of defendant's surname and chron. thereunder. 1901-25, 4 vols., hdw.; hdw. under pr. hds. thereafter. Aver. 100 pp. 16 x 9½ x 1. Sup. ct. cl.'s bsmt. va.

Minutes and Proceedings

112. CRIMINAL MINUTES, 1890--. 22 vols. (A-V). 1840-90 in Civil Minutes, entry 91.
Minutes of criminal cases and proceedings had before court, showing date, case number, name of defendant, offense charged, verdict of jury, sentence (if found guilty), names of attorneys, witnesses, sheriff, and prosecuting attorney. Arr. chron. by court term. Indexed alph. by first letter of defendant's surname and chron. thereunder. 1890-1910, 4 vols., hdw.; typed thereafter. Aver. 600 pp. 18 x 13 x 3. Sup. ct. cl.'s 1st fl. W. va.

Bonds

113. BOND RECORD, 1922--. 2 vols. (1922-25, 1 vol., not labeled; 1922--, 1 vol., A). Title varies: Superior Court Bonds, 1922-25, 1 vol.
Criminal bonds, conditioned to assure defendant's appearance at trial, showing date executed, amount and conditions of bond, names of defendant and surety, offense charged, and term of court defendant required to appear. Record of civil bonds, showing names of surety and principal, nature of case, term of court, and date recorded. Arr. chron. by court term. 1922--, 1 vol., indexed alph. by first letter of defendant's surname and chron. thereunder; 1922-25, 1 vol., no index. Typed on pr. fms. Aver. 650 pp. 15 x 11½ x 3. 1 vol., 1922-25, sup. ct. cl.'s bsmt. va.; 1 vol., 1922--, sup. ct. cl.'s 1st fl. W. va.

Paroles

114. ORDERS FOR PAROLES, 1927--. Est. 50 orders in 1 f.d.

Orders of parole issued by prison commission, showing name and home address of parolee, name of person giving employment to prisoner, home county, condition of parole, date issued, and signatures of chairman, warden, and secretary. No obvious arr. No index. Typed on pr. fms. 10 x 5 x 13. Sup. ct. cl.'s 1st fl. W. va.

115. PRISONERS PAROLED, 1909--. 1 vol.
Register of paroled prisoners who have been paroled from the State prison, showing date of parole, name of prisoner, and terms and conditions of parole. Arr. chron. by date paroled. Indexed alph. by first letter of parolee's surname and chron. thereunder. Typed. 200 pp. 16 x 10 x 2. Sup. ct. cl.'s 1st fl. W. va.

Juries

116. WEEKLY TIME BOOK, 1929--. 2 vols.
Shows names of juror, kind of juror, term of court, dates, number of days served, rate per day, and total amount due. Arr. chron. by court term. No index. Hdw. under pr. hds. Aver. 150 pp. 14 x 8 x 1½. Sup. ct. cl.'s 1st fl. W. va.

117. (SUPERIOR COURT JURY SCRIP), 1875-79. 1 vol.
Stubs of scrip issued to persons for jury service, showing date, serial number, term of court, name of juror, amount paid, and whether grand or traverse juror. Arr. numer. by serial no. No index. Hdw. on pr. fms. 500 pp. 15 x 10½ x 3. Sup. ct. cl.'s bsmt. va.

Financial Records

118. SUPERIOR AND CITY COURT COSTS, 1904-20. 2 vols.
Record of court costs, showing date, names of plaintiff and defendant, term of court, party cast for costs, date and amount of judgment, total amount, and date paid, if paid, and whether property levied on. Also contains: (City Court Cost), entry 264. Arr. numer. by case no. Indexed alph. by first letter of plaintiff's surname and chron. thereunder. Hdw. on pr. fms. Aver. 450 pp. 10 x 16 x 4. Sup. ct. cl.'s bsmt. va.

119. SUPERIOR COURT COST CARDS, 1921--. Est. 10,500 cards in 3 f.d. (1-3).
Shows case number, names of plaintiff and defendant, term of court, name of party cast for cost, itemized statement of cost and fees, total amount, date rendered and notation whether paid or property levied on by sheriff. Arr. numer. by case no. No index. Hdw. on pr. fms. 6 x 9 x 15. Sup. ct. cl.'s 1st fl. W. va.

120. BAILIFF'S ORDERS (Stubs), 1915-25. 1 vol.
Stubs of orders issued on the county treasurer by the superior court for the payment of bailiff serving that court, showing bailiff's name, amount due, date issued, term of court for which paid, and order number. Arr. numer. by order no. No index. Hdw. 246 pp. 17 x 11 x 1½. Sup. ct. cl.'s bsmt. va.

121. COLLECTION REGISTER, 1912-15. 1 vol.
Register of suits for collection against out of town firms, showing name,

address, amount of suit, final disposition, dates of filing and settlement. Arr. alph. by first letter of name of firm and chron. thereunder. No index. Hdw. under pr. hds. 200 pp. 16 x 12 x 2. Sup. ct. cl.'s bsmt. va.

Notaries Public

122. NOTARIES PUBLIC (Commercial), 1907--. Est. 500 documents in 3 f.d. (dated; 2 f.d. not labeled).
Original petitions for appointment of commercial notaries public, and clerk's order thereon, showing name, date of appointment, duration of commission, and reason for termination of office. Arr. chron. by date filed. No index. Hdw. and typed. 10½ x 5 x 14. 2 f.d., 1907-27, sup. ct. cl.'s bsmt. va.; 1 f.d., 1928--, sup. ct. cl.'s 1st fl. W. va.

123. NOTARIES PUBLIC, 1891--. 2 vols. (1 vol. not labeled; 2).
Record of appointment of commercial notaries public, showing name, qualifications, oath taken, court's order of appointment, term of commission, date executed, office, and date commission expired. Arr. chron. by date appointed. Indexed alph. by first letter of notary's surname and chron. thereunder. 1891-1914, 1 vol., hdw.; typed thereafter. Aver. 175 pp. 16 x 11 x 1½. 1 vol., 1891-1914, sup. ct. cl.'s 1st fl. E. va.; 1 vol., 1914--, sup. ct. cl.'s 1st fl. W. va.

Voters and Elections
(See also entries 352-357, 360)

124. LIST OF REGISTERED VOTERS, 1936--. 3 vols. (dated).
List of persons eligible to vote, showing date, militia district, precinct, name, age, race, sex, address, and occupation of voter. Arr. alph. by name of voter. No index. Pr. Aver. 167 pp. 9 x 6 x ½. Sup. ct. cl.'s 1st fl. W. va.

125. AFFIDAVITS OF CAMPAIGN EXPENSES, 1922--. Est. 100 documents in 1 f.d.
Affidavits showing name of candidate, office for which running, date of election, and statement of expenditures in campaign. Arr. chron. by date of campaign. No index. Typed on pr. fms. 11 x 5 x 14. Sup. ct. cl.'s 1st fl. W. va.

Maps

126. CURTIS LANDS, 1902. 1 map.
Map of Curtis Estate in Muscogee County, showing location boundaries, and acreage. Author: B. H. Hudson. Black and white. Scale: 1 in. equals 240 ft. 10 x 14. Sup. ct. cl.'s 1st fl. E. va.

127. PROPERTY OF HOMER M. LYNCH, 1903. 1 blueprint.
Political blueprint of Homer M. Lynch's property in Muscogee County, showing location, boundaries, acreage, and land lot numbers. Author: Josiah Flournoy. Blueprint. Scale: 1 in. equals 200 ft. 11 x 11. Sup. ct. cl.'s 1st fl. E. va.

128. WAVERLY TERRACE SURVEY, 1905. 1 map.
Blueprint of subdivision of Columbus, showing location, lot number and size, streets, and roads. Author: Josiah Flournoy. Blueprint. Scale: 1 in. equals 200 ft. 11 x 13. Sup. ct. cl.'s 1st fl. E. va.

129. PROPERTY OF THE GREENWOOD LAND CO. (Company), 1905. 1 blueprint.
Blueprint of subdivision of Columbus, showing location, lot number and size, streets, and grades. Author: Josiah Flournoy. Blueprint. Scale: 1 in. equals 100 ft. 18 x 20. Sup. ct. cl.'s 1st fl. E. va.

130. PROPERTY OF THE MUSCOGEE REAL ESTATE COMPANY, 1905. 1 map.
Map of a subdivision of Columbus, showing location, boundaries, streets, and adjoining property. Author: Josiah Flournoy. Black and white. Scale: 1 in. equals 50 ft. 17 x 19. Sup. ct. cl.'s 1st fl. E. va.

131. PROPERTY OF THE COLUMBUS SHOW CASE CO. (Company), 1905. 1 map.
Map of Columbus Show Case Company in Columbus, showing location, streets, roads, railroads, and switch tracks. Author: Josiah Flournoy. Black and white. Scale: 1 in. equals 50 ft. 15 x 16. Sup. ct. cl.'s 1st fl. E. va.

132. F. M. FREDERICK'S ESTATE, 1902. 1 blueprint.
Blueprint of a subdivision of Muscogee County, showing location, acreage, streams, houses, and boundaries. Author: Josiah Flournoy. Blueprint. Scale: 1 in. equals 600 ft. 16 x 11. Sup. ct. cl.'s 1st fl. E. va.

133. PROPERTY OF THE NORTH HIGHLAND LAND COMPANY, 1905. 1 map.
Political map of a subdivision of Columbus, showing location, lot number and size, streets, roads and streams, and adjoining property. Author: Josiah Flournoy. Black and white. Scale: 1 in. equals 60 ft. 15 x 16. Sup. ct. cl.'s 1st fl. E. va.

134. LANDS OF THE COLUMBUS MANUFACTURING COMPANY, 1905. 1 map.
Political map of a subdivision of Columbus, showing location, lot number, frontage, street, road and water lines. Author: Josiah Flournoy. Black and white. Scale: 1 in. equals 200 ft. 18 x 32. Sup. ct. cl.'s 1st fl. E. va.

135. MAP OF AVONDALE, 1907. 1 blueprint.
Political blueprint of a subdivision of Columbus, showing location, block and lot number, size of lots, and adjoining property. Author: Josiah Flournoy. Blueprint. Scale: 1 in. equals 200 ft. 24 x 24. Sup. ct. cl.'s 1st fl. E. va.

136. PROPERTY OF THE GEORGIA FERTILIZER COMPANY, 1907. 1 map.
Political map of a subdivision of Columbus, showing location, boundaries, acreage, streets, roads,and railroads. Author: Josiah Flournoy. Black and white. Scale: 1 in. equals 100 ft. 11 x 14. Sup. ct. cl.'s 1st fl. E. va.

137. BOWER'S-POU SUB-DIVISION, 1907. 1 blueprint.
Political blueprint of a subdivision of Columbus, showing location block and lot numbers, size of lots, streets, and sewer lines. Author: Josiah Flournoy. Blueprint. Scale: 1 in. equals 50 ft. 15 x 18. Sup. ct. cl.'s 1st fl. E. va.

138. ESTATE OF LOUIS C. VANUXEM, 1908. 1 map.

Physical map of the estate of Louis C. Vanuxem in Muscogee County, showing location, land lot numbers, acreage, roads, streams, and buildings. Author: Josiah Flournoy. Black and white. Scale: 1 in. equals 1,000 ft. 22 x 36. Sup. ct. cl.'s 1st fl. E. va.

139. MAP OF WYNNTON PLACE, 1908. 1 blueprint.
Political blueprint of a subdivision of Columbus, showing block and lot numbers, size of lots, streets, sidewalks, and roads. Author: Josiah Flournoy. Blueprint. Scale: 1 in. equals 80 ft. 18 x 24. Sup. ct. cl.'s 1st fl. E. va.

140. C. W. MUNRO PLACE, 1909. 1 map.
Physical map of the estate of C. W. Munro, showing location, boundaries, and acreage. Author: Josiah Flournoy. Black and white. Scale: 1 in. equals 100 ft. 11 x 11. Sup. ct. cl.'s 1st fl. E. va.

141. PROPOSED HIGHWAY THROUGH OATTIS PLACE, 1910. 1 map.
Communications map of proposed highway from Midland to Columbus, showing location of road, land lot numbers, and right of way. Author: Josiah Flournoy. Black and white. Scale: 1 in. equals 400 ft. 13 x 17. Sup. ct. cl.'s 1st fl. E. va.

142. DALLEY ESTATE, 1910. 1 map.
Physical map of the Dalley Estate in Columbus, showing location, block and lot numbers, frontage, streets, and roads. Author: Josiah Flournoy. Black and white. Scale: 1 in. equals 30 ft. 16 x 16. Sup. ct. cl.'s 1st fl. E. va.

143. SURVEY OF THE PROPERTY OF THE GREENWOOD LAND COMPANY, 1910.
1 blueprint.
Political blueprint of a subdivision of Columbus, showing location, size and number of lots, streets, and roads. Author: Josiah Flournoy. Blueprint. Scale: 1 in. equals 100 ft. 17 x 19. Sup. ct. cl.'s 1st fl. E. va.

144. ESTATE OF DOCTOR J. N. BAIRD, 1910. 1 map.
Physical map of the estate of J. N. Baird in Muscogee County, showing location, land lot numbers, and property lines. Author: Josiah Flournoy. Black and white. Scale: 1 in. equals 200 ft. 12 x 14. Sup. ct. cl.'s 1st fl. E. va.

145. PECAN GROVE FARM, 1910. 1 map.
Political map of a subdivision of Columbus, showing location, lot number and owner, size of lot, streets, and roads. Author: Josiah Flournoy. Black and white. Scale: 1 in. equals 200 ft. 12 x 14. Sup. ct. cl.'s 1st fl. E. va.

146. SHEPHERD PLACE, 1910. 1 map.
Political map of a subdivision of Columbus, showing location, acreage, name of owner, streets, and roads. Author: Josiah Flournoy. Black and white. Scale: 1 in. equals 60 ft. 12 x 14. Sup. ct. cl.'s 1st fl. E. va.

147. MAP OF LAND LOTS 100, 108, and 109, 1915. 1 map.
Political map of land lots 100, 108, and 109 in Muscogee County, showing location and boundaries of land lots, acreage, and lines of subdivisions, railroads, highways, and roads, buildings, and streams. Author: Josiah Flournoy. Black and white. Scale: 1 in. equals 200 ft. 17 x 21. Sup. ct. cl.'s 1st fl. E. va.

Superior Court and Clerk (148-156)
Newspapers

148. MAP OF PROPERTY OF W. L. THORNTON, 1912. 1 map.
Physical map of property of W. L. Thornton in Muscogee County, showing location, boundaries, acreage, roads, private ways, and streams. Author: Josiah Flournoy. Black and white. Scale: 1 in. equals 200 ft. 14 x 17. Sup. ct. cl.'s 1st fl. E. va.

149. PEACOCK HOME PLACE, 1912. 1 map.
Physical map of Peacock Home Place in Columbus, showing location, boundaries, measurements, and adjoining property. Author: Josiah Flournoy. Black and white. Scale: 1 in. equals 200 ft. 12 x 18. Sup. ct. cl.'s 1st fl. E. va.

150. PROPERTY OF THE FREDERICK ESTATE, 1912. 1 blueprint.
Blueprint of Frederick Estate in Muscogee County, showing location, boundaries, number and size of lots for sale, acreage of balance of property. Author: Josiah Flournoy. Blueprint. Scale: 1 in. equals 200 ft. 12 x 18. Sup. ct. cl.'s 1st fl. E. va.

151. (MISCELLANEOUS BLUEPRINTS), 1927-35. 84 blueprints.
Political blueprints of various subdivisions and estates, showing lot and district numbers, roads, streets, and streams. Author: Hugh McMath. Blueprint. Scale varies. Size varies. Sup. ct. cl.'s 1st fl. E. va.

152. MAP OF CLUB VIEW, 1928. 1 map.
Political map of subdivision of Columbus, showing block and lot numbers, measurements, streets, roads, and streams. Author: Hugh McMath. Black and white. Scale: 1 in. equals 100 ft. 12 x 22. Sup. ct. cl.'s 1st fl. E. va.

153. MAP OF COLUMBUS, GEORGIA, 1931. 1 map.
Physical map of Columbus, showing streets, roads, bridges, districts, and wards. Author: McMath and Garrett. Pr. Scale: 1 in. equals 400 ft. 75 x 52. Sup. ct. cl.'s 1st fl. E. va.

154. COLUMBUS, GEORGIA AND ENVIRONS, 1931. 1 map.
Political map of Columbus and environs, showing subdivisions, building lots, railroads, streets, roads, and streams. Author: Hugh McMath. Black and white. Scale: 2½ in. equals 1,000 ft. 68 x 48. Sup. ct. cl.'s 1st fl. E. va.

Newspapers

155. COLUMBUS ENQUIRER-SUN, Jan. 1, 1880 - June 1, 1934. 111 vols.
Daily paper established in 1874, successor to Columbus Enquirer and Daily Sun; in June 1934, paper reverted to original name of Columbus Enquirer. Arr. chron. by date issued. No index. Pr. Aver. 600 pp. 23 x 18 x 2½. 28 vols., 1880-1908, public library's bsmt. strm.; 83 vols., 1908-34, sup. ct. cl.'s bsmt. va.

156. COLUMBUS LEDGER, Jan. 1, 1918 - Dec. 31, 1918, Dec. 31, 1919 - April 30, 1920, Sept. 1, 1920 - Dec. 31, 1924, Mar. 29, 1925 - Dec. 31, 1925, Mar. 29, 1926 - June 30, 1929, Oct. 1, 1929 - June 30, 1930, Oct. 1, 1930 - Dec. 31, 1930, Mar. 29, 1931 - June 30, 1931, Oct. 1, 1931 - Dec. 31, 1931, July 1, 1932 - Sept. 30, 1932, Apr. 1, 1933 - Mar. 31, 1934, July 1, 1934 - Sept. 30, 1934, Jan. 1, 1935 - Sept. 30, 1935, Jan. 1, 1936 - Mar. 31, 1937, July 1, 1937 - Dec. 30, 1937. 62 vols. (dated).

Daily paper, merged with Columbus Enquirer-Sun in June 1930, continuing the name Enquirer-Sun as morning paper, Ledger as evening paper, and naming paper The Sunday Ledger-Enquirer on Sunday; in June 1934, the name Sun was omitted from the morning paper; paper shows general news and legal notices. Arr. chron. by date issued. No index. Pr. Aver. 220 pp. 23 x 18 x 1½. 59 vols., sup. ct. cl.'s bsmt. va.; 3 vols., July 1, - Dec. 30, 1937, sup. ct. cl.'s 1st fl. W. va.

IV. SOLICITOR GENERAL

The office of solicitor general of the Chattahoochee Circuit, of which Muscogee County is a component part, was established with the county's creation in 1826 under authority of the Constitution of 1798.(1) The counties of DeKalb, Fayette, Cowcta, Carroll, Troup, and Lee comprised the original circuit.(2) The present circuit, in addition to Muscogee County, embraces Chattahoochee, Harris, Marion, Talbot, and Taylor counties.(3)

Increases of population and more extensive litigation have necessitated a decrease in the number of counties in each of the various circuits and an increase from the seven judicial circuits provided by the judiciary act of 1799 to the present thirty-three.(4) There is one solicitor general for each circuit.(5)

Qualifications for office include residence in the State for three years immediately preceding election or appointment, permanent residence in the circuit at the time of election or appointment, minimum age of twenty-five years, and possession for at least three years of a license to practice law.(6)

The solicitor general, elected originally by the legislature,(7) was later appointed by the Governor with the advice and consent of the Senate,(8) and is now elected by the qualified voters of the entire State.(9) The solicitor general is nominated in the democratic primary by the voters of the circuit only, and in Georgia this is tantamount to election by the voters of the circuit.

The solicitor general is required to take an oath of office,(10) and another oath that he is not the holder of any public money unaccounted for;

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1) Ga. Const. 1798, art. III, sec. III.
2) Act 1826, Dawson, p. 133.
3) Ga. Acts 1937, superior court calendar, p. 2237.
4) Ga. Code of 1933, #24-2501; Ga. Acts 1799, Jan. An. Sess., secs. 1, 2, pp. 9-11; 1884-85, p. 108; 1887, pp. 48, 49.
5) Ga. Code of 1933, #2-3901; Ga. Const. 1877, art. VI, sec. XI; Ga. Acts 1897, p. 16.
6) Ga. Code of 1933, #24-2901; Act 1850, Cobb, p. 1036; 1865, Cobb, p. 22; Ga. Acts 1877, p. 13.
7) Ga. Const. 1798, art. III, sec. III; Ga. Acts 1828, pp. 71, 72; 1837, pp. 63, 64.
8) Ga. Const. 1868, art. V, sec. IX.
9) Ga. Code of 1933, #2-3901, #24-2902.
10) Ga. Code of 1933, #24-2902.

that he is not the holder of any office of trust under the United States Government (except postmaster), nor of any of the several states, nor of any foreign state, and that he is otherwise qualified to hold the office.(1) His commission is signed by the Governor, countersigned by the Secretary of State, and bears the great seal of the State.(2)

The solicitor general served originally for three years,(3) but the term was extended to four years by a constitutional amendment proposed in 1828 and effective in 1831,(4) and this is the term at present.(5)

Compensation from 1805 to 1860 consisted of a salary supplemented by fees, the salary ranging from $150 per annum in 1805 to $225 per annum in 1860.(6) The salary was increased in 1867 to $250 per annum, and this is the amount at present paid by the State.(7) The General Assembly abolished the fee system in all except certain specified cases for the Chattahoochee Circuit solicitor general in 1917 and provided that he be paid $4,250 per annum in addition to his compensation from the State. Of this latter sum, Muscogee County was required to pay $2,666, the remainder being paid by the several other counties of the circuit.(8) Fees ranging from $15 to $50 were paid the solicitor general in the specified cases. These included appearance in criminal cases in the Supreme Court and Court of Appeals, and for his work in association with the Attorney General in cases transferred from the superior courts to the United States District Court by writ of habeas corpus.(9)

A solicitor general may be impeached for failure to comply with the rules of the court, for exacting illegal costs or for accepting bribes to influence a grand jury.(10) The State House of Representatives has the sole power to impeach,(11) and the Senate has the sole power to try impeachments.(12) Vacancies in the office of solicitor general are filled by appointment by the Governor until the first day of January after the general election held next after the expiration of 30 days from the time such vacancy occurs, at which election a successor for the unexpired term is elected.(13)

It is the duty of the solicitor general to attend each session of the superior court; to attend on the grand juries, advising them on questions of law, and swearing and examining witnesses before them; to draw up all indictments or presentments when requested by the grand jury, and to prosecute all

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1) Ga. Code of 1933, #89-302.
2) Ga. Code of 1933, #89-201.
3) Ga. Const. 1798, art. III, sec. III.
4) Ga. Acts 1828, pp. 71, 72.
5) Ga. Code of 1933, #2-3901; Ga. Acts 1897, p. 16, ratified Oct. 5, 1898; Ga. Code of 1933, #24-2902.
6) Act 1804, Clayton, pp. 178, 179.
7) Ga. Code of 1933, #24-2904; Ga. Acts 1865-66, p. 250; 1866, p. 153; 1876, p. 33; 1878-79, p. 49.
8) Ga. Acts 1917, pp. 284, 285.
9) Ga. Code of 1933, #24-2904, #24-2910; Ga. Acts 1882-83, p. 98.
10) Ga. Code of 1933, #24-2911, #24-2916, #24-2917; Ga. Acts 1876, p. 29.
11) Ga. Code of 1933, #2-1703.
12) Ga. Code of 1933, #2-1603.
13) Ga. Code of 1933, #2-3901, #24-2604, #24-2903.

indictable offenses; to administer required oaths to grand and petit jurors, bailiffs, or other officers of court; to prosecute or defend any civil action in which the State is interested, unless otherwise specifically provided for; to attend before the appellate courts when any criminal case emanting from his circuit is tried, and to perform any other duty the interest of the State may require;(1) to make an accurate accounting to the clerks of the superior courts of his circuit for all fees earned and costs collected;(2) to exercise supervision over collection of fines, fees, and forfeitures, and to see that all sums of money due thereunder are accounted for to the treasuries of said counties;(3) to prepare the petition and obtain court order in proceedings to validate bonds issued by county, municipality, or other political division; (4) to appear, in association with the Attorney General, for the State in cases transferred from the courts of his circuit to the United States Court by writ of habeas corpus;(5) to represent by appointment the defendants in ex parte divorce suits, and to resist suits to remove disabilities imposed in divorce suits;(6) to prosecute violations of the racial intermarriage act;(7) to collect all money due the State in the hands of any escheators and pay it over to the educational fund;(8) to collect all claims of the State he may be ordered to collect by the Comptroller General and to remit same to that official within 30 days after collection;(9) to hear and examine witnesses on oath, in case of disqualification of the county attorney and the solicitor of the city court in proceedings to determine any person's capacity to manage his estate.(10)

There is no legal requirement for the keeping of records by the solicitor general. The records and papers handled by this official are generally filed with the superior court clerk upon completion of the case.

Records

157. (RECORD OF CASES), 1937--. Est. 400 cards in 1 f.d. Card file of cases handled by solicitor general, showing name of defendant, offense charged, case number, findings of grand jury, date of true bill or "no bill", date of trial, and if found guilty, costs, prison term, or fine. Arr. numer. by case no. No index. Typed. 10½ x 5 x 14. Sol. gen.'s off.

V. JURY COMMISSIONERS

In 1879 the General Assembly created a board of jury commissioners in

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1) Ga. Code of 1933, #24-2908; Act 1799, Cobb, p. 574; 1823, Cobb, p. 1025; 1828, Cobb, p. 1027; 1836, Cobb, p. 254; 1845, Cobb, p. 452; Ga. Acts 1853-54, p. 108.
2) Ga. Acts 1918, pp. 393, 394.
3) Ibid.
4) Ga. Code of 1933, #87-302; Ga. Acts 1897, pp. 82, 83; 1920, pp. 63, 64.
5) 28 U.S.C.A. #76; Ga. Code of 1933, #24-2909; Ga. Acts 1882-83, p. 98.
6) Ga. Code of 1933, #30-124; #30-129; Ga. Acts 1872, p. 14.
7) Ga. Code of 1933, #53-315; Ga. Acts 1927, p. 278.
8) Ga. Code of 1933, #24-2908, par. 9; Act 1836, Cobb, p. 254; 1845, Cobb, p. 452; Ga. Acts 1853-54, p. 108.
9) Ga. Code of 1933, #24-2908.
10) Ga. Code of 1933, #49-604; Ga. Acts 1918, p. 162; 1931, p. 184.

each county in the State.(1) Under the common law method of procedure a jury, however, the sheriff or other summoning officer selected the jurors as he summoned them. This practice led to many abuses, and to obviate the possibility of "packing" juries or selecting them with reference to particular cases, and to equalize jury duty among all qualified persons, boards of jury commissioners were established to select the juries.(2)

In 1799 the duty of selecting juries was performed by the clerk of the superior court, who obtained from the tax collector of the county a list of persons liable and qualified to serve as grand and petit jurors. These lists were corrected annually by the clerk under the direction of the superior court judge.(3) This duty was later transferred to the inferior court justices, the clerk, and the sheriff,(4) and these provisions for selecting juries were in effect at the time Muscogee County was created in 1826.

By an act approved February 16, 1869, this duty was transferred to the ordinary, the clerk of the superior court, and three commissioners appointed by the superior court judge,(5) Under the present law, the jury commission consists of six discreet persons, who are ineligible to succeed themselves, and cannot hold any county office nor be practicing attorneys at law.(6)

Jury commissioners are appointed for each county by the superior court judge of the circuit in which the county is located,(7) and before entering upon their duties they are requested to take an oath before the ordinary to discharge faithfully and impartially the duties of jury commissioners in accordance with the constitution of the State, and to maintain secrecy of deliberations unless called upon to give evidence thereof in a court of law. Their oaths are entered upon the minutes of the ordinary.(8)

The commissioners are appointed for terms of six years, two of which expire every two years.(9)

For this service in revising the jury list, each member of the jury commission receives $2.per day, and the clerk of the commission receives $3 per day.(10)

The judge of the superior court has the descretionary right to remove a

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jury commissioner at any time for cause, and to appoint a successor.(1) In this connection the State Supreme Court has held that "a hearing on charges preferred against a jury commissioner is not required before he can be removed; the words 'for cause' are simply admonitory to the judge that his discretion shall not be capriciously exercised."(2)

The clerk of the superior court is, by virtue of his office, the clerk of the board of jury commissioners.(3)

The jury commissioners revise and make up the jury list biennially (or triennially, if the superior court judge so directs), on the first Monday in August, or within 30 days thereafter. They select from the books of the tax receiver the most "intelligent and upright" men to serve as trial jurors and the most "experienced, upright and intelligent" men to serve as grand jurors. The number of persons selected for grand jury service cannot exceed two-fifths of the whole number drawn.(4)

The jury commissioners judge the qualifications of the citizens to be placed on the jury list and in the jury boxes. Neither the opinion of witnesses nor of judges can override their discretion when legally exercised.(5) The law does not require that all persons possessing the constitutional qualifications shall be selected for jury duty. It reposes in the jury commissioners not only the authority to determine what men have these qualifications, but how many of such men shall be selected for jury duty.(6)

After the jury list has been revised by the commissioners and certified by them to contain all the names placed in the jury box, it is the duty of the clerk of the superior court to enter alphabetical lists of the names respectively contained in the grand jury box and in the traverse jury box in a book which he keeps in his office.(7)

Jury Lists

158. RECORDS (Jury Lists), 1879--. 6 vols.
Lists of males eligible for grand and traverse jury duty, showing date board of jury commissioners met, names of jurors, whether drawn for grand or traverse jury duty, term of court, and ward or precinct juror from. Arr. chron. by date of board meeting and alph. thereunder by name of juror. No index. 1879-1903, 1 vol., hdw.; typed thereafter. Aver. 325 pp. 12 x 11 x 2. 4 vols., 1879-1926, sup. ct. cl.'s bsmt. va.; 2 vols., 1927--, sup. ct. cl.'s 1st fl. W. va.

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1) Ga. Code of 1933, #59-101; Ga. Acts 1878-79, p. 27; 1887, p. 52; 1901, p. 43; 1935, p. 151.
2) Edge v. Holcomb, 70 S.E. 644; 135 Ga. 765 (1911).
3) Ga. Code of 1933, #59-104; Ga. Acts 1878-79, p. 28; 1882-83, p. 101.
4) Ga. Code of 1933, #59-106; Ga. Acts 1878-79, pp. 27, 34; 1887, p. 31; 1892, p. 61; 1899, p. 44.
5) Dickens v. The State, 73 S.E. 826; 137 Ga. 523 (1912).
6) Rawlins et al v. The State, 52 S.E. 1; 124 Ga. 38 (1905).
7) Ga. Code of 1933, #59-109; Ga. Acts 1878-79, pp. 27, 34; 1889, p. 84.

(Next entry 159, p. 170)

VI. GRAND JURY

The establishment of a grand jury in each county was provided for by the Constitution of 1777,(1) and such a body was formed in Muscogee County with that county's creation in 1826.(2)

The first State constitution provided that "no grand jury shall consist of less than eighteen, and twelve may find a bill,"(3) but subsequent constitutions have made no mention of the number to compose the body, leaving this to the discretion of the General Assembly. An act approved February 9, 1799, stipulated that "no grand jury shall consist of less than eighteen nor more than twenty-three." That number has been preserved and is the law at present in force.(4)

The Constitution of 1868 directed the General Assembly to provide by law for the selection of "upright and intelligent persons" as grand jurors, and provided that there should be no distinction between classes of persons who compose grand and petit juries.(5) The present qualifications make eligible "all male citizens of this state, above the age of twenty-one years, being neither idiots, lunatics nor insane, who have resided in the county six months preceding the time of serving, and who are the most experienced, intelligent and upright persons, unless exempted by law; provided, however, that county commissioners, tax receivers, tax collectors, members of the county board of education, county school commissioners, ordinaries and county treasurers shall be incompetent to serve during their terms of office."(6)

Persons exempted from serving on the grand jury by reason of their vocations(7) include ministers of the gospel,(8) physicians and apothecaries, (9) school teachers,(10) millers and ferrymen,(11) railroad employees actually engaged in running trains,(12) male persons over 60 years of age,(13) telegraph operators,(14) firemen,(15) clerks connected with the several departments at the State Capitol,(16) employees at Milledgeville State Hospital,(17) dentists,(18) licensed pilots,(19) police and marshals,(20) telegraph line

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1) Ga. Const. 1777, art. XLV.
2) Ga. Acts 1826, pp. 57, 58.
3) Ga. Const. 1777, art. XLV.
4) Ga. Code of 1933, #59-202; Act 1799, Cobb, p. 547; Ga. Acts 1869, p. 140.
5) Ga. Const. 1868, art. V, sec. XIII, par. 2.
6) Ga. Code of 1933, #59-201; Ga. Const. 1877, art. VI, sec. XVIII, par. 2; Ga. Acts 1887, p. 53.
7) Ga. Code of 1933, #59-112.
8) Ga. Acts 1872, p. 33; 1878-79, p. 171.
9) Ga. Acts 1873, p. 31; 1878-79, p. 171.
10) Ga. Acts 1878-79, p. 171.
11) Ga. Acts 1875, p. 98.
12) Ga. Acts 1875, p. 98; 1876, p. 16; 1878-79, p. 171.
13) Ga. Acts 1875, p. 98; 1878-79, p. 171.
14) Ga. Acts 1874, p. 46; 1878-79, p. 171.
15) Ga. Acts 1871-72, pp. 29, 30; 1878-79, p. 171.
16) Ga. Acts 1875, p. 96.
17) Ga. Acts 1874, p. 91.
18) Ga. Acts 1920, pp. 132, 143.
19) Ga. Acts 1880-81, p. 114.
20) Ga. Acts 1884-85, p. 94.

repairers actually engaged in repairing lines,(1) stationary engineers,(2) railway postal clerks,(3) special pay members of any volunteer forces of the State,(4) embalmers,(5) members of the legislature during their attendance upon the General Assembly,(6) and any grand juror who has served at the preceding session.(7)

Under an act of February 9, 1797, the clerk of the superior court obtained from the tax collector a list of persons qualified to serve as grand jurors. This list was corrected annually in the presence of the judge, and the grand jury was drawn from it.(8) In 1805 the legislature provided for the selection of grand juries by the justices of the inferior court, the clerk, and the sheriff from the tax receiver's books;(9) and in 1869 it was provided that the ordinary, together with the clerk of the superior court and three commissioners appointed by the judge of the superior court should elect "upright and intelligent persons" to serve as grand jurors.(10) Since 1879 the grand jury has been selected by a board of jury commissioners.(11)

Superior court sessions are held in Muscogee County, which is a part of the Chattahoochee Judicial Circuit, on the first Mondays in February, May, August, and November of each year,(12) and at the close of each term the judge draws from the grand jury box a sufficient number of names of persons to serve as grand jurors for the next term of court.(13) If the court is held longer than one week, the presiding judge may draw separate panels of jurors for each week.(14)

Grand jurors are required to take an oath to serve without fear or favor and to maintain secrecy unless called upon to give evidence in a court of law. (15)

No citizen is compelled to serve on the grand jury for more than four weeks in one year.(16)

Prior to the adoption of the present constitution, the compensation of

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1) Ga. Acts 1884-85, p. 102.
2) Ga. Acts 1890-91, vol. I, pp. 219, 220.
3) Ga. Acts 1899, p. 69.
4) Ga. Acts 1884-85, pp. 83, 84.
5) Ga. Acts 1905, p. 105.
6) Ga. Code of 1933, #59-113; Ga. Acts 1905, p. 93.
7) Ga. Code of 1933, #59-114; Ga. Acts 1903, p. 83; 1911, p. 72.
8) Act 1797, Watkins, p. 627.
9) Act 1805, Clayton, p. 272.
10) Ga. Acts 1869, pp. 139, 140.
11) Ga. Code of 1933, #59-106; Ga. Acts 1878-79, pp. 27, 34; 1887, p. 31; 1892, p. 61; 1899, p. 44. See Jury Commissioners, supra, p.
12) Ga. Acts 1939, p. 1464.
13) Ga. Code of 1933, #59-203; Ga. Acts 1869, p. 140; 1874, p. 20.
14) Ga. Code of 1933, #59-204; Ga. Acts 1871-72, p. 48; 1884-85, p. 41.
15) Ga. Code of 1933, #59-208; Act 1812, Cobb, p. 551; Peeples v. The State, 173 S.E. 850; 178 Ga. 675 (1934).
16) Ga. Code of 1933, #59-118; Ga. Acts 1872, p. 15.

grand jurors was $1 for each day they served,(1) but the Constitution of 1877 provided that the General Assembly establish the manner of fixing compensation, (2) and pursuant to this provision, an act approved October 11, 1879, made it the duty of the first grand jury impaneled at the fall term of the superior court to fix the compensation of jurors not to exceed $2 per day.(3) Since 1919 jurors have received for their services a sum not exceeding $3 per day, as fixed by the grand jury at the fall term of superior court.(4)

Any grand juror convicted of being corruptly influenced is forever disqualified to act as a juror.(5)

The foreman may be appointed by the judge, or, if so directed by him, be elected by their body.(6) A clerk is elected by custom, there being no legal provision for this office.

The legal counsel of the grand jury is the solicitor general, whose duty it is to attend their sessions, advise them on matters of law, and swear and examine witnesses before them.(7)

It is the duty of the foreman to preside over the grand jury, and he may administer oaths and examine witnesses.(8)

The authority of the grand jury has been enlarged from time to time by legislative enactment. An act approved December 24, 1825, made it the duty of the county treasurer to exhibit to the grand jury at the first term of court in each year a statement of the county's financial condition, accompanied by vouchers for all expenditures.(9)

In 1829 it was made the duty of the grand jury to inspect and examine the offices, papers, and records of the clerks of the superior and inferior courts,(10) and it was made the duty of the county treasurer to lay before the grand jury at every second term a fair abstract from the books of record of the receipts and expenditures of public moneys.(11) Grand juries were required in 1854 to make out from the tax receiver's books, a list of all children entitled to the benefits of the poor school funds.(12) An act of December 21, 1859, required the ordinary to exhibit to the spring term grand jury his vouchers for the expenditures of school funds.(13) The Constitution of

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1) Ga. Acts 1869, p. 142.
2) Ga. Code of 1933, #2-4503; Ga. Const. 1877, art. VI, sec. XVIII, par. 3.
3) Ga. Acts 1878-79, p. 190.
4) Ga. Code of 1933, #59-120; Ga. Acts 1878-79, p. 190; 1890-91, vol. I, p. 80; 1895, p. 74; 1919, p. 104.
5) Ga. Code of 1933, #26-4702; Act 1833, Cobb, p. 809.
6) Ga. Code of 1933, #59-208; Act 1812, Cobb, p. 551; Peeples v. The State, 173 S.E. 850; 178 Ga. 675 (1934).
7) Ga. Code of 1933, #24-2908, pars. 2-4; Act 1799, Cobb, p. 574.
8) Ga. Code of 1933, #59-210; Ga. Acts 1857, p. 109.
9) Ga. Acts 1825, p. 68.
10) Ga. Acts 1829, p. 40.
11) Ga. Acts 1831, p. 90.
12) Ga. Acts 1853-54, p. 110.
13) Ga. Acts 1859, p. 30.

1877 authorizes the appointment of notaries public and ex officio justices of the peace on recommendation of grand juries.(1)

It is the special duty of the grand jury to inspect and examine the offices, papers, books, and records of the several county officials,(2) or to appoint one or more citizens to make such inspection for them.(3) The grand jury is required to investigate carefully the sanitary conditions of the county jail,(4) and all other public buildings and property of the county,(5) and to inspect the list of pensioners, giving in their general presentments the names of those they deem ineligible.(6) The grand jury is also required to inspect every orphanage, sanitarium, hospital, asylum, House of Good Shepherd, convent, monastery, house of correction, reformatory, and penitentiary in the county.(7)

Upon the recommendation of two-thirds of the grand jury the county authority empowered to levy taxes is authorized to levy additional taxes for county purposes not to exceed 50 percent of the State taxes for that year.(8)

The duty of the grand jury in regard to criminal matters is to make presentments of such offenses as may come to their knowledge, to indict or make presentments of any violations of law, not barred by the statute of limitations and which they may know to have been committed at any previous time.(9)

The utmost frankness among grand jurors in all their communications is encouraged by law, and to that end, communications among grand jurors are excluded from evidence, from public policy.(10)

The grand jury has the right to make recommendations concerning county matters. The effect of such recommendations is persuasive only, no authority being delegated to the grand jury to compel acceptance of its recommendations. (Such recommendations, however, often prove a powerful weapon in moulding public opinion and finally securing their adoption.) The law provides for the publication of the whole or any part of their general presentments when so recommended by the grand jury.(11)

The law does not require the grand jury to keep minutes of its proceedings.(12) All presentments, indictments, and other proceedings are returned to the court and are filed and recorded by the clerk of the superior court.(13)

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1) Ga. Code of 1933, #2-3601; Ga. Const. 1877, art. VI, sec. VIII, par. 1.
2) Ga. Code of 1933, #59-309; Act 1829, Cobb, p. 195; Ga. Acts 1877, p. 116.
3) Ga. Code of 1933, #59-310; Ga. Acts 1872, p. 45; 1890-91, vol. I, p. 79.
4) Ga. Code of 1933, #59-314; Ga. Acts 1887, p. 102.
5) Ga. Code of 1933, #59-315.
6) Ga. Code of 1933, #59-316; Ga. Acts 1890-91, vol. I, p. 204; 1931, pp. 7, 10.
7) Ga. Code of 1933, #59-401; Ga. Acts 1916, p. 126; 1918, p. 166.
8) Ga. Code of 1933, #92-3706; Ga. Acts 1821, p. 115; Cobb, p. 184.
9) Ga. Code of 1933, #59-304; Act 1829, Cobb, p. 553.
10) Ga. Code of 1933, #38-418, #59-303.
11) Ga. Code of 1933, #59-317; Ga. Acts 1889, p. 156.
12) Thompson v. The State, 89 S.E. 436; 18 Ga. App. 488 (1916).
13) See Superior Court and Clerk, supra, p. 142.

Minutes

159. RECORDS (Minutes of Grand Jury), 1891--. 7 vols. Untitled 1891-1908, 1914-23, 4 vols.
Minutes of grand jury meetings, showing names of jurors, foreman, secretary, bailiffs, solicitor general; committees to inspect county officials' accounts, jail, poor farm, and convict camps; list of cases presented by solicitor, action taken; and reports of committees and secretary. Arr. chron. by date of meeting. No index. 1891-1935, 6 vols., hdw.; typed thereafter. 5 vols., 1891-1929, sup. ct. cl.'s bsmt. va.; 2 vols., 1929--, sup. ct. cl.'s 1st fl. W. va.

Presentments

160. GRAND JURY PRESENTMENTS, 1922--. Est. 80 papers in 1 f.d.
Criticisms and recommendations of grand jury in regard to schools, prisons, convict camps, roads, bridges, and other public works, voting lists, county offices, officials' accounts and method of keeping records, and manner of policing county, showing names of grand jurors, and date filed, with order that same be published in local newspaper. Arr. chron. by date filed. No index. Hdw. and typed. 11 x 5 x 14. Sup. ct. cl.'s 1st fl. W. va.

Compensation

161. PAY ROLL, GRAND JURORS, 1909-21. 4 vols. (dated; 1915-18, 1 vol., not labeled). Title varies: Superior Grand Jury, 1915-18, 1 vol.
Stubs of checks issued in payment for grand jury duty, showing stub number, name of juror, date and term of court, days served, serial number, and amount paid. Arr. chron. by date issued and numer. by serial no. No. index. Hdw. on pr. fms. Aver. 250 pp. 18 x 10 x 1½. Sup. ct. cl.'s bsmt. va.

VII. INFERIOR COURT

Structural Organization

The original inferior county court in Georgia was created by an act of 1789, under the implied authority of the constitution adopted that year to create jurisdictions inferior to the superior court.(1) The Constitution of 1798 established the inferior court as a fundamental tribunal,(2) and it exercised jurisdiction in Muscogee County from the date of the county's creation in 1826 until the adoption of the Constitution of 1868, which abolished inferior courts and provided other courts and county administrative agencies to assume their jurisdiction.(3)

Five justices constituted this court in each county,(4) and this number was continued throughout the life of the court. No qualifications for these

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1) Ga. Const. 1789, art. III, sec. I; Act 1789, Watkins, pp. 396, 397.
2) Ga. Const. 1798, art. III, sec. IV.
3) Ga. Const. 1868, art. V, secs. V, XIV.
4) Act 1789, Watkins, pp. 396, 397.

Inferior Court
Structural Organization

(Next entry 162, p. 175)

justices were set forth in the original act of 1789, which declared that "in every county within this state a court shall be held once every three months by the first five justices named in the commission of the peace, and said courts shall be called inferior county courts."(1) The judiciary act of 1797 reenacted the foregoing provisions and referred to the justices as being "qualified in like manner as the judges of the superior courts."(2)

Until 1812 justices of this court were appointed by the General Assembly, but a constitutional amendment in that year provided for their election by the voters of the county qualified to vote for members of the General Assembly. (3) This method of selection continued throughout the remainder of the court's existence.

In the preamble to the amendment which removed the selection of the justices from the appointive power of the General Assembly, it is stated that "Whereas, the term of good behavior has a tendency to destroy that sense of responsibility which should ever be kept alive in a free country, and felt by every individual in whose hands the duties of office are reposed, be it therefore enacted, That as soon as this act shall have passed agreeably to the requisition of the constitution..., that the justices of the inferior court shall be elected on the third Tuesday in October, 1813, and on this day in every fourth year."(4)

Provision for compensation of these officers varied. An act of 1793 sets the following scale of fees: "Justices of the inferior court, for each judgement obtained therein, and for each appeal to the superior courts (to be taxed in the bill of costs), four shillings and eight pence; a justice for making out and signing a summons or warrant and determining the cause, two shillings and four pence; for writing and taking a bond of recognizance, one shilling and two pence; for writing an affidavit and swearing the party where no action is pending before such justice, one shilling and two pence."(5) Four years later further provisions were made as to costs in suits, the plaintiff or his attorney being required to pay fifty cents to the clerk on all suits under $100, and "one hundred cents" on all suits above that sum, to be divided among the presiding justices at each term, and to be charged in the bill of costs.(6) In 1806 their fees were fixed at from $1 to $3 per case tried, according to the amount of money involved in the litigation,(7) and an amendment to the constitution in 1812 provided compensation for their services in such manner as the legislature directed.(8)

Removal of justices of the inferior court by impeachment, or by the Governor, upon the address of two-thirds of each branch of the General Assembly, was provided for in 1812 and it was directed that any vacancy in the office

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1) Act 1789, Watkins, pp. 396, 397.
2) Act 1797, Marbury and Crawford, pp. 285-287.
3) Ga. Acts 1811, pp. 128-132.
4) Ibid.
5) Act 1793, Watkins, p. 534.
6) Act 1797, Marbury and Crawford, p. 287.
7) Ga. Acts 1806, pp. 55-57.
8) Ga. Acts 1812, pp. 125-129.

(Next entry 162, p. 175)

Inferior Court
Powers, Duties, and
Jurisdiction

of a justice be filled by an election called by two or more justices of this court, or by justices of the peace. Those calling the election were required to advertise it at least 20 days previously.(1)

Election of a clerk of this court by the qualified voters of the county was provided for in 1799,(2) and in 1817, the clerk was authorized to appoint one or more deputies.(3) It was provided at the first session of the legislature in 1799 that the same person could serve as clerk of both the superior and inferior courts, and such person was required to take an oath and make bond of $3,000, payable to the Governor.(4)

The tenure of office of the clerk, originally lasting during good behavior, was fixed at two years in 1811.(5) Justices of the court had been permitted in 1802 to allow their clerks reasonable compensation for the services performed by them.(6)

In the event of a vacancy in the office of the clerk, the justices were required by an enactment of 1817 to meet immediately at the courthouse and proceed to fill the vacancy by appointing some fit and proper person to serve until a successor was regularly elected and qualified.(7)

Powers, Duties, and Jurisdiction

Three separate jurisdictions were vested in the inferior court, which sat, or convened, at different times for each of these purposes. The court had control of and administered county affairs,(8) heard and determined ordinary, or probate matters,(9) and sat as a court of law, with power to hear and determine causes and controversies, concurrent with the superior court, in all civil cases except those relating to titles to real estate.(10)

Administration of County Affairs

From its creation, the inferior court "sitting for county purposes," administered county business, had charge of public works and buildings, levied taxes,(11) and was charged with the supervision and maintenance of roads, bridges, and ferries.(12) The Constitution of 1868 vacated the powers of the

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1) Ga. Acts 1812, pp. 125-129.
2) Ga. Acts 1799, Nov. Ex. Sess., pp. 7, 8.
3) Ga. Acts 1817, p. 55.
4) Ga. Acts 1799, Jan. An. Sess., sec. 36, p. 38.
5) Act 1811, Prince to 1820, p. 120.
6) Ga. Acts 1802, pp. 71, 72.
7) Ga. Acts 1817, pp. 75, 76; 1853-54, p. 28.
8) Act 1796, Marbury and Crawford, pp. 171, 172.
9) Ga. Acts 1799, Jan. An. Sess., pp. 71-73.
10) Act 1797, Marbury and Crawford, pp. 285-287.
11) Act 1796, Marbury and Crawford, pp. 171, 172; 1801, Clayton, p. 39; 1818, Lamar, p. 919.
12) Ga. Acts 1805, pp. 30, 31, 35-37; Act 1805, Clayton, p. 262; 1818, Lamar, pp. 786-793.

Inferior Court
Powers, Duties, and
Jurisdiction

(Next entry 162, p. 175)

inferior courts over county affairs, and lodged these functions in the ordinary or in a board of county commissioners, the creation of which was made optional with the counties.(1)

Sitting for Ordinary Purposes

At Muscogee County's creation in 1826, those powers and duties in probate and estate matters formerly exercised by the register of probates were in the exclusive control of the inferior court "sitting for ordinary purposes."(2) The inferior court, functioning in this capacity, was discontinued in 1852, and its powers, duties, and jurisdiction were transferred to the court of ordinary, created in that year.(3)

Sitting as a Court of Law

As a court of law, the inferior court had concurrent jurisdiction with the superior court of all civil cases, except those of divorce and equity and cases respecting titles to land, over which the superior court held original and exclusive authority. The inferior court had power to try minor criminal offenses, classified as misdemeanors, and exercised sole jurisdiction in the trial of all offenses by slaves.(4)

The court held sessions twice a year in each county. It was made a court of record in 1799; vested with authority to establish lost papers; to issue writs of habeas corpus in the absence of the superior court judge, two or more of the justices concurring; and the course of appeal was prescribed as by certiorari to the superior court.(5)

This court was empowered also to hear and determine all causes, both civil and criminal, by a jury of 12 men,(6) and concurrent authority with the superior court was given the inferior court by the foregoing act. The justices were empowered in 1801 to release debtors from prison, if the execution restraining them issued from this court,(7) and in 1803 this provision was extended to include release of debtors regardless of what court issued the execution.(8) It was provided in 1811 that the inferior court try all capital offenses by slaves, and the court was empowered, in case of conviction, to

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1) Ga. Const. 1868, art. V, secs. V, XIV. For a fuller treatment of the inferior court's jurisdiction over county matters, see Board of Commissioners of Roads and Revenue, supra, p. 121.
2) Ga. Const. 1798, art. III, sec. VI; Ga. Acts 1810, pp. 143-147; 1820, pp. 86, 87.
3) Ga. Acts 1849-50, pp. 117, 118; 1851-52, pp. 49, 50, 91 et seq. The functions and powers of the inferior court, sitting for ordinary purposes, are treated in detail in Court of Ordinary and Clerk, infra, p. 176.
4) Act 1797, Marbury and Crawford, p. 287.
5) Ga. Acts 1799, Jan. An. Sess., sec. 54, pp. 51, 52.
6) Ibid.
7) Ga. Acts 1801, pp. 55-63.
8) Act 1803, Clayton, p. 147.

(Next entry 162, p. 175)

inflict the death penalty.(1) Justices of this court were authorized in 1828 to issue warrants for the apprehension of Indians trespassing upon State territory without permits.(2)

An act of 1858 to abolish imprisonment for debt required that the defendant file a schedule in the office of the clerk of the inferior court and take the oath prescribed for honest debtors. If the jury found in favor of the defendant, he was permitted to take the insolvent debtor's oath, on delivering to the sheriff all the property described in the schedule. He was then released.(3)

Authority to grant corporate powers and privileges, except for banking, telegraph, and railroad companies and towns and cities, was transferred in 1860 from the General Assembly to the superior and inferior courts.(4)

In 1866 this court, sitting as a court of law, was superseded by the county court and all suits and cases on the inferior court dockets were transferred to the county court.(5) This transfer of the court's powers as a court of law, together with its loss in 1852 of jurisdiction over probate and estate matters, left it in charge of county affairs only, over which it continued to exercise authority until the inferior and county courts were both abolished by the Constitution of 1868.(6)

The first subsequent effort to provide a substitute for the inferior court, which had served in its 42 years of existence for the transaction of a great volume of county business and intermediate judicial administration, was contained in the act of 1872, which established a county court in each county in the State, except in 46 counties specifically excluded in the measure.(7) While Muscogee was not numbered among the exceptions, this court's operation in the county was superseded by the application of a local act of the same year establishing a county court, which functioned strictly as a court of law.(8) It was in this year also that a board of county commissioners was created for Muscogee County, with jurisdiction over the administration of all county affairs.(9)

Records

The Constitution of 1798 authorized the justices of the inferior court to vest the keeping and custody of its records and papers in a clerk,(10) and an act of 1799 required the clerk to keep a book of record of all the proceedings in all civil cases and fair and regular minutes, which were

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1) Ga. Acts 1811, pp. 49-53.
2) Ga. Acts 1828, pp. 87, 88.
3) Ga. Acts 1858, pp. 60, 61.
4) Ga. Acts 1860, p. 26.
5) Ga. Acts 1865-66, pp. 22, 66-71.
6) Ga. Const. 1868, art. V, secs. V, XIV.
7) Ga. Acts 1871-72, pp. 288-298.
8) Ga. Acts 1872, pp. 447-450.
9) Ga. Acts 1872, pp. 451, 452.
10) Ga. Const. 1798, art. III, sec. VI.

signed by the justices at the end of each session.(1)

The clerks were required by an act of 1801 to keep a book in which to enter descriptions of estrays taken up and sold, and such descriptions were to be kept at the courthouse for two yars.(2) In 1810 a further requirement compelled the clerks to keep a docket for the special purpose of entering the names of plaintiffs and defendants, stating the case, and entering the satisfaction, as per the sheriff's return; regular subpoena dockets were also required to be kept, and it was the duty of the clerk to file the sheriff's execution docket of cases handled in the inferior court.(3) In 1815 the duties of the justices in regard to books of record were further defined, and they were required to purchase out of county funds a sufficient number of well-bound blank volumes for the clerks of the superior and inferior courts of their respective counties. It was specified that such books should be lettered and indexed in proper manner, and that the justices, at the expiration of each year, were to cause the clerks to produce and record a schedule of such books in their respective offices.(4) Justices of the inferior court were ordered in 1806 to enter the applications of persons entitled to draw for lands ceded by the Creek Indians.(5) The justices in 1820 were authorized to have the records of their respective courts transcribed in new and well-bound books, and to require county officers to produce their books for such purpose.(6) Clerks were compelled to exhibit a statement of county funds to the grand jury at the first term of superior court in their counties.(7)

Clerks of inferior courts were required to preserve a copy of the gold and land drawing, as provided by the Governor,(8) and justices of this court were required by an act of 1839 to obtain from the Governor's office and file one each of the standards of weights and measures adopted by the Congress of the United States.(9)

All records of this court are located in the general basement storeroom in the courthouse.

Sitting for County Purposes

Minutes (see entry 1)

Sitting as a Court of Law

Minutes and Proceedings

162. MINUTES, 1848-66. 2 vols. (dated; 1 vol. not labeled).

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1) Ga. Acts 1799, Jan. An. Sess., sec. 34, p. 36.
2) Ga. Acts 1801, pp. 18-28.
3) Ga. Acts 1810, pp. 133, 134.
4) Ga. Acts 1815, pp. 93, 94.
5) Ga. Acts 1806, pp. 55-60.
6) Ga. Acts 1820, pp. 67, 68.
7) Ga. Acts 1823, pp. 43, 44.
8) Ga. Acts 1832, pp. 223, 224.
9) Ga. Acts 1839, pp. 224, 225.

Minutes of all civil cases, proceedings, and business had before courts, showing name and nature of case, date, and disposition of case. Arr. chron. by court term. 1848-57, 1 vol., no index; 1858-66, 1 vol., indexed alph. by first letter of plaintiff's surname and chron. thereunder. Hdw. Aver. 475 pp. 18 x 12 x 2.

163. RECORDS (Writs), 1838-64. 6 vols. (1838-39, 1842-51, 1859-64, 3 vols., not labeled; C, H, G). Title varies: Record of Declarations, 1856-58, 1 vol.

Records of writs and proceedings in civil actions, showing certificate of clerk and acknowledgment of service, names of attorneys, plaintiff, and defendant, nature of action, and date filed. Arr. chron. by court term. Indexed alph. by first letter of plaintiff's and defendant's surnames and chron. thereunder. Hdw. Aver. 500 pp. 17 x 11 x 2½.

Dockets

164. BAR DOCKET, INFERIOR COURT, 1847-55, 1861-66. 3 vols. (dated; 2 vols. not labeled). 1840-49 also in Homesteads of Realty and Personalty, entry 51.

Dockets of civil cases, showing term of court, names of attorneys, plaintiff, and defendant, case number, nature of case, and disposition thereof. Arr. chron. by date tried. No index. Hdw. Aver. 250 pp. 17½ x 12 x 2.

165. BENCH DOCKET, 1861-66. 1 vol.

Shows date, case number, names of plaintiff, defendant, and attorneys, nature of case, and disposition thereof. Arr. chron. by court term. No index. Hdw. 250 pp. 18 x 12 x 2½.

166. EXECUTION DOCKET, 1839-66. 5 vols.

Docket of executions issued on inferior court judgments, showing names of plaintiff, defendant, and attorneys, nature of action, date judgment rendered, date execution issued, amount, and date satisfied, if satisfied. Arr. chron. by court term and numer. by execution no. thereunder. Indexed alph. by first letter of plaintiff's surname and chron. thereunder. Hdw. Aver. 500 pp. 17 x 11 x 2½.

167. SUBPOENA DOCKET, 1856-65. 1 vol.

Docket of subpoenas issued in civil cases, showing names of plaintiff and defendant, case number, date issued, and names of witnesses. Arr. numer. by case no. No index. Hdw. on pr. fms. 500 pp. 17 x 12 x 2.

VIII. COURT OF ORDINARY AND CLERK

The Constitution of 1777 provided for the probate of wills and the administration of estates of deceased persons by a register or probates, who was the precursor of the present court of ordinary.(1) An act of 1792 authorized the justices of the inferior court to provide for the poor, bind out orphans, and appoint guardians,(2) and with the adoption six years later of

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1) Ga. Const. 1777, art. LII
2) Act 1792, Marbury and Crawford, p. 224.

the Constitution of 1798, all powers and duties in relation to probate and estate matters were given exclusively to the inferior court.(1) An act of 1799 carried these provisions into effect,(2) and an act of 1810, further defining the powers and jurisdiction of this court, transferred its judicial powers to the "inferior court, sitting for ordinary purposes."(3)

The first State constitution provided for selection of one person in each county as a register of probates,(4) and in 1810, with the transfer of his duties to the inferior court, the five justices of that tribunal served as a court of ordinary when "sitting for ordinary purposes."(5) With the transfer in 1852 of the powers, functions, and duties of the inferior court in this respect to the newly-created and separate office of court of ordinary, the office again was administered by one official,(6) and this is the provision now in force.(7)

Neither the Constitution of 1777 nor subsequent acts of the General Assembly set out qualifications for the register of probates, and in 1799, by virtue of the inferior court's assumption of these powers and duties, the qualifications for the justices, sitting as a court of ordinary, were those for justices of the inferior court. These qualifications were residence in the county for which appointed and good behavior during tenure of office.(8) Present qualifications for the ordinary are residence for two years in the county for which elected, and eligibility to vote therein.(9) He cannot practice law in his own court, nor in any other court in connection with a case which originated in his court.(10) He is also forbidden to assume any duties in a private capacity which would require him to account to his court.(11)

The register of probates was chosen by the legislature,(12) and the inferior court justices, who succeeded to his powers and duties, likewise were appointed by the General Assembly(13) until 1812, when a constitutional amendment provided for their selection by the electors of the county qualified to vote for members of the General Assembly.(14) The ordinary is now elected by the voters of his county at the same time and in like manner as are other county officers.(15)

Neither oath nor bond was required of the register of probates or the

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1) Ga. Const. 1798, art. III, sec. VI.
2) Ga. Acts 1799, Jan. An. Sess., pp. 71-73.
3) Ga. Acts 1810, pp. 143-147.
4) Ga. Const. 1777, art. LII.
5) Ga. Acts 1810, pp. 143-147.
6) Ga. Acts 1851-52, pp. 49, 50, 91.
7) Ga. Code of 1933, #2-3401, #24-1701; Ga. Acts 1851-52, p. 91.
8) Ga. Const. 1798, art. III, sec. IV.
9) Ga. Code of 1933, #2-8301; Ga. Acts 1914, p. 43, ratified Nov. 3, 1914.
10) Ga. Code of 1933, #24-1715; Ga. Acts 1851-52, p. 97; 1859, p. 18; 1889, p. 46.
11) Ga. Code of 1933, #24-1711; Ga. Acts 1851-52, p. 93.
12) Ga. Const. 1777, art. LII.
13) Ga. Const. 1798, art. III, sec. IV.
14) Ga. Acts 1811, pp. 128-132; 1812, pp. 125-129.
15) Ga. Code of 1933, #24-1702; Ga. Acts 1872, pp. 81, 82.

justices of the inferior court, but the ordinary is now required to take an oath to discharge well and faithfully his duties without favor, and to receive only his legal fees.(1) If he acts as his own clerk, he must make a bond of $2,000.(2)

The register of probates held office for an indefinite period of time, and his successors, the inferior court justices, served under the appointive system during good behavior and as long as they resided in the county for which they were appointed.(3) Their tenure of office was changed, however, in 1812 to four years,(4) and the ordinary, when he succeeded to the powers and duties of the justices, also held office for four years. This remains the present term of office.(5)

The Constitution of 1798 provided that compensation of inferior court justices be established by law,(6) and the legislature, from time to time, provided for fees based on the various duties performed by this court when sitting as a court of ordinary.(7) The Muscogee County ordinary has since 1924 been on a salary basis, fixed by the county commissioners.(8) Prior to that time his compensation was fixed by a schedule of fees.(9)

Justices of the inferior court could be removed by impeachment or by the Governor, upon the address of two-thirds of each branch of the General Assembly.(10) Ordinaries at present may be removed for malpractice in office, oppression, or tyrannical partiality, refusal to preside in or hold court at the regular term, conduct unbecoming an upright magistrate, or for charging fees in excess of those provided for by law.(11)

Vacancies in the inferior court, sitting for ordinary purposes, were filled by appointment by the Governor for the unexpired term,(12) but when a vacancy now occurs in the office of ordinary, the clerk of the superior court orders an election to take place within 20 days of the order, and notice thereof is published in the official newspaper of the county.(13)

No provision was made for a clerk for the register of probates, but in 1799, election of a clerk of the inferior court by the justices thereof and

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1) Ga. Code of 1933, #24-1703; Ga. Acts 1851-52, pp. 91-96.
2) Ga. Code of 1933, #24-1704; Ga. Acts 1851-52, p. 96.
3) Ga. Const. 1798, art. III, sec. IV.
4) Ga. Acts 1811, pp. 128-132; 1812, pp. 125-129.
5) Ga. Code of 1933, #24-1702; Ga. Acts 1872, pp. 81, 82.
6) Ga. Const. 1798, art. III, sec. IV.
7) Act 1792, Cobb, p. 352; 1824, Cobb, p. 358.
8) Ga. Acts 1924, p. 90.
9) Ga. Code of 1933, #24-1716; Ga. Acts 1851-52, p. 97; 1855-56, p. 147; 1857, pp. 49, 50; 1865-66, pp. 40, 41; 1870, pp. 67, 68; 1882-83, p. 61; 1889, pp. 76-83; 1939, p. 210.
10) Ga. Const. 1798, art. III, sec. IV.
11) Ga. Code of 1933, #2-8301; Ga. Acts 1865-66, pp. 233, 234; 1873, pp. 23, 24; 1914, p. 43.
12) Ga. Const. 1798, art. II, sec. IX.
13) Ga. Code of 1933, #24-1707; Ga. Acts 1851-52, pp. 50, 95; 1871-72, p. 29.

justices of the peace was made obligatory.(1) In November of the same year the clerk's election by the citizens of the county entitled to vote for members of the General Assembly was authorized.(2) In 1817 the clerk was empowered to appoint one or more deputies.(3) The ordinary is, by virtue of his office, clerk of his own court, but he may, at his own expense, appoint one or more deputies, who hold office at the ordinary's pleasure.(4) Clerks thus appointed are required to give a bond of $1,000.(5)

The Constitution of 1777 empowered registers of probate to prove and grant letters of administration on estates,(6) and the Constitution of 1798 vested exclusive jurisdiction over such matters in the inferior court, sitting for ordinary purposes.(7) The court of ordinary has original and exclusive jurisdiction of the probate of wills; the granting of letters testamentary and of administration, and the repeal or revocation of them; all controversies over the right of executorship or administration; the sale and disposition of property belonging to the estates of deceased persons, and the distribution of such estates; the appointment and removal of guardians of minors and persons of unsound minds; auditing and passing returns of all executors, administrators, and guardians; and all other matters relating to estates of deceased persons and to idiots, lunatics, and insane persons.(8) The ordinary grants widows' year's support, and, when granted, is required to record the appraisers' return of the property in a book kept for that purpose.(9) He records the proceedings in connection with any conveyances or incumbrances of property set aside for the joint support of the widow and children.(10)

Ordinaries are the guardians (custodians and distributors), and administer the estates of minor children and insane persons where the estates are valued at $500 or less, and the ordinary is required to keep a record of his acts as such guardian.(11)

The ordinary issues licenses to peddle in the county;(12) issues certificates to disabled or indigent veterans and blind persons to peddle without a license;(13) issues pistol toters' licenses;(14) grants homesteads;(15)

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1) Ga. Acts 1799, Jan. An. Sess., pp. 119-122.
2) Ga. Acts 1799, Nov. Ex. Sess., pp. 7, 8.
3) Ga. Acts 1817, p. 55.
4) Ga. Code of 1933, #24-1801; Ga. Acts 1851-52, p. 50.
5) Ga. Code of 1933, #24-1803.
6) Ga. Const. 1777, art. LII.
7) Ga. Const. 1798, art. III, sec. VI; Ga. Acts 1810, pp. 143-147; 1822, pp. 21-26.
8) Ga. Code of 1933, #25-1901; Act 1799, Cobb, p. 281; 1810, Cobb, p. 283; Ga. Acts 1851-52, p. 91; 1855-56, p. 147.
9) Ga. Code of 1933, #113-1005; Ga. Acts 1884-85, p. 49; 1918, p. 122.
10) Ga. Acts 1937, p. 861.
11) Ga. Code of 1933, #49-701; Ga. Acts 1918, p. 198; 1927, p. 256.
12) Ga. Code of 1933, #84-2001; Act 1819, Cobb, p. 773.
13) Ga. Code of 1933, #84-2011; Ga. Acts 1897, p. 24; 1898, p. 46; 1918, p. 116; 1919, p. 91.
14) Ga. Code of 1933, #26-5104; Ga. Acts 1910, pp. 134, 135.
15) Ga. Code of 1933, #51-201, #51-1103, #51-1401; Ga. Acts 1898, p. 52; 1924, p. 57.

issues writs of habeas corpus "except in capital felonies, or where a person is held for extradition under warrant of the Governor,"(1) and has jurisdiction over estray domestic animals.(2) He keeps a register of cattle marks and brands;(3) persons handling explosives;(4) embalmers;(5) livestock dealers;(6) sewing machine agents;(7) fuel distributors from 1921 to 1928, at which time the keeping of the record was transferred to the Comptroller General of the State;(8) and druggists from 1880 through 1927, when the keeping of this record was placed in the hands of the State Board of Pharmacy.(9) He keeps a pension roll of Confederate veterans and their widows.(10) From 1852 until a State Board of Education was organized in 1870, the ordinary was ex officio county school commissioner and administered the poor school fund.(11)

The ordinary has authority to issue warrants and impose sentences, after hearings, in all misdemeanor cases arising from violations of the traffic laws under the jurisdiction of the Georgia State Highway Patrol, where there is no city court or county court, provided the defendant waives jury trial.(12)

Appeals to the superior court from the court of ordinary touching the probate of wills and the granting of letters of administration, in which matters of fact were involved, were required by an act of 1823 to be tried before a special jury in the county where the case arose.(13) The inferior court, sitting for ordinary purposes, was empowered in 1826 to order the sale of a part or the whole of the real estate of every testator or intestate, on application therefor, when it was made clear that such sale was for the benefit of the heirs and creditors.(14) Similar sales for the benefit of orphans, lunatics, idiots, or illegitimate children were provided for in the following year.(15)

Of the 159 county governments in Georgia, ordinaries still (in 1940) administer only 9, under authority of the Constitution of 1868, which abolished the inferior court and transferred its authority over county affairs to the ordinary.(16) In Muscogee County, the ordinary exercised authority over county affairs after the abolition of the inferior court sitting for county

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1) Ga. Code of 1933, #50-103; Ga. Acts 1868, p. 128; 1872, p. 44.
2) Ga. Code of 1933, #62-201 to #62-205; Act 1801, Cobb, p. 257; Ga. Acts 1877, p. 17.
3) Ga. Code of 1933, #62-101.
4) Ga. Code of 1933, #88-801; Ga. Acts 1921, pp. 247, 248.
5) Ga. Code of 1933, #84-816; Ga. Acts 1899, pp. 70, 71; 1933, p. 132.
6) Ga. Acts 1937, p. 716.
7) Ga. Code of 1933, #92-1311; Ga. Acts 1927, p. 90.
8) Ga. Acts 1921, pp. 83, 84; Ga. Code of 1933, #92-1404; Ga. Acts 1927, p. 107.
9) Ga. Acts 1880-81, p. 186; 1927, p. 298.
10) Ga. Code of 1933, #78-109, #78-110; Ga. Acts 1903, p. 85; 1931, pp. 7-10.
11) Ga. Acts 1851-52, pp. 1-4; 1870, pp. 52, 53.
12) Ga. Acts 1937, p. 1117; 1937-38, Ex. Sess., pp. 558-562.
13) Ga. Acts 1823, pp. 89, 90.
14) Ga. Acts 1826, p. 98.
15) Ga. Acts 1827, pp. 103, 104.
16) Ga. Const. 1868, art. V, sec. V, par. 2.

purposes until the creation of a board of county commissioners in 1872.(1)

The ordinary is authorized, upon the recommendation of two successive grand juries, to receive, file, record, and index historical data. The ordinary and the board of education of the county are the sole judges of the admissibility of any record, should there arise any question as to its historical value.(2)

The duties of the clerk, or the ordinary acting as such, are to issue all citations required by law; to administer all oaths incident to the business of the court; to grant temporary letters of administration; to grant and issue marriage licenses; to issue fieri facias for costs on all judgments of the ordinary, or other processes necessary to enforce them; to issue subpoenas for witnesses, and all similar processes in connection with a trial; to keep fair and regular minutes of each session of the court, such minutes to be entered in well-bound books, and to perform such other services during term time as the ordinary may require. He is required to keep in his office a suitable book for each of the following purposes: a record of wills; record of all letters of administration and guardianship; record of all bonds given by administrators and guardians; record of all appraisements, inventories, and schedules; record of all accounts of sales; records of all accounts current authorized to be made to the ordinary, together with the vouchers accompanying the same; record of all marriage licenses and the returns thereon; record of all official bonds required to be recorded in the ordinary's office;(3) a docket in which to enter all applications and other proceedings, in the order in which they are made, and which shall be called in like order at each session of the court; to procure and preserve for public inspection a complete file of all newspapers in which the ordinary's advertisements appear, and to have them bound in volumes of suitable size to be deposited and kept with their other records; to keep their books and papers arranged, filed, labeled, and indexed, as is required of clerks; to give transcripts as they are required, and when the ordinary and the clerk as the same person, so to state in the certificate, and to perform any other duty required of him by law, or which is indispensable to those required.(4)

The clerk of the inferior court, sitting for ordinary purposes, was required in 1801 to take upon himself and execute the duties of escheator, and was required to give bond of $10,000 payable to and taken by the Governor, and recorded in the office of the Secretary of State, conditioned on the faithful discharge of his duties touching the estates of decedents without heirs.(5)

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1) Ga. Acts 1872, pp. 451, 452. For the ordinary's duties in this capacity, see Board of Commissioners of Roads and Revenues, supra, p. 121.
2) Ga. Acts 1935, pp. 383, 384.
3) Oaths of county officers may be taken before the ordinary, in which case they are filed in the office of the superior court clerk and entered on the minutes of the superior court; they are filed with the ordinary when they are taken before the sheriff, but are entered on the superior court minutes; and they are filed with the ordinary and entered on his minutes when they are taken before the coroner, tax collector, tax receiver, county treasurer, justice of the peace, or other county official empowered to administer oaths. - (Ga. Code of 1933, #89-306).
4) Ga. Code of 1933, #24-1804; Ga. Acts 1882-83, p. 70.
5) Ga. Acts 1801, pp. 63-70.

Escheats are still handled by the ordinary, and the proceeds realized therefrom are turned over to the county educational fund.(1) These clerks were required under an act of 1823 to record the birth of citizens of the county, for each of which they received a fee of 25 cents.(2)

The ordinary files and preserves in his office a copy of all birth and death certificates received by him from the local registrars of vital statistics, except in those counties that have a commissioner of health, in which case the certificates are filed with that officer.(3)

Courts of ordinary were authorized by an act of 1845 to appoint their clerks as guardians in cases where estates were liable to be wasted because on inability to secure a guardian who could give the necessary bond. Clerks acting in such capacity were allowed the same commissions as other guardians received, and acceptance of this appointment was left to the discretion of the clerk.(4) Under the present law, the county administrator, who is ex officio county guardian, appointed by the ordinary, serves in such cases.(5)

All records hereunder listed are located in the vault of the office of the ordinary unless otherwise indicated in the entry.

Minutes

168. MINUTES, 1838--. 26 vols. (A-Z).
Minutes of proceedings and business had before the ordinary, showing name and nature of case, date, and disposition thereof. Also contains: Year's Support, 1838-78, 1889--, entry 191. Arr. chron. by court term. Indexed alph. by first letter of name of estate and surname of representative and chron. thereunder. 1838-1930, 21 vols., hdw.; typed thereafter. Aver. 550 pp. 19 x 12 x 3.

169. MINUTES AT CHAMBERS, 1889--. 4 vols. (A-D).
Minutes of proceedings and business had in chambers of court of ordinary showing applications for administration, guardianship, petitions for 12 months support, leave to sell land, and dates granted and recorded. Arr. chron. by court term. Indexed alph. by first letter of representative's or petitioner's surname and chron. thereunder. Hdw. Aver. 600 pp. 18 x 12 x 3.

Wills

170. WILLS, 1888-1933. Est. 3,750 papers in 28 f.d. Reason prior records missing unknown. 1934-- in (Estate Papers), entry 172.
Original wills probated in solemn and common form, showing names of testator, witnesses, and executor, date, description of property, and names of legatees.

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1) Ga. Code of 1933, #85-1101 to #85-1104.
2) Ga. Acts 1823, pp. 45, 46.
3) Ga. Code of 1933, #88-1210; Ga. Acts 1927, p. 366; 1931, p. 7; 1933, p.
4) Ga. Acts 1845, pp. 29, 30.
5) Ga. Code of 1933, #49-501, #113-1301; Ga. Acts 1882-83, p. 79; 1890-91, vol. I, p. 102.

Arr. chron. by date filed. No index. Hdw. and typed. 10 x 5 x 14.

171. WILL BOOKS, 1838--. 8 vols. (A-H).
Record of all wills probated, together with probate proceedings had thereon, showing dates wills executed and probated, names of testator, witnesses, and legatees, and disposition of property. Arr. chron. by date recorded. Indexed alph. by first letter of testator's surname and chron. thereunder. 1838-1931, 7 vols., hdw.; 1931--, 1 vol., typed. Aver. 600 pp. 18 x 11 x 3.

Estates
(For records of, see entries 186-194)

172. (ESTATE PAPERS), 1934--. Est. 10,000 papers in 17 f.d. (labeled by contained file nos.).
Original case papers and pleadings, and letters pertaining to probation of wills and estate matters, showing names of estate and representative, character of instrument or paper, date filed, and file number. Also contains: Wills, entry 170; Petitions, entry 174; Administrators and Executors, entry 175; Administrator's (and Executor's) Bonds (Oaths and Letters), entry 176; Guardians, entry 177; Guardian's Bonds, entry 179; Dismissions, entry 180. Arr. numer. by file no. For index, see entry 173. Hdw. and typed on pr. fms. 10 x 5 x 14.

173. INDEX (Estate Papers), 1934--. 1 vol.
Index to all estate papers, showing name of estate, proceedings, file number, name of representative of estate and his capacity, date qualified, and book and page number where recorded. Serves as index to (Estate Papers), entry 172. Arr. alph. by name of representative. Hdw. under pr. hds. 150 pp. 5½ x 4½ x 2.

Petitions

174. PETITIONS, 1913-33. Est. 360 papers in 3 f.d. 1934-- in (Estate Papers), entry 172.
Various petitions in regard to estates, such as petitions for extension of time in making returns, reduction of bond, and attorneys' fees from estates, showing date, name of petitioner, and subject of petition. Arr. chron. by date of petition. No index. Hdw. and typed on pr. fms. 10 x 5 x 14.

175. ADMINISTRATOR AND EXECUTORS, 1900-1933. Est. 1,600 papers in 8 f.d. (dated). 1934-- in (Estate Papers), entry 172.
Petitions for letters of administration and letters testamentary upon estates, showing names of petitioner and estate, date filed, and court decision thereon. Arr. chron. by date filed. No index. Hdw. 10 x 5 x 14.

Administration of Estates

176. ADMINISTRATOR'S (and Executor's) BONDS, (Oaths and Letters), 1895-1933. Est. 1,950 papers in 6 f.d. 1934-- in (Estate Papers), entry 172.

Contains:

i. Bonds given by administrators and executors of estates to assure

performance of their legal duties, showing date, names of estate and representative and his capacity, amount and conditions of bond, and name of surety.

ii. Oaths of representatives of estates, showing date, names of estate and representative and his capacity, and signature of ordinary.

iii. Letters granted to persons vesting authority in persons to administer estates of persons dying intestate, showing date, names of estate and administrator, and signature of ordinary.

iv. Letters testamentary issued upon probation of wills, authorizing executor named in will to administer estate, showing date of probation, names of deceased and executor, date letter granted and book and page number where recorded.

Arr. chron. by date filed. No index. Hdw. and typed on pr. fms. 10 x 5 x 14.

Guardians

177. GUARDIANS, 1901-33. Est. 1,000 papers in 4 f.d. (dated). 1934-- in (Estate Papers), entry 172.

Petitions for letters of guardianship of minors, incompetents, and lunatics; letters appointing responsible person to take custody and control of person and property of ward during minority or lunacy; petitions for and letters of dismission for guardians, showing names of ward and guardian, dates of petitions and letters, and term of court. Arr. chron. by date filed. No index. Hdw. and typed on pr. fms. 10 x 5 x 14.

178. (MINORS ESTATES UNDER $500), 1926--. Est. 150 documents in 3 f.d. (1-3).

Bank deposit books and cancelled checks and bank statements, in cases where the ordinary has acted as guardian of minors whose estates are valued at $500 or less, showing names of estate and ward, date and amount of deposit and expenditure, and balance. No obvious arr. No index. Hdw. and typed on pr. fms. 10 x 5 x 14.

Bonds (see also entry 176, i)

179. GUARDIAN'S BONDS, 1902-33. Est. 700 papers in 4 f.d. 1934-- in (Estate Papers), entry 172.

Bonds given by guardians to assure faithful performance of their legal duties in connection with wards' estates, showing date, names of guardian and ward, amount and conditions of bond, names of sureties, and book and page number where recorded. Arr. chron. by date filed. No index. Hdw. and typed on pr. fms. 10 x 5 x 14.

Dismission

180. DISMISSIONS, 1920-33. Est. 500 papers in 2 f.d. 1934-- in (Estate Papers), entry 172.

Petitions for dismission of administrators and executors of estates after all legal duties have been discharged, and order granting same, showing date, names of estate and representative and his capacity, date of order, and book and page number where recorded. Arr. chron. by date filed. No index. Hdw. and typed on pr. fms. 10 x 5 x 14.

Appraisements and Inventories

181. INVENTORIES AND APPRAISEMENTS, 1918--. Est. 500 papers in 1 f.d. Itemized inventories and appraisements of deceased person's estate property, both real and personal, showing names of estate, representative, and three appraisers, and total value of estate property, together with reports of sales, payments of debts, and division of estates. Arr. chron. by date filed. No index. Hdw. and typed on pr. fms. 10 x 5 x 13.

Accounts and Sales

182. LEAVE TO SELL, 1905--. Est. 480 papers in 3 f.d. (dated). Original petitions of legal representatives to sell all or part of estate, showing names of estate and representative, description of property, purpose of sale, dates filed and recorded, and judgment of court. Arr. chron. by date filed. No index. Hdw. on pr. fms. 10 x 5 x 14.

Widow's Years Support

183. 12 MONTHS SUPPORT, 1901--. Est. 300 papers in 2 f.d. (dated). Last entry 1933. Title varies: Petitions for Year's Support, 1901-19, 1 f.d.
Original petitions, showing report of three persons appointed to appraise and set aside out of deceased husband's estate a sufficient amount of either property or money, or both, to maintain his widow and minor children for next year following the date administration is granted upon such estate, showing name of widow, names of children (if any), total amount allowed, description and valuation of property awarded, names of appraisers, and date order confirmed and award granted. Arr. chron. by date filed. No index. Hdw. and typed on pr. fms. 10 x 5 x 13.

Returns

184. RETURNS, 1919--. Est. 1,200 papers in 8 f.d.
Annual and final returns of representatives of estates with vouchers attached, showing names of estate and representative, date, and itemized account of receipts and disbursements. Arr. chron. by date filed. No index. Hdw. and typed on pr. fms. 10 x 5 x 14.

Inheritance Tax

185. INHERITANCE TAX, 1914--. Est. 200 papers in 4 f.d.
Itemized statements of assets and liabilities filed with application to determine inheritance tax, showing name of estate, market value of all real and personal property, date filed, and names of administrator and estate. No obvious arr. No index. Hdw. and typed. 10 x 5 x 14.

Administration of Estates, Record of
(For original papers, see entries 172-185)

Letters and Bonds, Representatives of Estates

186. RECORD OF ADMINISTRATOR'S BONDS, 1838--. 12 vols. (A-L). Title varies: Administrators Letters and Bonds, 1838-51, 1 vol.;

Administrators Bonds, 1838-80, 1 vol.; Bonds and Letters of Exrs. (Executors) Admrs. (Administrators) and Grd'ns. (Guardians), 1852-65, 1 vol.; Record of Administrators and Guardians, 1857-65, 1 vol.; Bonds, Letters of Adm'rs. (Administrators), Guard'ns (Guardians), and Executors, 1865-75, 1 vol.; Record of Bonds, Oaths and Letters of Adm'rs. (Administrators) Exrs. (Executors) Guardians, 1875-89, 1 vol.; Record of Bonds, Oaths and Letters of Adm'rs. (Administrators) and Guardian's Bonds, 1903-20, 2 vols.; Record of Guardianship Bonds, 1920-35, 2 vols.

Record of estate papers, including:

i. Copies of letters testamentary, issued upon probation of wills of deceased persons, to administer estates, showing date of probation, names of deceased and executor, and date letters granted.

ii. Copies of letters investing authority to administer estates of persons dying intestate, showing names of administrator and deceased, and date.

iii. Copies of letters of guardianship appointing responsible parties to take custody and control of the person and property of minors and lunatics, such person to serve as guardian during minority or lunacy of ward, showing date, and names of guardians and ward.

iv. Record of bonds given by executors and administrators of estates to assure faithful performance of their legal duties, showing date, names of estate and representative and his capacity, amount and conditions of bond, and name of surety.

v. Record of letters dismissing representatives of estates after discharge of all legal duties, showing date, names of estate and representative, his capacity, and date of discharge.

Also contains: Temporary Letters and Administrative Bonds, 1852-74, 1891--, entry 187; Record of Guardianship Bonds, 1838-1923, entry 188. Arr. chron. by date recorded. Indexed alph. by first letter of representative's surname and chron. thereunder. Hdw. on pr. fms. Aver. 550 pp. 16½ x 11½ x 2½.

187. TEMPORARY LETTERS AND ADMINISTRATIVE BONDS, 1838-51, 1875-91. 2 vols. Title varies: Record of Temporary Administrators, 1875-91, 1 vol. 1852-74, 1891-- in Record of Administrator's Bonds, entry 186.

Record of letters issued to temporary administrators, showing names of representative and estate, and dates issued and recorded. Record of bonds and oaths given by temporary administrators of estates to assure faithful performance of their legal duties, showing date, name of representative and estate, amount and conditions of bond, and name of surety. Arr. chron. by date recorded. Indexed alph. by first letter of representative's surname and chron. thereunder. Hdw. on pr. fms. Aver. 486 pp. 14 x 9½ x 2.

Bonds (see also entries 186, 187)

188. RECORD OF GUARDIANSHIP BONDS, 1924--. 2 vols. (I, J). 1839-1923 in Record of Administrators Bonds, entry 186.

Record of bonds given by guardians to assure faithful performance of their legal duties toward wards and their estates, showing date, names of guardian, surety, and ward, and amount and conditions of bond. Arr. chron. by date recorded. Indexed alph. by first letter of guardian's surname and chron. thereunder. Hdw. on pr. fms. Aver. 400 pp. 16 x 11 x 2½.

Appraisement and Inventories

189. INVENTORIES, APPRAISEMENTS AND SALES BILLS, 1899--. 3 vols. (A-C). 1839-99 in Journal of Returns, entry 192.
Itemized inventories and appraisements of deceased persons' estate property, both personal and real, showing names of estate, representative, and three appraisers, and total value of estate property; together with reports of sales, payments of debts, and division of estates. Also contains: (Sales Bills), entry 190. Arr. chron. by date recorded. Indexed alph. by first letter of name of estate and chron. thereunder. Hdw. Aver. 500 pp. 16½ x 12 x 3.

Sales

190. (SALES BILLS), 1839--. 1839-99 in Journal of Returns, entry 192; 1899-- in Inventories, Appraisements and Sales Bills, entry 189.
Shows term of court, copy of order issued by the ordinary allowing the sale of all or part of estate property, names of estate and representative, and description of property.

Widows Years Support

191. YEAR'S SUPPORT, 1879-87. 1 vol. 1838-78, 1889-- in Minutes, entry 168.
Record of report of three persons appointed to appraise and set aside out of deceased husband's estate a sufficient amount of either property or money, or both, to maintain his widow and minor children for the next year following the date administration is granted upon such estate, showing name of widow, names of children (if any), total of property awarded, names of appraisers, and date order confirmed and award granted. Arr. chron. by date recorded. Indexed alph. by first letter of petitioner's surname and chron. thereunder. Hdw. on pr. fms. 210 pp. 14 x 9 x 2.

Returns

192. JOURNAL OF RETURNS, 1839--. 41 vols. (A-H, J-P, R-QQ). Title varies: Journal, 1839-73, 18 vols.
Record of annual and final returns made by representatives of estate, showing names of representative and estate, all receipts and disbursements, to whom paid, by what authority, and for what purpose, date of check, amount on hand, and date recorded. Also contains: Inventories, Appraisements and Sales Bills, 1839-99, entry 189; (Sales Bills), entry 190. Arr. chron. by date recorded. Indexed alph. by first letter of representative's surname and chron. thereunder. 1839-1928, 39 vols., hdw.; typed thereafter. Aver. 600 pp. 18 x 13 x 3.

193. PERSONS LIABLE TO MAKE RETURNS AND HOMESTEAD DOCKET, 1855-82. 1 vol.
Docket of persons liable to make returns, showing date, names of estate and representative and his capacity, year returns made, date of letters appointing representative, and date of dismissal. Also contains: Exemptions (Pony), 1868-74, entry 206. Vol. divided into sections, each section arr. chron. by date recorded. No index. Hdw. 300 pp. 18½ x 12 x 2½. Gen. bsmt. strm.

Dockets

194. DOCKETS OF CASES, 1885--. 4 vols.
Docket of applications, cases, and business heard by ordinary, showing date, term of court, names of estate and representative and his capacity, nature of case or application, and disposition thereof. Arr. chron. by court term and numer. by case no. thereunder. No index. Hdw. under pr. hds. Aver. 500 pp. 16 x 12 x 2½.

Lunacy Records

195. LUNACY CASES, 1901--. Est. 200 papers in 4 f.d.
Original papers, showing record number, name of alleged lunatic, name of person who had warrant issued, copies of notices to three nearest adult relatives of alleged lunatic, names of three persons appointed as commission to determine alleged lunatic's sanity, two of whom are physicians, and verdict of commission, which must be unanimous. Arr. chron. by date filed. No index. Hdw. on pr. fms. 10 x 5 x 14.

196. LUNACY CASES (Reports by Physicians), 1900--. Est. 135 papers in 3 f.d.
Reports of the county physician together with the county attorney and one other physician acting as a lunacy commission appointed by the ordinary, showing names of person asking the investigation and person whose sanity is questioned, results of investigation, oath of commission, date, and record of case. Arr. chron. by date of report. No index. Typed on pr. fms. 10 x 5 x 14.

197. LUNACY RECORDS, 1909--. 5 vols. (A-E).
Transcript of affidavit of interested persons deposing that alleged lunatic is insane, warrant for arrest of alleged lunatic, return of arresting officer, examining physician's certificate that party is insane, precept to sheriff directing him to summon named persons and doctors to sit as a jury to determine whether party insane, verdict of jury, acknowledgment of original service of notice by three nearest relatives of alleged lunatic, waiving all further notice in connection therewith, and order of the ordinary. Arr. chron. by date recorded. Indexed alph. by first letter of alleged lunatic's surname and chron. thereunder. Hdw. on pr. fms. Aver. 300 pp. 17 x 12 x 2½

198. LUNACY JURORS, 1922--. 3 vols. (dated; 2 vols. not labeled).
Stubs of warrants issued for payment of jurors in lunacy cases, showing warrant number, date, names of jurors and alleged lunatic, and amount of warrant. Arr. chron. by date issued and numer. by warrant no. No index. Hdw. on pr. fms. Aver. 200 pp. 15 x 12 x 1.

Marriages

199. APPLICATION FOR MARRIAGE LICENSE (White and Colored), 1928--. Est. 3,000 papers in 6 bdles.
Applications show date, names, ages, and color of contracting parties, residences, whether previously married and divorced; if divorced, shows when and where granted, and grounds for divorce. Arr. chron. by date of application. No index. Hdw. on pr. fms. Aver. 9 x 7 x 4. Ord.'s off.

200. MARRIAGE LICENSES (White and Colored), 1902--. Est. 8,500 papers in 28 f.d.
Original licenses returned for record after marriage has been performed, showing names, ages, residences, and color of contracting parties, date license issued, name of person performing ceremony, license number, date of return, and book and page number where recorded. Arr. chron. by date filed. No index. Hdw. and typed on pr. fms. 10 x 5 x 14.

201. MARRIAGE LICENSES (Stubs), 1906--. 56 vols. (dated).
Stubs of marriage licenses issued, showing serial number, date license issued, and names, ages, residences, and color of contracting parties. Arr. chron. by date issued and numer. by license no. No index. Hdw. on pr. fms. Aver. 250 pp. 12 x 5 x 1½.

202. MARRIAGE RECORDS, 1839--. 30 vols. (A-Z, AA-DD).
Record of marriage licenses returned after completion of ceremony, showing date, name, age, residence, and color of contracting parties, date license issued, serial number, date marriage performed, and signature of person performing ceremony. Arr. chron. by date recorded. Indexed alph. by first letter of male's and female's surnames and chron. thereunder; 1839-45, 1860-68, 1902-6, 1908-11, 4 vols., loose index alph. by first letter of male's and female's surnames and chron. thereunder. Hdw. on pr. fms. Aver. 350 pp. 18 x 12 x 3.

Homestead and Exemptions
(See also entry 51)

203. EXEMPTIONS (Constitutional), 1901--. Est. 60 papers in 1 f.d.
Petitions by heads of families to ordinary, together with related papers, praying that real and personal property, or both, in the aggregate value of $1,600 be set aside as an exemption, such exemption being known as a constitutional homestead, showing names of petitioner's creditors, amount owed each, their addresses, and an itemized schedule of the property exempted, together with appraisers' valuation thereof; also shows names of petitioner, his family, and attorney, date filed, and date of order allowing or disallowing same. Arr. chron. by date filed. No index. Typed on pr. fms. 10 x 5 x 14.

204. EXEMPTIONS FROM 1901 (Statutory), 1901--. Est. 400 papers in 1 f.d.
Original petitions for homesteads exempting 50 acres of farm land, or in lieu thereof, real estate in a town to the value of $500, and several domestic animals, necessary provisions and household furnishings, a sewing machine, and common tools of trade from levy and sale, showing description or real property or an itemized schedule of personal property exempted, date filed, and date of order allowing same. Arr. chron. by date filed. No index. Hdw. and typed on pr. fms. 10 x 5 x 14.

205. EXEMPTIONS OF PERSONALTY, 1896-97, 1915--. Est. 700 papers in 2 f.b. Title varies: Petition for Exemption, 1896-97, 1 f.b.
Original petition for pony homestead to be granted to petitioners, who are heads of families, exempting to them household and kitchen furniture and provisions to the value of $300, which may be claimed even though all homestead rights have been waived, showing itemized schedule of personal property

exempted, date, and order allowing same. 1896-97, 1 f.b., no obvious arr.; 1915--, arr. chron. by date filed. No index. Hdw. on pr. fms. 10 x 5 x 14.

206. EXEMPTIONS (Pony), 1874--. 4 vols. (A-D). 1868-74 in Persons Liable to Make Returns and Homestead Docket, entry 193.
Record of pony homesteads, granted to petitioners who are heads of families, exempting to them household and kitchen furniture and provisions to the value of $300, which may be claimed even though all homestead rights have been waived, showing itemized schedule of personal property exempted, date, and order allowing same. Arr. chron. by date recorded. 1874-92, 1 vol., loose index in front of vol., alph. by first letter of petitioner's surname and chron. thereunder; 1892--, 3 vols., indexed alph. by first letter of petitioner's surname and chron. thereunder. Hdw. on pr. fms. Aver. 600 pp. 16½ x 11 x 3.

Court Costs and Fees

207. JOURNAL, 1926--. 1 vol.
Record of fees received by the ordinary, showing date, amount and for what purpose collected. This is a temporary record of fees as they are collected and are later recorded in (Ordinary's Fee Book), entry 208. Arr. chron. by date collected. No index. Hdw. 500 pp. 16 x 11 x 2.

208. (ORDINARY'S FEE BOOK), 1926--. 2 vols.
Record of fees collected by ordinary, showing amount of fee, date, from whom collected, and for what purpose, amount and to whom disbursed. Arr. chron. by date collected. No index. Hdw. under pr. hds. Aver. 350 pp. 10 x 14 x 3.

Voters

209. LIST OF REGISTERED VOTERS, 1934--. 6 vols. (dated).
List of voters, showing district number, name, age, sex, residence, occupation, and color of voter. Arr. numer. by dist. no. and alph. by name of voter thereunder. No index. Typed. Aver. 165 pp. 9 x 6 x ½. Ord.'s off.

Officials' Oaths and Bonds

210. COUNTY BONDS, 1906--. Est. 300 papers in 2 f.d. Title varies: Oaths and Bonds of County Officers, 1906-25, 1 f.d.
Original oaths and bonds given by county officers, insuring faithful performance of their duties, showing names of official and surety, office held, date, amount and conditions of bond, signatures of official and surety, and date filed. Arr. chron. by date filed. No index. 1906-25, 1 f.d., hdw. on pr. fms.; typed on pr. fms. thereafter. 10 x 5 x 14.

211. CONSTABLE BONDS, 1908-25. 1 vol. Discontinued.
Record of bonds taken by ordinary from constables to insure faithful performance of all their legal duties while in office, showing date, names of constable and surety, amount and conditions of bond, and names of witnesses. Arr. chron. by date recorded. Indexed alph. by first letter of constable's surname and chron. thereunder. Hdw. on pr. fms. 300 pp. 15 x 12 x 2.

212. BOND BOOK (County Officials), 1839--. 2 vols. (A,B).

Record of bonds given by county officers, showing names of official and surety, office held, date, and amount and conditions of bond. Arr. chron. by date bond given. Indexed alph. by first letter of official's surname and chron. thereunder. Hdw. Aver. 575 pp. 15 x 10 x 2.

Confederate Pensions and Records
(See also entries 60, 61)

213. CONFEDERATE SOLDIERS, 1861-65. 1 vol.
List of companies organized in Muscogee County during the war of secession, showing company name, names of officers and soldiers, dates organized, mustered into Confederate service, and left for front, and complete service record of each man. Vol. divided into sections by companies and names listed thereunder. Indexed alph. by name of company. Hdw. 300 pp. 14 x 8 x 1.

214. PENSION ROLL OF MUSCOGEE COUNTY, 1880-1905. 1 vol.
Shows name of veteran or widow, service record, company and regiment in which served, amount of pension paid, and dates of deaths of veteran and widow. Arr. alph. by first letter of surname of veteran or widow and chron. thereunder. No index. Hdw. under pr. hds. 50 pp. 14 x 13 x 1.

215. RECEIPTS FOR PENSIONS PAID, 1908--. 4 vols.
Receipt book for pensions paid Confederate soldiers or their widows, showing name, address, amount and date paid, also signature of veteran; at present there are no veterans on this record, payments are made entirely to widows. Arr. chron. by months and alph. by first letter of pensioner's surname thereunder. No index. Hdw. under pr. hds. Aver. 100 pp. 14 x 13 x 1.

Spirituous Liquors

216. RECORD OF WHISKEY SHIPMENTS, 1916. 1 vol.
Record of whiskey shipments into Muscogee County, showing names and addresses of consignee, consignor, and carrier, date and place of delivery, and amount of spirituous liquor, beer, or wine delivered. Record of fees collected for recording shipment, showing number of shipments made, and amount of fees collected by ordinary. Arr. chron. by date of shipment. No index. Hdw. under pr. hds. 250 pp. 18 x 12 x 2. Sup. ct. cl.'s bsmt. va.

217. RECORD OF PRESCRIPTIONS, 1908-12. 1 vol. Discontinued.
Record of physician's prescriptions authorizing druggists to sell alcohol to patients, showing serial number, name of patient, physician, quantity of alcohol, name and location of drugstore where prescription filled, and date of prescription. Arr. chron. by date of prescription. No index. Hdw. on pr. fms. 428 pp. 17 x 14 x 2⅓.

Licenses and Bonds

218. (PEDDLERS' LICENSES), 1930--. 17 vols.
Stubs of certificates issued to disabled and indigent veterans, and to blind persons to peddle without a license, showing name, date, reason for issue, and if veteran, service record, and statement from two physicians showing physical condition. Arr. chron. by date issued. No index. Hdw. on pr. fms. Aver. 200 stubs 6 x 5 x 1. Ord.'s off.

219. PISTOL TOTER'S BOND, 1910--. Est. 500 papers in 1 f.d.
Applications for permits to carry pistols, showing names of applicants and surety, date of application, manufacturer, caliber, and serial number of pistol. No obvious arr. No index. Hdw. on pr. fms. 10 x 5 x 14.

220. PISTOL TOTER'S REGISTER, 1910--. 4 vols.
$100 bonds given by pistol toters, conditioned to prevent illegal use of weapon, showing names of pistol toter, surety, and manufacturer, date and conditions of bond, and caliber and serial number of pistol. Arr. chron. by date registered. Indexed alph. by first letter of pistol toter's surname and chron. thereunder. Hdw. on pr. fms. Aver. 300 pp. 14 x 8½ x 1.

221. (REGISTRATION OF BUSINESS), 1934--. 3 vols.
Stubs of business tax registration, showing name of person or business, address, nature of business, date, and amount of registration fee. Arr. chron. by date paid. No index. Hdw. on pr. fms. Aver. 250 pp. 5½ x 6 x 1½.

Newspapers

222. THE TIMES AND SENTINEL, Jan. 6 - Dec. 30, 1854. 1 vol.
Bound volume of newspapers in which ordinary's official citations and notices appear, published triweekly. Arr. chron. by date published. No index. Pr. 300 pp. 21½ x 15 x 2. Public library's bsmt. strm.

223. THE DAILY SUN, Oct. 1866 - Dec. 1872. 6 vols.
Paper merged with Columbus Enquirer in 1874, continuing as Columbus Enquirer, shows legal notices of superior and ordinary courts. Arr. chron. by date issued. No index. Pr. Aver. 250 pp. 23 x 17 x 3½. Public library's bsmt. strm.

224. COLUMBUS DAILY TIMES, Jan. 1878 - June 1879. 1 vol.
Daily paper, owned by Wynne, DeWoofe & Co., with J. H. Martin, editor. No record of paper since June 28, 1879, published daily. Arr. chron. by date published. No index. Pr. 200 pp. 23 x 17 x 1½. Public library's bsmt. strm.

225. COLUMBUS ENQUIRER, Jan. 1868 - June 1877, Jan. 1, 1901 - Dec. 31, 1937. 82 vols.
Daily paper, successor to Columbus Enquirer Sun in June 1934. Arr. chron. by date issued. No index. Pr. Aver. 250 pp. 23 x 17 x 3½. 78 vols., 1868-77, 1901-37, sup. ct. cl.'s bsmt. va.; 4 vols., 1932, 1937, sup. ct. cl.'s 1st fl. E. va.

226. THE COLUMBUS ENQUIRER SUN, Jan. - Feb. 1901, Jan. 1903 - Feb. 1906, Feb. 1907 - Feb. 1910, Jan. 1913 - Dec. 1915. 4 vols. (dated).
Daily paper, Succeeded The Daily Sun January 1, 1874; merged with the Columbus Ledger June 1, 1930. Record kept only of editions containing legal advertisements of court of ordinary. Arr. chron. by date published. No index. Pr. Aver. 200 pp. 22½ x 16 x 1. Ord.'s off.

227. THE COLUMBUS LEDGER, Dec. 1899--. 97 vols. and est. 700 papers in 1 stack.
Paper published daily except Saturday, showing summary of daily news, editorials, stock and market reports, local news, general advertisement and legal

notices of the ordinary and superior court clerks; merged with Columbus Enquirer Sun June 1, 1930. Arr. chron. by date published. No index. Pr. Vols. aver. 300 pp. 23 x 17 x 3½; stack 23 x 17 x 2. 49 vols., 1899-1920, public library's bsmt. strm.; 48 vols. and 1 stack, 1921--, sup. ct. cl.'s bsmt. va.

Maps

228. COWETA RESERVE (section of Muscogee County), 1828. 2 maps.
Physical map, showing original survey of Coweta Reserve and plat of city of Columbus, area of land lots, land lot numbers, and land along streams. Author: E. L. Thomas. Publisher: M. H. Tuggle, Columbus, Ga. Black and white. No scale. 22 x 29.

229. COLUMBUS, GEORGIA AND ENVIRONS, 1914. 1 map.
Political map of Columbus, showing names of subdivisions, block and lot numbers, streets, roads, and alleys, railroads and electric lines, public buildings, churches, factories, business blocks, and streams. Author: Josiah Flournoy. Black and white. Scale: 2½ in. equals 1,000 ft. 48 x 60.

230. MUSCOGEE COUNTY, 1878. 1 map.
Geological and topographical map, showing land lots, streams, churches, mills, and stores, outside of Columbus. Author: George Little. Publisher: Carlisle Terry, Atlanta, Ga. Colored. Scale: 1 in. equals 1 mi. 30 x 27. Ord.'s off.

231. CITY OF COLUMBUS AND ENVIRONS, 1901. 1 map.
Physical map of city of Columbus and environs, showing city boundaries, lot numbers, railroads, roads, streets, drives, and streams. Author: Frank V. Downing. Publisher: A. E. Lytle, Baltimore, Md. Pr. and colored. No scale. 26 x 17.

Miscellaneous

232. SPECIAL TAX STAMPS SOLD, 1880-86. 1 vol.
Record of special tax stamps sold by Government to second district in Georgia, showing stamp number, date of sale, cost, type of stamp, and names and addresses of purchasers. Arr. chron. by date of sale. No index. Hdw. under pr. hds. 75 pp. 14 x 17 x ½.

IX. COUNTY ADMINISTRATOR

The office of county administrator was created in Georgia by an act approved September 27, 1883, which provides for the appointment of this official by the ordinary in each county.(1)

The administrator is required to have been for one year a resident and citizen of the county for which he is appointed, and to have attained the age of twenty-one years. The clerk of the superior court is eligible for this office.(2)

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1) Ga. Acts 1882-83, pp. 79-81.
2) Ibid.

If, from any cause, there is no county administrator in a county, and there is an estate not represented, it is the duty of the ordinary to vest the duties of this office in the superior court clerk.(1)

A bond of $5,000 is required of the administrator, whose term of office is four years. His compensation is the same as that of any other administrator of an estate. The ordinary is authorized to fill by appointment any vacancy that may occur by reason of death or resignation.(2)

It is the duty of the county administrator to take charge of all estates unrepresented and not likely to be represented.(3)

Until March 1, 1895, the clerk of the superior court in Muscogee acted as county administrator. On that date the ordinary appointed a county administrator.(4) On September 1, 1932, the present administrator was appointed.(5)

The records of the county administrator are filed with and entered on the minute books and other records of the ordinary, in the same manner as those of other administrators of estates.

X. COUNTY COURT AND CLERK

A county court was established in Muscogee County in 1866 under the general act organizing such courts in each county of the State in lieu of the inferior court as a court of law. This tribunal succeeded to the jurisdiction and trial functions of the older court, and took over its records, books, and papers.(6) The Constitution of 1868 abolished this county court.(7)

An act of January 19, 1872, provided for the creation of new county courts in all counties of Georgia, except 46 named in the act. Recommendation of the grand jury was necessary to the establishment of such a court in any county. Muscogee County was not one of those excepted from the provisions of the act, and therefore, could create such a court.(8) However, at the next session of the General Assembly, a local act, approved August 24, 1872, and applying exclusively to this county, established a county court for Muscogee.(9) It was thus possible that the general county court act of 1872 may have been in effect in this county for only seven months before the special act of 1872 became effective.

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 (Next entry 233, p. 197)

The judge of this court, whose title was county judge, was required to be a resident of the county at the time of his appointment, and to have been a practicing attorney in the courts of this State. His appointment was made by the Governor, with the advice and consent of the Senate. No oath or bond was required, and his term of office was fixed at four years.

The judge's salary was $500 annually, supplemented by the following costs: in cases not specially excepted, the same as those of the clerk of the superior court; in criminal cases, $2 for every case begun, and $2 additional for every case tried or transmitted to the superior court; $2 for a case in which a discharge or specific performance is prayed, or other like case not claiming money; $2 for the foreclosure of mortgages, the partition of personalty, the removal of intruders, trespassers, or tenants holding over, forcible entry or detainer, abatement of a nuisance, possessory warrant, habeas corpus, and like cases. In cases in which no fees were prescribed, they could be determined by the grand jury.(1) No provision was made in this act for removal of the judge or for filling vacancies in his office.

The clerk of the county court could be either the judge himself, or any person appointed by him, and for whose good conduct the judge was responsible. It was made the duty of the judge, in the event of his sickness or absence, to have a clerk in his office.(2)

The county judge was authorized to appoint not to exceed four bailiffs, one of whom was to be a special bailiff. Each gave bond in a sum fixed by the judge, and was sworn to discharge faithfully his duties. Each was removable at the discretion of the judge. A bailiff's fee was the same as the sheriff's in like cases.(3)

The county sheriff and his deputies, when required by the county judge or clerk, were compelled to execute any writ, process, or order of the county court or judge, and to attend that court's sessions. For cases in the county court the cheriff's fees were the same as for like cases in the superior court; for summoning juries for the regular sessions, his fee was $6; for each special session, $3.(4)

The act provided that the county court be held at the county courthouse or, when superior court was in session, at such place as the judge might direct. The judge was required to have his office at the courthouse or some other place of which the public was informed. The rules of practice of the superior court applied to the county court, unless specifically excepted. Appeals could be taken to the superior court under the same rules and regulations as governed the taking of appeals from justice courts.(5)

The county judge could admit to bail in criminal cases, issue attachments, foreclose mortgages on personal property, issue distress warrants for rent, possessory warrants, writs of habeas corpus, and other writs or warrants not

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1) Ga. Acts 1872, pp. 447-450.
2) Ibid.
3) Ibid.
4) Ibid.
5) Ibid.

within the exclusive jurisdiction of some other court or officer. He could attest contracts or deeds for registry, administer oaths, exercise all the powers of a justice of the peace in criminal matters, and issue warrants requiring offenders to be brought before him or some other judge or justice. He could sit singly or in conjunction with others, as required by law in a court of inquiry.(1)

Four regular terms of the county court were provided, these being on the second Mondays in March, June, September, and December. At these terms the court had jurisdiction of all criminal offenses less than felony, and of all civil cases, whether sounding in contract or damages, between the sums of $50 and $250, and of which exclusive jurisdiction is not vested in some other court. Whenever, during the vacation of the court, the number of persons confined in the common jail on criminal charges, and unable to give bond, amounted to six or more, the judge could hold a special session for the trial of criminal cases only.(2) An amendment to this section in 1873 provided for extending the court's jurisdiction to sums not exceeding $1,000.(3)

It was provided that all offenses of which the county court had jurisdiction under this act be tried on written accusation in which was plainly set forth the offense charged. It was required that the charge be founded on affidavit containing the name of the accuser, and signed by the county solicitor. The subsequent proceedings were to conform to the rules governing the superior court in similar proceedings, except that there was no jury, unless demanded by the accused. In the latter case, the jury consisted of seven persons. If in the trial of any case, it appeared that the crime committed was of a grade beyond the jurisdiction of the court, the trial thus begun was regarded as if before a court of inquiry, and was disposed of accordingly.(4)

All civil cases were tried by the judge, without the intervention of a jury, unless demanded by one of the parties of record. In the latter event, the judge caused a jury of five men to be summoned from the bystanders or otherwise, and they took the same oath as provided for like jurors in the superior court, and were paid in the same manner. All writs returnable to the county court were governed by and subject to the same rules and regulations as then practiced in like cases in the superior courts, except that writs might be filed 15 days before regular sessions and served by the sheriff or bailiff 10 days prior to the commencement of the term.(5)

It was made the duty of the judge to draw from the jury box of the county the names of twelve persons for jurors in criminal cases, seven of whom constituted the jury for trial, the defendant having the first strike. The judge was also required, at the close of every term, to draw twelve jurors for service in criminal cases at the succeeding term of the court, and for service in such special sessions as were provided for in the act.(6) The number of jurors drawn was increased in 1874 to sixteen in both civil and criminal cases, twelve

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1) Ga. Acts 1872, pp. 447-450.
2) Ibid.
3) Ga. Acts 1873, p. 283.
4) Ga. Acts 1872, pp. 447-450.
5) Ibid.
6) Ibid.

of whom were to constitute the jury for trial.(1)

Certioraries might be had, under the sanction and order of the judge of superior court for Muscogee County, in all cases, civil and criminal, upon written petition to the judge, within 10 days after the trial. It was required that notice be given opposing parties and their attorneys.(2)

The clerk, or the judge acting as such, was required to keep the minutes of the court, record its proceedings, issue its orders and processes, and keep proper dockets, which included one subpoena and one execution docket for the regular sessions of the court; one for criminal cases, one common law docket for regular sessions; one docket for claims, motions, illegalities, and other like proceedings, and any other docket that the judge might direct for either session. The judge was required to keep, or have his clerk keep, a strict account of all fines and forfeitures, and other money which came into his or his clerk's hands in their official character, and to pay over the same to the county treasurer, and report such receipts and payments to the grand jury of the county at each session of the superior court.(3)

The county court of Muscogee County was abolished by an act of December 6, 1880, and all its unfinished business was transferred to the superior court. (4)

Three different county courts were provided for Muscogee County within a period of four years. These were the courts established in all the counties in 1866, and abolished in 1868; the court established by the general act of 1872, with its 46 excepted counties, and that established under the Muscogee County local law of 1872, which operated until December 1880.

The records kept by the county court are located in the general basement storeroom, except as otherwise indicated.

Civil

Record of Proceedings

233. RECORD OF WRITS, 1872-79. 2 vols. (B, C).
Record of case papers and pleadings, showing names of plaintiff, defendant, and attorneys, nature of case, case number, character of pleading, verdict, judgment, and dates. Arr. chron. by court term. Indexed alph. by first letter of plaintiff's surname and chron. thereunder. Hdw. Aver. 600 pp. 16 x 11 x 2⅞. 1 vol., 1877-79, sup. ct. cl.'s 1st fl. W. va.

Dockets

234. DOCKET, 1866-68, 1872-80. 2 vols. Title varies: Bar Docket, 1866-68, 1 vol.

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1) Ga. Acts 1874, p. 73.
2) Ga. Acts 1872, pp. 447-450.
3) Ibid.
4) Ga. Acts 1880-81, p. 569.

Docket of civil cases, showing names of attorneys, plaintiff, and defendant, nature of case, verdict rendered, term of court, and disposition of case. Arr. chron. by date tried. 1866-68, 1 vol., indexed alph. by first letter of plaintiff's surname and chron. thereunder; 1872-80, 1 vol., no index. Hdw. Aver. 500 pp. 18 x 14 x 3. 1 vol., 1866-68, sup. ct. cl.'s 1st fl. W. va.

235. EXECUTION DOCKET, 1866-68. 1 vol.
Docket of executions issued on county court judgments, showing names of plaintiff, defendant, and attorneys, nature of case, date and amount of judgment rendered, date execution issued, and remarks. Arr. chron. by court term. Indexed alph. by first letter of plaintiff's and defendant's surnames and chron. thereunder. Hdw. 600 pp. 17 x 11 x 2½.

236. SUBPOENA DOCKET (Civil and Criminal), 1866-67, 1872-80. 1 vol.
Docket of subpoenas issued in civil and criminal cases, showing names of plaintiff, defendant, and attorney, date subpoena issued and served, nature of case, names of witnesses subpoenaed, and remarks. Arr. chron. by court term. Indexed alph. by first letter of plaintiff's and defendant's surnames and chron. thereunder. Hdw. 400 pp. 16 x 11 x 2.

Minutes

237. MINUTES OF COUNTY COURT, 1866-68, 1872-80. 2 vols. (A; 1 vol. not labeled).
Minutes of civil cases and proceedings and county business transacted, showing names of plaintiff, defendant, and attorneys, court term, nature of action, and disposition of case. Arr. chron. by court term. No index. Hdw. Aver. 620 pp. 18 x 12½ x 3.

Criminal

Minutes

238. MINUTES, 1866-68, 1872-80. 4 vols. (A, B, A, B).
Minutes of criminal proceedings, showing term of court, names of prosecutor, defendant, and attorneys, offense charged, verdict (if tried by jury), and sentence (if found guilty). Arr. chron. by court term. Indexed alph. by first letter of defendant's surname and chron. thereunder. Hdw. under pr. hds. Aver. 140 pp. 16 x 12 x 2½.

XI. COUNTY COURT SOLICITOR

The act organizing a county court for the county of Muscogee provided for a prosecuting attorney, who was known as the county solicitor. He was appointed by the Governor, with the advise and consent of the Senate. Qualifications for this office were the same as those required of the judge, that is, that he be a resident of the county at the time of his appointment and a practicing attorney in the courts of this State.(1)

No oath or bond was required of the county solicitor and his term of

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1) Ga. Acts 1872, pp. 447-450.

office was fixed at four years. His salary was $300 per annum, and he received the same fees then allowed the solicitor general of the superior court circuit, for such cases as came within the jurisdiction of the county court.(1)

The solicitor of the county court was required to sign accusations against persons charged with crime, and it was his duty to represent the State in the trial of criminal cases in the county court, and in cases appealed by certiorari to the superior court.(2)

XII. CITY COURT OF COLUMBUS AND CLERK

The city court of Columbus was established by an act of December 20, 1884,(3) under authority of the Constitution of 1877, which, by inference, vested power in the General Assembly to establish such courts, setting forth that the Supreme Court has jurisdiction "for the trial and correction of errors of law from the superior courts and city courts of Atlanta and Savannah, and such other like courts as have been or may hereafter be established in other cities."(4) These courts, commonly called "constitutional city courts," are not courts of the municipalities in which they are located, but are State courts. Each court is created by a special act of the General Assembly.(5)

There is one judge of the city court of Columbus. To be eligible he must be 25 years of age, a practicing attorney for six years, and a resident of the county for four years.(6) He is disqualified from holding any municipal office or appointment in the city where the court is held.(7)

Originally appointed by the Governor by and with the advice and consent of the State Senate,(8) the judge is now elected by the qualified voters of the county.(9)

The creating act of 1884 required the judge to take an oath prescribed by the Governor to discharge faithfully his official duties,(10) and this requirement has been continued to the present. No provision is made for bond.

The judge's term of office was established by the creating act at four years,(11) and this term is still in force.

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1) Ga. Acts 1872, pp. 447-450.
2) Ibid.
3) Ga. Acts 1884-85, pp. 455-460.
4) Ga. Code of 1933, #2-3005; Ga. Const. 1877, art. VI, sec. II, par. 5.
5) Ga. Code of 1933, (Part IV, City Courts, Editorial Note, p. 622).
6) Ga. Acts 1884-85, pp. 455-460.
7) Ga. Code of 1933, #24-2203; Ga. Acts 1878-79, p. 137.
8) Ga. Acts 1884-85, p. 455.
9) Ga. Acts 1911, pp. 238, 239.
10) Ga. Acts 1884-85, p. 455; 1911, p. 240.
11) Ga. Acts 1884-85, p. 455; 1911, pp. 239, 240.

Remuneration of the judge was fixed originally at $1,200 per annum, payable quarterly.(1) This was increased by an amendatory act of 1909 to $1,800 per annum, payable monthly,(2) to $2,100 in 1919,(3) and to $2,750 per annum in 1924.(4)

A judge of a city court may be impeached for failure to perform certain duties.(5) The State House of Representatives has the sole power to impeach office holders,(6) and the Senate has the sole power to try impeachments.(7)

The creating act of 1884 provided that the Governor fill vacancies in the office by appointment with the advice and consent of the State Senate.(8)

The superior court clerk and county sheriff serve ex officio as clerk and sheriff of the city court.(9)

Jurisdiction over the entire county was vested in the city court of Columbus by the creating act of 1884. It was made a court of record and had concurrent jurisdiction with the superior court, to try and dispose of all civil cases not exceeding $500 in amount.(10) An amending act of 1886 vested the city court with concurrent jurisdiction with the superior court of all civil cases of whatever nature or amount, except where exclusive jurisdiction is vested in the superior court.(11) The superior court has exclusive jurisdiction of divorce cases, suits in equity, cases respecting the title to land, and felony criminal cases.(12)

The city court is empowered to grant new trials, and appeals filed on bills of exceptions may be taken directly to the Supreme Court under the same rules applying for the filing of bills of exceptions and writs of error in the superior courts. At the option of all parties, both sides consenting, a bill of exceptions formerly could be taken to the superior court of Muscogee County, but such action constituted a waiver of the right of such a bill to the Supreme Court. The judge is empowered to hear and determine cases without a jury if the parties consent.(13) The amending act of 1886 restricted the right of appeal, providing that they might be taken only to the Supreme Court.(14) The court also has jurisdiction over criminal offenses below the grade of felony, and the judge is vested with authority to issue criminal warrants and hold preliminary examinations. He may bind

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1) Ga. Acts 1884-85, p. 455.
2) Ga. Acts 1909, p. 209.
3) Ga. Acts 1919, p. 460.
4) Ga. Acts 1924, pp. 234, 235.
5) Ga. Code of 1933, #24-2620, #24-2621; Ga. Acts 1898, p. 89.
6) Ga. Code of 1933, #2-1703.
7) Ga. Code of 1933, #2-1603.
8) Ga. Acts 1884-85, p. 455.
9) Ga. Acts 1884-85, p. 460.
10) Ga. Acts 1884-85, p. 455.
11) Ga. Acts 1886, pp. 276-280.
12) Ga. Code of 1933, #2-3201.
13) Ga. Acts 1884-85, pp. 458, 459.
14) Ga. Acts 1886, pp. 276-280.

over or discharge persons charged with crimes in the same manner as any other committing magistrate or officer of the State, and grant writs of habeas corpus and determine them in the same manner as the judge of the superior court may do, except in cases of capital felony. Cases can be transferred, on the order of the superior court judge, from the superior court to the city court when they are below the grade of felony and where bills of indictment have been returned on them by the grand jury to the superior court. In such cases the city court then has the same authority to try them as if they had been found in the city court.(1)

The original act provided for grand and petit juries for the city court. The grand jurors drawn for the superior court were liable to service in the city court. The petit jurors were drawn from jury boxes prepared in the same manner as superior court jury boxes.(2)

The act of 1884 provided also that four regular terms be held each year on the first Mondays in January, April, July, and October, and gave the city court judge the discretionary power to hold adjourned terms of the quarterly terms when necessary.(3) The amendatory act of 1886 requires the judge to hold monthly terms in addition to the quarterly terms, and at these no juries are summoned and only criminal cases are tried.(4)

The creating act provided that "in all matters pertaining to the duties of the clerk and sheriff, in copying writs, issuing process, keeping dockets and records and serving process, all laws of force in this state in reference to the superior court shall apply to and be of force in the city court, except as modified by this act."(5)

The first session of the city court of Columbus was held on January 5, 1885.(6)

Civil

Case Papers

239. CITY COURT, CIVIL PAPERS, 1907--. Est. 3,750 papers in 15 f.d. (dated and labeled by contained case nos.)
Original civil case papers and pleadings, showing term of court, names of plaintiff, defendant, and attorneys, nature of case, character of pleading, date filed, verdict, judgment, and case number. 1907-21, 9 f.d., arr. chron. by court term; 1921--, 6 f.d., numer. by case no. No index. Hdw. and typed. 10 x 5 x 14. 9 f.d., 1907-21, sup. ct. cl.'s bsmt. va.; 6 f.d., 1921--, sup. ct. cl.'s lst fl. W. va.

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1) Ga. Acts 1884-85, pp. 455-460.
2) Ga. Acts 1884-85, pp. 456, 457; 1886, pp. 276-280.
3) Ga. Acts 1884-85, pp. 455-460.
4) Ga. Acts 1886, p. 280.
5) Ga. Acts 1884-85, p. 457.
6) Minutes of the City Court of Columbus, vol. A, 1885-90, p. 1, see entry 251.

240. CITY COURT OF COLUMBUS, EX-PARTE PROCEEDINGS, HABEAS CORPUS, ORDERS, MORTGAGE FORECLOSURE, ETC., 1919--. Est. 300 papers in 2 f.d.

Contains:

i. Petitions for writs of habeas corpus, command to sheriff to produce body of person alleged to be illegally held, and other pleadings in connection therewith, showing term of court, date filed, names of petitioner and person in custody, date heard before court, and disposition.

ii. Orders appointing solicitors general, pro tempore, showing date of appointment, names of solicitor and judge, and court term.

iii. Orders for court adjournment, showing court term, date of order, and name of presiding judge.

iv. Mortgage foreclosures on personal property, showing date, name of mortgagee, and description of property.

Arr. chron. by date filed. No index. Hdw. and typed on pr. fms. 10 x 5 x 13. Sup. ct. cl.'s 1st fl. W. va.

241. RECORD OF WRITS, 1885--. 17 vols. (dated and labeled by contained case nos.).

Record of final proceedings in civil cases in city court, showing names of plaintiff, defendant, and attorneys, nature of case, character of pleading, verdict, judgment, dates, case number, and final disposition of case. Arr. chron. by date of disposition. Indexed alph. by first letter of plaintiff's and defendant's surnames and chron. thereunder. 1885-1905, 6 vols., hdw.; 1905--, 11 vols., typed. Aver. 590 pp. 18½ x 12½ x 3. Sup. ct. cl.'s 1st fl. W. va.

Dockets

242. APPEARANCE DOCKET, 1885-1913. 3 vols. (dated).

Shows term of court, case number, names of attorneys, plaintiff, and defendant, nature of case, and disposition. Arr. chron. by court term. Indexed alph. by first letter of plaintiff's and defendant's surnames and chron. thereunder. Hdw. under pr. hds. Aver. 500 pp. 13½ x 12½ x 3. 2 vols., 1885-91, 1903-13, sup. ct. cl.'s 1st fl. E. va.; 1 vol., 1891-1903, sup. ct. cl.'s bsmt. va.

243. ISSUE DOCKET (Bench), 1885-1913. 3 vols. (A-C).

Dockets of civil cases in which an issue to be tried by a jury is made or likely to be made, showing term of court, number of case, names of plaintiff, defendant, and attorneys, process, date papers filed, and disposition of case. Arr. chron. by court term. 1885-93, 1 vol., no index; 1893-1913, 2 vols., indexed alph. by first letter of plaintiff's and defendant's surnames and chron. thereunder. Hdw. under pr. hds. Aver. 475 pp. 14 x 12½ x 4. Sup. ct. cl.'s bsmt. va.

244. ISSUE DOCKET (for Lawyers), 1885-1913. 3 vols. (dated).

Duplicate of Issue Docket (Bench), showing information as in entry 243. Arr. chron. by court term. Indexed alph. by first letter of plaintiff's surname and chron. thereunder. Hdw. under pr. hds. Aver. 500 pp. 13½ x 12½ x 3. Sup. ct. cl.'s bsmt. va.

245. APPEARANCE DOCKETS, 1938--. 1 vol.
Shows term of court, case number, names of attorneys, plaintiff, defendant, and witnesses, date filed, nature of case, and disposition thereof. Volume is loose-leaf; when a case is ready for trial, its page is transferred from this docket to Trial Issue Docket, entry 246; when case is finally determined, page is again transferred to Civil Cases Disposed of (Docket), entry 247; there is only one page to each case and case retains the same number from time of filing to final judgment. Arr. numer. by case no. No index. Hdw. under pr. hds. 100 pp. 13 x 10 x 1. Sup. ct. cl.'s 1st fl. E. va.

246. TRIAL ISSUE DOCKET, 1938--. 1 vol.
For description, see entry 245. Arr. numer. by case no. Indexed alph. by first letter of plaintiff's and defendant's surnames and chron. thereunder. Hdw. under pr. hds. 350 pp. 13 x 12 x 3. Sup. ct. cl.'s off.

247. CIVIL CASES DISPOSED OF (Docket), 1914-37. 3 vols. (1-3).
Civil cases disposed of, showing case number, date, names of attorneys, plaintiff, defendant, and witnesses, nature of case, disposition thereof, and remarks. Arr. numer. by case no. Indexed alph. by first letter of plaintiff's and defendant's surnames and chron. thereunder. Hdw. under pr. hds. Aver. 500 pp. 13 x 12 x 4. Sup. ct. cl.'s 1st fl. W. va.
For prior records see entries 242-244.

248. MOTION DOCKET, 1885--. 2 vols.
Docket of cases decided by the judge without the intervention of a jury, showing case number, court term, names of plaintiff, defendant, and attorneys, character of motion, judge's ruling thereon, and date. Arr. chron. by court term. No index. Hdw. under pr. hds. Aver. 500 pp. 16 x 11 x 3. 1 vol., 1885-1929, sup. ct. cl.'s 1st fl. E. va.; 1 vol., 1929--, sup. ct. cl.'s 1st fl. W. va.

249. DEMURER (Demurrer) DOCKET, 1909-16. 1 vol.
Listing of cases on which demurrers have been filed, showing names of attorneys filing demurrer, defendant's name, nature of case, date of hearing, and term of court. Arr. chron. by date of hearing. No index. Hdw. on pr. fms. 700 pp. 16 x 12 x 3. Sup. ct. cl.'s bsmt. va.

250. CIVIL SUBPOENAS, 1885--. 1 vol.
Shows term of court, date issued, names of plaintiff, defendant, attorneys, and witnesses. Arr. chron. by date issued. Indexed alph. by first letter of plaintiff's surname and chron. thereunder. Hdw. 210 pp. 17 x 13 x 2½. Sup. ct. cl.'s 1st fl. W. va.

Minutes

251. MINUTES OF THE CITY COURT OF COLUMBUS, 1885--. 24 vols. (A-X).
Minutes of civil and criminal proceedings, showing term of court, case number, names of plaintiff, defendant, and attorneys, nature of case, and disposition thereof. Also contains: Minutes Monthly City Court, 1885-87, 1916--, entry 260. Arr. chron. by court term. Indexed alph. by first letter of plaintiff's and defendant's surnames and chron. thereunder. 1885-1903, 3 vols., hdw.; typed thereafter. Aver. 600 pp. 18½ x 12 x 3. Sup. ct. cl.'s 1st fl. W. va.

Criminal

Case Papers

252. CITY COURT - CRIMINAL PAPERS, 1907--. Est. 23,000 papers in 76 f.d. (dated and labeled by contained case nos.).
Original criminal accusations, case papers, and pleadings, showing names of prosecutor, defendant, and attorneys, offense charged, date filed, case number, and disposition of case. 1907-15, 7 f.d., arr. chron. by court term; 1915--, 69 f.d., arr. numer. by case no. No index. Hdw. and typed on pr. fms. 10 x 5 x 18½. 42 f.d., 1907-33, sup. ct. cl.'s bsmt. va.; 34 f.d., 1933--, sup. ct. cl.'s 1st fl. W. va.

253. (STATE TESTIMONY), 1914--. Est. 3,200 papers in 2 boxes (dated), 2 f.d.
Copies of reports of special cases by order of judge of city court, showing date, names of judge, jurors, defendant, and attorneys for the defense, offense charged, testimony, direct and cross examination by State and defense, and charge to jury. 1914-30, 2 boxes, no obvious arr.; 1930--, 2 f.d., arr. chron. by court term. No index. Typed. Boxes 24 x 24 x 24; f.d. 10 x 15 x 32. 2 boxes, 1914-30, sup. ct. cl.'s bsmt. va.; 2 f.d., 1930--, court reporter's 2nd fl. off.

Dockets

254. STATE DOCKETS, 1885-1913. 5 vols. (A-E).
Shows date, term of court, case number, names of solicitor, defendant, and attorneys, offense, date warrant issued, and disposition of case. Arr. chron. by court term. Indexed alph. by first letter of defendant's surname and chron. thereunder. Hdw. under pr. hds. Aver. 500 pp. 15½ x 12 x 3. Sup. ct. cl.'s bsmt. va.

255. (CRIMINAL DOCKET), 1938--. 1 loose-leaf vol.
Shows term of court, case number, names of defendant, prosecutor, and attorneys, offense charged, and disposition of case. Each case has a separate sheet; when a case is tried or otherwise disposed of, it is transferred from the loose-leaf volume to Criminal Cases Disposed of (Docket), entry 256. Arr. numer. by case no. No index. Hdw. under pr. hds. 100 pp. 14 x 14 x 1. Sup. ct. cl.'s off.

256. CRIMINAL CASES DISPOSED OF (Docket), 1913--. 3 vols. (A-C).
Shows date filed, case number, names of prosecutor, defendant, and witnesses, offense charged, date tried, and disposition of case. Arr. numer. by case no. Indexed alph. by first letter of defendant's surname and chron. thereunder. Hdw. on pr. fms. Aver. 500 pp. 15½ x 12 x 3. Sup. ct. cl.'s 1st fl. W. va.

257. DEAD DOCKET, 1885--. 1 vol.
Docket of criminal cases which have been ordered placed on dead docket by the judge, and may be called to trial only at his discretion, showing case number, names of prosecutor, defendant, and attorneys, offense charged, and date case ordered placed on dead docket. 1885-1920, arr. chron. by court term; 1920--, numer. by case no. Indexed alph. by first letter of defendant's

surname and chron. thereunder. Hdw. under pr. hds. 210 pp. 16 x 12 x 2. Sup. ct. cl.'s 1st fl. W. va.

258. PETIT DOCKET, 1905-21. 2 vols.
Docket of misdemeanors, showing name of defendant, offense charged, date filed, term of court, case number, and disposition of case. 1905-15, 1 vol., arr. chron. by court term; 1916-21, 1 vol., arr. numer. by case no. 1905-15, 1 vol., no index; 1916-21, 1 vol., indexed alph. by first letter of defendant's surname and chron. thereunder. Hdw. under pr. hds. Aver. 250 pp. 12 x 14 x 3. Sup. ct. cl.'s 1st fl. W. va.

259. STATE SUBPOENA DOCKET, 1885--. 5 vols. Title varies: Record of Subpoenas Served, 3 vols., 1885-1917.
Docket of subpoenas issued and served in criminal cases, showing court term, name of defendant, offense charged, names of witnesses, date served, and to whom delivered. Arr. alph. by first letter of defendant's surname and chron. thereunder. No index. Hdw. Aver. 100 pp. 16½ x 13 x 1. 3 vols., 1885-1917, sup. ct. cl.'s bsmt. va.; 1 vol., 1917-25, sup. ct. cl.'s 1st fl. E. va.; 1 vol., 1925--, sup. ct. cl.'s 1st fl. W. va.

Minutes

260. MINUTES, MONTHLY CITY COURT, 1887-1916. 1 vol. 1885-87, 1916--, in Minutes of the City Court of Columbus, entry 251.
Criminal minutes of nonjury cases, showing date, names of solicitor, judge, attorneys, prosecutor, and defendant, pleas of guilty, sentence of judge, and petitions and hearings for new trial. Arr. chron. by court term. Indexed alph. by first letter of defendant's surname and chron. thereunder. Hdw. and typed. 640 pp. 17½ x 12 x 3. Sup. ct. cl.'s 1st fl. W. va.

Bonds

261. CITY COURT BONDS, 1922-25. 1 vol.
Record of bonds given by defendants to insure appearance at trial, showing name of defendant, offense charged, amount and conditions of bond, and name of surety. Arr. chron. by date of bond. No index. Typed on pr. fms. 800 pp. 12 x 10 x 4. Sup. ct. cl.'s bsmt. va.

Jurors

262. (JURY LISTS), 1885--. 3 vols.
List of persons drawn for service on traverse jury, principally in city court, showing term of court, name of juror, and militia district, ward, or precinct. Arr. alph. by name of juror. No index. 1885-1908, 2 vols., hdw.; typed thereafter. Aver. 350 pp. 12 x 11 x 2. 2 vols., 1885-1908, sup. ct. cl.'s bsmt. va.; 1 vol., 1909--, sup. ct. cl.'s 1st fl. W. va.

263. PAY ROLL, TRAVERSE JURORS, 1899-1903, 1907-9, 1912--. 10 vols. (dated; 5 vols. not labeled). Untitled 1919--, 5 vols.
Stubs of scrip issued on county treasurer in payment for jury service, showing name of juror, date, court term, serial number, and amount paid. Arr. chron. by date paid and numer. by serial no. No index. Hdw. on pr. fms. Aver. 150 pp. 18 x 10 x 1½. 8 vols., 1899-1923, sup. ct. cl.'s bsmt. va.; 2 vols., 1924--, sup. ct. cl.'s 1st fl. W. va.

Court Costs and Financial Records

264. (CITY COURT COST), 1904-20. In Superior and City Court Costs, entry 118.
Shows date of trial, names of plaintiff and defendant, party cast for payment, amount and date of judgment, total, date rendered, and notation whether paid or property levied on.

265. CITY COURT COSTS CARDS, 1921--. Est. 6,000 cards in 2 f.d. (1, 2). Cards show date, case number, names of plaintiff and defendant, amount of judgment, court costs, total, and date paid, or whether property levied on. Arr. numer. by case no. No index. Hdw. 6 x 9 x 15. Sup. ct. cl.'s 1st fl. W. va.

266. RECORD OF FINES, 1891-1916. 1 vol.
Record of fines assessed and paid in city court, showing names of defendant, term of court, offense, amount, date paid, and to whom disbursed. Arr. chron. by date paid. No index. Hdw. on pr. fms. 200 pp. 17 x 16 x 2½. Sup. ct. cl.'s bsmt. va.

267. BAILIFFS ORDERS, 1915--. 3 vols. Untitled 1937--, 1 vol.
Stubs of orders issued paying salaries of city court bailiffs, showing name of court, number of warrant, date, term of court, bailiff's name, and amount paid. Arr. numer. by order no. No index. Hdw. on pr. fms. Aver. 250 pp. 16½ x 11 x 1. 2 vols., 1915-37, sup. ct. cl.'s bsmt. va.; 1 vol., 1937--, sup. ct. cl.'s 1st fl. W. va.

XIII. CITY COURT SOLICITOR

The act of 1884 creating the city court of Columbus provided that the solicitor general of the Chattahoochee Circuit serve as solicitor of the city court,(1) and it was not until 1889 that a separate solicitor was provided for this tribunal.(2)

Qualifications for the city court solicitor are that he must have resided in the county for three years, be qualified to vote, and must have been a practicing attorney for one year next preceding his induction into office.(3)

The city court solicitor was originally appointed by the Governor,(4) but is now elected by the voters of the county and is required to take an oath to perform faithfully the duties of his office.(5) His term of office is four years and until his successor is elected and qualified.(6)

Compensation, as originally provided by the act creating the city court,

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1) Ga. Acts 1884-85, p. 455.
2) Ga. Acts 1889, pp. 1158, 1159.
3) Ibid.
4) Ga. Acts 1889, p. 1159.
5) Ga. Acts 1911, pp. 238-240.
6) Ga. Acts 1889, p. 1159; 1911, p. 239.

(Next entry 268, p. 208)

was by fee system, the same fees being allowed as those for similar services in the superior court,(1) but, by an act of 1916, effective January 1, 1917, this system was abolished and the solicitor received $1,620 per annum.(2) This salary was raised in 1919 to $1,920,(3) and by an act of 1924, effective January 1, 1925, to $2,400,(4) the compensation at present authorized.

The original act of 1884 creating the city court of Columbus omitted many of the provisions usually made in connection with the office of solicitor, probably because the solicitor general served the court. When the General Assembly provided for a separate solicitor of this court, some of these provisions still were omitted, no bond being specifically required and no manner of removal being provided.

Vacancies in this office are filled by appointment by the Governor for the unexpired term.(5)

It is the duty of the solicitor to prosecute all cases cognizable before the city court of Columbus.(6)

XIV. COUNTY PROBATION OFFICER

County probation officers were provided for in an act of the General Assembly approved August 16, 1913, which stipulated that the grand jury of any county "may recommend to the judge of the superior court that he appoint a county probation officer and such assistants as may be deemed necessary, who shall have supervision and oversight of all the probationers from the several courts of criminal jurisdiction in the county." It was made the duty of the judge to appoint such person or persons as seemed best qualified to perform the duties devolving on a probation officer, who served during the pleasure of the judge making the appointment. The judge, in his discretion, may require a bond of this officer and determine the amount thereof. The compensation, which is paid out of the county treasury as part of the court expenses, is set by the superior court judge.(7)

A Muscogee County grand jury, on October 1, 1936, recommended appointment of a probation officer, and this office was filled in the county at that time.(8)

The duties of this officer are to investigate, in his discretion, the case of any person brought before the court, to ascertain the history and previous conduct of the person arrested, and such other facts as may show whether the prisoner properly may be released as a probationer.

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1) Ga. Acts 1884-85, p. 456.
2) Ga. Acts 1916, p. 219.
3) Ga. Acts 1919, p. 460.
4) Ga. Acts 1924, p. 235.
5) Ga. Acts 1889, p. 1159.
6) Ibid.
7) Ga. Acts 1913, pp. 112-114.
8) Criminal Minutes, vol. U, 1936-38, pp. 463-531, see entry 112.

County Probation Officer (268-271)
Case Papers

The probation officer is required to take charge of all persons placed on probation, to instruct probationers in their duty under the orders of the court, and to enforce the terms and conditions of probation. Insofar as necessary to the performance of their official duties, probation officers have all the powers of police officers.(1)

This officer is required to preserve complete records of all cases investigated, including the action of the court in the case and the subsequent history of the probationer. Such records become a part of the records of the court, and must at all times be open to the inspection of the officers of the courts. The probation officer is required also to keep regular books of accounts, showing receipts and disbursements of money received by him under the terms of such orders of the court.(2)

Although the general act of 1913 does not delegate such authority, the probation officer of Muscogee County looks after the payment of alimony in cases of its award by the court.

The Muscogee County probation officer serves the superior and the city courts.

Case Papers

268. ACTIVE CASES - SUPERIOR AND CITY COURTS, 1936--. Est. 60 papers in 1 f.d.
Original papers, showing date, name of parolee, offense of which convicted, reasons for granting probation, schedule for reports of parolee to officer in charge, employment of parolee (if any), and other pertinent facts relative to his probation. Arr. alph. by name of parolee. No index. Hdw. and typed on pr. fms. 18 x 14 x 30. Adult probation office.

269. INACTIVE CASES - SUPERIOR AND CITY COURTS, 1936--. Est. 150 papers in 1 f.d.
Probation cases in city and superior courts which are inactive or held up awaiting decision of court, showing name of parolee, offense charged, and date. Arr. alph. by name of principal. No index. Hdw. and typed on pr. fms. 18 x 14 x 30. Adult probation office.

270. ALIMONY AND ABANDONMENT, ACTIVE AND INACTIVE, 1937--. Est. 166 papers in 1 f.d.
Original papers, showing dates and amounts of alimony payments, names of parties, name of person under whose supervision payments are made, and name of court having jurisdiction in case. Arr. alph. by name of principal. No index. Hdw. and typed on pr. fms. 18 x 14 x 30. Adult probation office.

271. ALIMONY RECEIPT CHECKS - STATEMENTS, 1937--. Est. 75 statements in 1 f.d.
Papers of alimony and support cases under supervision of probation officer, and his reports to court thereon, showing names of payor and payee, and children if any, date and amount paid, and remarks. Arr. alph. by name

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1) Ga. Acts 1913, pp. 113, 114.
2) Ibid.

of payor. No index. Hdw. and typed on pr. fms. 18 x 14 x 30. Adult probation office.

XV. CRIMINAL COURT

Provision was made for the establishment in each county of the State of a criminal court for the trial of misdemeanors by an act approved October 7, 1868,(1) and this provision continued in force until repealed by an act approved October 26, 1870.(2) There were two judges for each criminal court under the terms of the act, these being the justice of the peace and the notary public ex officio justice of the peace, commissioned by the Governor, in the militia district in which the county seat was located, or in other militia districts of the county in which there were incorporated towns.(3)

The qualifications, oaths, bonds, and terms of office of the judges were obviously those required of them in their respective capacities as justices of the peace and ex officio justices of the peace.

Compensation of the judges was on a fee basis, the court receiving $2 for each case tried, this fee being paid by the accused upon conviction. The arresting officer was required to seize sufficient property of the accused to insure payment of court costs, and, in the event of conviction, if the accused failed or refused to pay the court costs, the seized property was advertised and sold. There was no exception to this rule, the law providing that in cases where it clearly appeared to the court that the accuser had acted maliciously, the accuser was to pay the court costs.(4)

The criminal court had jurisdiction over all offenses against the law of the State, except those punishable by death or confinement in the penitentiary. Charges were required to be in writing and signed by the accuser, and it was provided that they be founded on affidavit which set forth the nature of the offense, the time committed, and by whom committed.(5)

Jury trial was optional with the accused, and when such was demanded, the court required its bailiffs to summon a panel of twelve men, from which the accused and the accuser proceeded to strike, as provided in cases of appeal, until the number was reduced to seven, at which time the trial proceeded.(6)

The accused could demand hearing by the court before trial, or he could waive indictment by the grand jury and proceed to trial. In the former case, it was the court's duty to hear evidence, and if probable guilt was made to appear, to commit the accused as in standard practice. Where indictment was waived, it was required that the written accusation be indorsed by the accused,

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1) Ga. Acts 1868, pp. 19-21.
2) Ga. Acts 1870, p. 31.
3) Ga. Acts 1868, p. 19.
4) Ga. Acts 1868, p. 20.
5) Ga. Acts 1868, p. 19.
6) Ga. Acts 1868, pp. 19, 20.

or his attorney, with the following words, "Indictment by the grand jury waived."(1)

It was further provided that where evidence during trial made it appear to the court that the accused was guilty of an offense punishable either by death or imprisonment in the penitentiary, it became the duty of the court to bind the party over in the county in which the crime was committed, to answer the charge preferred. In the event the accused failed to give bail required by the court, he was committed to jail.(2)

Either the justice of the peace or the notary public, when it was not convenient for both to sit at the same time, could hear and determine cases, and decisions rendered by the justice or the notary alone had all the legal effect as if rendered by the joint act of both. When the justice and the notary failed to agree, the accused could determine which presiding officer should pronounce the decision, and such decision was made the judgment of the court.(3)

The defendant could sue out a writ of certiorari from the decision of the court, under the rules and regulations then prescribed for using this writ in civil cases. It was provided, however, that no writ of certiorari could be granted unless the accused first filed an affidavit that he had not had a fair trial, and that he had been wrongfully and illegally convicted.(4)

No provisions for keeping records are contained in the act creating criminal courts. It is assumed that the dockets and papers usually kept by justices of the peace were also kept by this court.

XVI. DISTRICT COURT

The district court was established by an act effective January 1, 1871, as a court of intermediate jurisdiction, succeeding to the jurisdiction of the county court which had been created in 1866 at the abolition of the inferior court as a court of law, and the criminal court, which was abolished at the close of 1870.(5) The purpose of all of these courts was to provide jurisdiction between that of the superior court, highest State tribunal of original jurisdiction, and that of justice of the peace courts.

Although the Constitution of 1868 provided for the creation by the General Assembly of district courts in each senatorial district,(6) the act approved October 28, 1870, established such courts in only 24 of the 44 senatorial districts then existing in the State. Those senatorial districts

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1) Ga. Acts 1868, p. 20.
2) Ga. Acts 1868, pp. 20, 21.
3) Ga. Acts 1868, p. 21.
4) Ga. Acts 1868, p. 20.
5) Ga. Acts 1870, pp. 32-36.
6) Ga. Const. 1868, art. V, sec. IV.

(Next entry 272, p. 213)

in which the courts were omitted were specifically named in the act. Such a court was established in Muscogee County, which, together with Marion and Chattahoochee Counties, comprised the Twenty-fourth District.

The presiding judge was known as the district judge and the prosecuting officer as the district attorney.

The district judge was required to be at least 30 years of age at the time of his appointment, and to have resided at least 1 year in the district for which appointed. His oath was the same as that required of superior court judges.(1)

He was appointed by the Governor, with the advice and consent of the Senate,(2) and his term of office was four years.(3)

Compensation of the judge was by yearly salary, fixed according to the population of the district. The population of the Twenty-fourth Senatorial District being 30,722 in 1870,(4) the salary of the judge was $1,750. A tax sufficient to pay the judge's salary was provided for in each district.(5) The judge could be removed by the Governor on the address of two-thirds of each branch of the General Assembly, or by impeachment and conviction thereon.(6) A vacancy in the office of judge was filled by appointment by the Governor under his constitutional power.(7)

The superior court clerks of the counties composing each senatorial district were made ex officio clerks of the district court in their respective counties. The county sheriff and his deputies were required to attend the sessions of the district court in their county and to execute, as in the superior court, writs, processes, or orders of the district court. The clerks, sheriffs, and deputies received the same fees as allowed by law for like services in the superior court.(8)

The district judge held court once a month in each county of his district, trying offenses and hearing applications for the eviction of trespassers, intruders, and tenants holding over; for the partition of personal property; for the trial of possessory warrants; proceedings under distress warrants; and habeas corpus cases. The time of the first court was fixed by the judge and advertised for 30 days in the official gazette of the county, and if changed thereafter, was again advertised.(9)

The district judge was required to procure a list of superior court jurors in each county in his district, place the names on separate slips, and deposit them in jury boxes in their respective counties where they were

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1) Ga. Acts 1870, p. 33.
2) Ga. Acts 1870, p. 32.
3) Ga. Const. 1868, art. V, sec. IV; Ga. Acts 1870, p. 32.
4) Report of the Superintendent of the Ninth Census, pp. 34-37.
5) Ga. Acts 1870, pp. 32, 33.
6) Ga. Const. 1868, art. V, sec. IX, par. 1.
7) Ga. Const. 1868, art. IV, sec. II, par. 4.
8) Ga. Acts 1870, p. 33.
9) Ga. Acts 1870, pp. 33, 34.

subject to drawing for district court duty. At every fourth monthly session of this court, the judge drew from this box the names of 12 persons, who were summoned by the sheriff or his deputies to serve as jurors at the next three succeeding monthly sessions of the court. From the 12 persons a jury of seven was drawn for the trial of all cases at the three sessions. The jurors were required to take the same oath and were paid in the same manner as jurors in the superior court.(1)

The district court had jurisdiction to hear and determine all offenses not punishable by death or confinement in the penitentiary, and such cases were tried on written accusation, signed by the district attorney. The proceedings, after the accusation, conformed to superior court rules in similar proceedings, except that there was no jury unless demanded by the accused. In this event, the jury consisted of seven persons. If it appeared that the crime committed was of a grade beyond the jurisdiction of this court, a trial thus begun was regarded as if before a court of inquiry, and was disposed of accordingly. All civil cases at the monthly sessions were tried by the judge without the intervention of a jury, unless demanded by one of the parties of record. Certiorari could be had under the sanction and order of the superior court judge of the circuit in the county in which the case was heard. Upon hearing such writ, the superior court judge finally determined it, and in criminal cases, could grant a new trial or pass such judgment or sentence as, in view of the whole case, was consistent with justice.(2)

The district judge had authority within his district, to issue, hear, and determine bail processes in civil cases, admit to bail in criminal cases, issue attachments, foreclose mortgages on personal property, issue warrants and writs of habeas corpus, enforce statutory liens and other writs or warrants authorized by law and not within the exclusive jurisdiction of some other court or office. He could attest contracts or deeds of registry, administer oaths and exercise all the powers of a justice of the peace in civil or criminal matters, and issue warrants requiring offenders to be brought before some other judge or justice.(3)

The district court was a court of record, and was held at the courthouse of each county. It was the duty of the clerk to keep the minutes of the court, record its proceedings and issue its orders and processes as in the superior court. He was required to keep a subpoena docket, a docket for civil cases generally, a criminal docket, and an execution docket.(4)

The final section of the act of 1870 repealed all laws giving justices of the peace and notaries public ex officio justices of the peace jurisdiction in criminal cases, and made this act effective on the first day of January 1871.(5)

The initial meeting of the district court for Muscogee County was held July 24, 1871. After drawing a trial jury of 12 men, the court adjourned until August 28. At this session, some 15 misdemeanor cases were tried and

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1) Ga. Acts 1870, pp. 33, 34.
2) Ga. Acts 1870, pp. 34, 35.
3) Ga. Acts 1870, p. 35.
4) Ga. Acts 1870, pp. 35, 36.
5) Ga. Acts 1870, p. 36.

disposed of. The last entry of the district court bears the date of October 24, 1871, when the court was adjourned until the fourth Monday in the following November. This session was never held. On December 7, 1871, the act creating the district court was repealed.(1)

Minutes

272. (MINUTES OF DISTRICT COURT), July 24 - Oct. 24, 1871. 1 vol. Minutes of district court, showing date, case number, names of plaintiff and defendant, nature of case, verdict, sentence (if found guilty), and names of attorneys, witnesses, sheriff, and prosecuting attorney. Arr. chron. by court term. No index. Hdw. 600 pp. 17 x 11 x 2½. Gen. bsmt. strm.

XVII. DISTRICT ATTORNEY

The act of 1870, effective January 1, 1871, establishing district courts, provided for each of them a prosecuting officer, to be called the district attorney. He was required to be not less than twenty-one years of age at the time of his appointment, a resident of the State for one year, of the district for six months, and a practicing lawyer.(2)

The district attorney was appointed by the Governor, with the advice and consent of the Senate, and took the oath prescribed for solicitors general. He gave bond of $1,000, with security approved by the district judge. The bond was payable to the Governor and conditioned on the district attorney's payment to the county treasury of all moneys arising from fines and forfeitures. The district attorney's term of office was four years.(3)

His compensation was by yearly salary based on the district's population. The population of the Twenty-fourth Senatorial District being 30,722 in 1870,(4) his salary was $750.(5) Provision was made for payment of the salary from funds raised by a tax in each district.(6) District attorneys could be removed from office by the Governor acting on the address of two-thirds of each branch of the General Assembly, or by impeachment and conviction thereon.(7) Vacancies in the office could be filled by appointment by the Governor.(8)

It was the duty of the district attorney to prosecute criminal cases in this court and cases carried up to the superior court by certiorari. He was required also to give prompt attention to the collection of all fines and forfeitures, and to pay them over to the clerk, who entered a receipt therefor on the minutes of the court.(9)

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1) (Minutes of District Court), pp. 294-304, see entry 272; Ga. Acts 1871-72, p. 68.
2) Ga. Acts 1870, pp. 32, 33.
3) Ga. Const. 1868, art. V, sec. IV; Ga. Acts 1870, pp. 32, 33.
4) Report of the Superintendent of the Ninth Census, pp. 34-37.
5) Ga. Acts 1870, pp. 32, 33.
6) Ga. Acts 1870, p. 33.
7) Ga. Const. 1868, art. V, sec. IX, par. 1.
8) Ga. Const. 1868, art. IV, sec. II, par. 4.
9) Ga. Acts 1870, pp. 34-36.

XVIII. JUSTICE OF THE PEACE COURTS

Appointment of justices of the peace was provided for by the State's first constitution,(1) and the Constitution of 1798 authorized the establishment of justice of the peace courts.(2) The Constitution of 1877 provided, in addition, for commissioned notaries public, who are ex officio justices of the peace, stipulating there should not be more than one for each militia district. Although there still is provision for one justice of the peace in each militia district of the counties not having courts which superseded them,(3) this law is not applicable in Muscogee County since the municipal court of Columbus was given county-wide jurisdiction in 1929, and justice of the peace courts were abolished therein.(4)

Eligibility for the office of justice of the peace is based on qualification to vote in the county in which the district is situated, residence in the district for three months next preceding the election, and absence of any disqualification.(5)

Justices of the peace were elected since the creation of Muscogee County by the voters of their districts.(6) Commissioned notaries public ex officio justices of the peace are appointed by the judges of the superior court in their respective counties on the recommendation of the grand jury, and are commissioned by the Governor.(7)

Justices of the peace and notaries public take the oath required of all civil officers. In addition they take an oath before the ordinary, to administer justice without respect to persons, to do equal rights to the poor and the rich, and to discharge faithfully all their lawful duties to the best of their ability.(8)

Justices of the peace and notaries public ex officio justices of the peace serve for four years.(9) Their compensation is based on a schedule of fees.(10)

Justices of the peace and notaries public ex officio justices of the peace can be removed from office for malpractice in the discharge of their duties or for any felonious or infamous crime.(11) These offices are vacated by death; by resignation, when accepted; by the decision of a competent

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1) Ga. Const. 1777, art. LIII.
2) Ga. Const. 1798, art. III, sec. V.
3) Ga. Code of 1933, #2-3501; Ga. Const. 1877, art. VI, sec. VII.
4) Ga. Acts 1929, pp. 387-390.
5) Ga. Code of 1933, #24-402.
6) Ga. Code of 1933, #24-401; Act 1819, Cobb, p. 207.
7) Ga. Code of 1933, #2-3601, #24-501.
8) Ga. Code of 1933, #24-403, #89-302.
9) Ga. Code of 1933, #24-401; Act 1819, Cobb, p. 207; #24-501, #2-3601; Ga. Const. 1877, art. VI, sec. VIII, par. 1.
10) Ga. Code of 1933, #24-1601; Ga. Acts 1877, pp. 83, 84; 1878-79, p. 191; 1882-83, p. 110; 1887, p. 55; 1909, p. 175; 1919, p. 99.
11) Ga. Code of 1933, #24-405, #24-9901; Ga. Acts 1811, pp. 3-19; Act 1819, Cobb, p. 207; Ga. Code of 1933, #24-501.

tribunal declaring the office vacant; by incapacity; by incumbent moving his residence without the district; by failure to obtain a commission, and on account of abandonment of office.(1) Vacancies in the office of justice of the peace are filled by special election, advertised for 15 days and held in the same manner as regular elections.(2) Vacancies in the office of notary public are filled by appointment by the judge of the superior court upon recommendation of the grand jury.(3)

There are 10 militia districts in Muscogee County, numbered as follows: 668, 675, 678, 724, 772, 773, 774, 781, 921, and 1128. Entries for five of these districts appear in the inventory herewith. Districts 668 and 773 are in the city of Columbus.

Justices of the peace have jurisdiction over all civil cases arising ex contractu and in cases of injury or damage to personal property where the principal sum does not exceed $100. In such cases there may be an appeal to a jury or to the superior court. Contests for the more possession of personal property also are in the jurisdiction of this court.(4)

Justices of the peace have criminal jurisdiction in the following instances: In maintaining the public peace in their districts; in issuing warrants for the apprehension of persons charged on oath with the violation of any penal law, or for the apprehension of any person whom the justices officially know to have violated any such provision; in examining any such persons brought before them; and in committing, binding over, or discharging such persons.(5) Justices were authorized to issue warrants to the sheriff to apprehend Indians trespassing upon State territory without permission,(6) and could issue summonses to any part of the county compelling witnesses to attend and give evidence.(7) Two or more justices of the peace are empowered to issue an order, based on the verdict of a jury of twelve freeholders, for the abatement or suppression of a nuisance.(8)

Justices of the peace act as coroners in counties where there are no coroners, or where the coroner is absent from the county when needed, the justices receiving additional fees for these services.(9) They also return to the tax receiver the names of persons not on the tax digest and liable to taxation, receiving three cents for each such name returned.(10)

Justices of the peace are required to hold their courts at some

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1) Ga. Code of 1933, #89-501.
2) Ga. Code of 1933, #24-406; Act 1819, Cobb, p. 207.
3) Ga. Code of 1933, #24-501, #24-502.
4) Ga. Code of 1933, #24-1001; Act 1811, Cobb, p. 638; 1819, Cobb, p. 649; 1835, Cobb, p. 361; Ga. Acts 1855-56, p. 254; Ga. Const. 1868, art. V, sec. VI.
5) Ga. Code of 1933, #24-1501.
6) Ga. Acts 1828, pp. 87, 88.
7) Ga. Acts 1801, pp. 45, 46.
8) Ga. Code of 1933, #72-201; Act 1833, Cobb, p. 817.
9) Ga. Code of 1933, #21-204, #21-205.
10) Ga. Code of 1933, #24-601, par. II; Ga. Acts 1873, p. 39; 1899, p. 35; 1901, p. 40; 1903, p. 40.

convenient place in their districts;(1) to attend sessions of superior court and court of ordinary whenever ordered to do so, with their dockets or papers of file; to answer interrogatories from courts of other counties, and to furnish copies of records and papers when so ordered; to return a list to the tax receiver of names of persons in their districts not on the tax digests and liable to property or poll tax;(2) to post in a conspicuous place in their offices the schedule of fees prescribed by law;(3) to provide a jury box, in which are placed the names of all persons in their respective districts liable to jury duty;(4) to return to the ordinary all marriage licenses executed by him, with his certificate thereon as to fact and date of marriage, within 30 days of such marriage.(5)

Justices of the peace are forbidden to marry any couple without license, or the publication of banns, on penalty of $500 fine.(6) In the event he is guilty of so doing, or marries any couple where either of the parties is an idiot or lunatic, or if either party is of African descent and the other white, or if either party is subject to any other legal disability, he is guilty of a misdemeanor.(7)

Justices are required to turn over to their successors in office the code of Georgia and the acts of the legislature furnished them.(8) Justices of the peace were formerly required to make out lists of indigent children between the ages of six and fifteen years, who were to participate in benefits of the poor school fund.(9) In 1858 this responsibility was placed on the tax receiver,(10) and upon passage of the act creating county school systems in 1866, on trustees of the local school districts.(11)

Justices of the peace are required to keep a book of entry of all civil proceedings for the recovery of debts,(12) and separate dockets of civil and criminal cases, showing the actual disposition of each case, an itemized bill of costs charged or collected, and from whom collected; for what officer and service each item is charged; the names of the parties; the returns of the officer; and the entry of judgment, specifying amount and date. All case papers must be filed and labeled, and all fieri facias and other processes returned. Dockets, when full, and papers of all cases therein disposed of must be turned over to the clerk of the superior court.(13)

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Justice of the Peace Courts (273-276)
668th Militia District; 675th
Militia District

It is the duty of the justices of the peace in all militia districts lying outside of incorporated cities and towns to make a complete return of births and deaths to the State Board of Health, unless the State Board has appointed some other person to serve as local registrar,(1) and to forward to the ordinary of the county copies of all birth and death certificates, except where there is a full time health officer in the county. In the latter case, the health officer receives the copies. The ordinary or health officer, as the case may be, files all copies of certificates received by him.(2)

Justice courts exercised their powers in all militia districts of Muscogee County until 1915, when the municipal court of Columbus assumed jurisdiction over those districts located within the city.(3) In 1929 county-wide jurisdiction was given this court, and all justice courts and offices of justice of the peace were abolished.(4)

All records of this court are located in the basement vault of the clerk of the superior court.

668th Militia District

273. JUSTICE (Civil) DOCKET, 1874-77, 1911-14. 3 vols. Untitled, 1874-77, 1 vol.
Docket shows term of court, case number, names of justice, plaintiff, defendant, and attorneys, kind of action, disposition of case, and court costs. 1874-77, 1 vol., arr. numer. by case no.; 1911-14, arr. chron.; 1874-77, 1 vol., no index; 1911-14, indexed alph. by first letter of plaintiff's and defendant's surnames and chron. thereunder. Hdw. Aver. 250 pp. 14 x 9 x 2.

274. JUSTICE (Criminal) DOCKET, 1869-70, 1915. 2 vols. Untitled, 1869-70, 1 vol.
Docket shows term of court, case number, names of prosecutor, defendant, and attorneys, dates warrant issued and served, name of arresting officer, offense charged, disposition of case, and costs. 1869-70, 1 vol., arr. chron. by court term; 1915, 1 vol., arr. numer. by case no. 1869-70, 1 vol., no index; 1915, 1 vol., indexed alph. by first letter of defendant's surname and chron. thereunder. 1869-70, 1 vol., hdw.; 1915, 1 vol., hdw. under pr. hds. Aver. 285 pp. 17 x 11 x 1 1/2.

675th Militia District

275. (CIVIL DOCKET), 1873-75. 1 vol.
For description, see entry 273. Arr. numer. by case no. No index. Hdw. 500 pp. 12 x 16 x 2 1/2.

276. CRIMINAL DOCKET, 1910-15. 1 vol.
For description, see entry 274. Arr. chron. by court term. No index. Hdw. under pr. hds. 50 pp. 12 x 7 x 1/2.

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1) Ga. Code of 1933, #88-1104; Ga. Acts 1927, p. 355; 1931, p. 11; 1933, p. 7.
2) Ga. Code of 1933, #88-1210; Ga. Acts 1927, p. 366; 1931, p. 7; 1933, p. 12.
3) Ga. Acts 1915, pp. 63-79.
4) Ga. Acts 1929, pp. 387-390.

772d Militia District

277. CASH BOOK OF JUSTICE COURT (Civil Docket), 1873-75. 1 vol. For description, see entry 273. Arr. chron. by court term. No index. Hdw. under pr. hds. 528 pp. 16 x 12 x 2.

278. (CRIMINAL DOCKET), 1873-80. 1 vol. For description, see entry 274. Arr. numer. by case no. No index. Hdw. 217 pp. 17 x 12 1/2 x 2.

773d Militia District

279. JUSTICE DOCKET (Civil), 1909-15. 5 vols. For description, see entry 273. Arr. chron. by court term. Indexed alph. by first letter of plaintiff's and defendant's surname and chron. thereunder. Hdw. under pr. hds. Aver. 250 pp. 14 x 9 1/2 x 2.

921st Militia District

280. JUSTICE DOCKET, JUSTICE COURT (Civil), 1910-15. 2 vols. (dated). For description, see entry 273. Arr. chron. by court term. No index. Hdw. under pr. fds. Aver. 600 pp. 16 x 12 x 3.

281. (CRIMINAL DOCKET), 1912-13. 1 vol. For description, see entry 274. Arr. numer. by case no. Indexed alph. by first letter of defendant's surname and chron. thereunder. Hdw. under pr. hds. 81 pp. 14 x 10 x 1.

XIX. CONSTABLES

Constables are the process servers and arresting officers of justice of the peace courts, and the existence of the office of constable was recognized by the first State Constitution,(1) but selection of these officials and assignment of their duties were left to later legislative acts.(2) The judiciary act of 1797 authorized the justices of the inferior court to appoint two constables for each captain's (militia) district.(3)

There is still provision for two constables in each militia district of the several counties,(4) except in certain districts of counties in which municipal courts have been given jurisdiction in lieu of justice courts. In 1915 a municipal court was created for the City of Columbus, and in those districts within the city the authority of constables was transferred to a marshal as executive officer of the new court.(5) The territorial jurisdiction of the municipal court was made county-wide in 1929, with the consequent elimination of all constables and justice courts in the county.(6)

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Constables (Next entry 282, p. 222)

In those counties that still have constables, to be eligible for the office, candidates must be qualified to vote in the county in which the district is situated, and must have resided in the district three months next preceding the election.(1)

Constables are elected by the voters of each district,(2) and are required to take and subscribe an oath to perform their official duties,(3) and to support and defend the constitutions of the United States and of the State of Georgia.(4)

Every constable in incorporated towns and cities must give a $500 bond payable to the ordinary and approved by him with two good sureties resident in the county. This bond is recorded and filed by the ordinary. In districts outside of incorporated towns and cities the bond is $200.(5)

The ordinary issues to the constable a certificate of qualification, which certificate serves as his commission.(6)

The term of office for constables is four years,(7) and their compensation is governed by specific fees.(8)

These officials are removable from office on the same grounds and by the same proceedings as apply to clerks of superior courts, and also upon conviction of malpractice in office.(9) Vacancies in this office may occur when there is a failure to elect and qualify; when there is a death, resignation, or removal; when the district is without a constable on account of sickness, temporary absence, or any other cause. In any of these events, the justice of the peace of the district may appoint a constable.(10)

It is the duty of the constable to attend all terms of the justice court in his district; to attend the superior court of his county, when summoned by the sheriff; to give receipts for notes or other liquidated demands placed in his hands for collection; to pay over money promptly as collected to the party entitled thereto, and in case of conflicting claims to any money, to report the same to the next justice court; to execute and return all warrants, summonses, executions, and other processes directed to him by any lawful authority; to perform such other duties as are required by law, or which necessarily appertain to his office.(11)

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A contingent duty of a constable is to open and close elections in cases where a sheriff cannot be obtained to perform such duties.(1) In all cases where a levy is made on property which is claimed by a third person, and good and sufficient security is tendered by the party claiming it, the constable takes security for double the amount of the debt, for delivery of the property so levied on.(2) It is also the constable's duty, when arresting a person charged with a capital offense, to secure as much of the property of the person so charged as will defray the expenses incident to prosecution.(3)

A constable may be ruled by his justice court and compelled to pay over money received or collected by him in his official capacity, under the same rules and regulations as are pursued in the superior court in relation to that court's officers.(4)

No records were kept by constables. Such summonses and other processes as were served by them were returned, with their entries thereon, to the justice court issuing them during the existence of the office and court in Muscogee County.

XX. MUNICIPAL COURT OF COLUMBUS AND CLERK

The municipal court of Columbus was established in 1915(5) under authority of an amendment to the Constitution of 1877, ratified in 1912, which provided for the abolition of justice courts in cities having a population of more than 20,000 and establishment in lieu thereof of new courts to exercise the jurisdiction formerly belonging to the justices of the peace and such additional jurisdiction as might be conferred by the General Assembly.(6)

Qualifications for judgeship of the municipal court are that he must be a resident of the county, a practicing attorney for 5 years preceding his election, and must be at least 25 years of age. The judge is subject to the same restrictions as are imposed on superior court judges. He is elected by the voters of Muscogee County and serves for four years.(7)

Compensation was fixed originally at $2,400 per annum,(8) increased in 1919 to $2,700,(9) in 1920 to $3,000 per annum,(10) in 1925 to $3,300,(11) and in 1929 to $4,000 per annum,(12) the present salary.

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1) Act 1813, Lamar, p. 268.
2) Ga. Code of 1933, #39-802, #39-804; Act 1811, Cobb, p. 532; 1841, Cobb, p. 536; Ga. Acts 1872, pp. 40, 41.
3) Ga. Acts 1811, pp. 141, 142.
4) Ga. Code of 1933, #24-814; Act 1820, Cobb, p. 649.
5) Ga. Acts 1915, pp. 63-79.
6) Ga. Code of 1933, #2-3501; Ga. Acts 1912, p. 30, ratified Oct. 12, 1912.
7) Ga. Acts 1915, pp. 65, 66.
8) Ga. Acts 1915, p. 67.
9) Ga. Acts 1919, p. 536.
10) Ga. Acts 1920, p. 322.
11) Ga. Acts 1925, pp. 396-399.
12) Ga. Acts 1929, p. 393.

Municipal Court of Columbus and Clerk (Next entry 282, p. 222)

The creating act makes no provision for the removal of the judge, but it is presumed he is removable for malpractice in office, under the same proceedings as were justices of the peace.(1)

Any vacancy in the office of judge is filled by appointment by the Governor with the consent of the Senate, and the appointee serves until the election and installation of a successor for the remainder of the unexpired term. This election is held at the next regular State election in Muscogee County which occurs 30 days or more after the vacancy, and the judge so elected takes office on January 1 of the year following the election, succeeding the gubernatorial appointee and serving the remainder of the original four-year term.(2)

The clerk, who must be a qualified voter of Muscogee County, is elected by the voters of the county for a term of four years. He is required to give a bond of $3,000 and is subject to all requirements of the Muscogee County clerk of the superior court.(3)

Compensation of the clerk, originally fixed at $1,500 per annum,(4) was increased in 1919 to $1,800,(5) and in 1920 to $2,100.(6) Since 1925 his salary has been fixed by the board of county commissioners, by and with the approval of the grand jury.(7)

The judge was authorized by the creating act of 1915 to appoint a deputy clerk whose salary was fixed at $2 a day,(8) but since 1922 the salary of the deputy clerk has been fixed by the board of county commissioners, and cannot exceed $150 per month.(9)

The judge was empowered by the creating act to appoint deputies marshal and bailiffs, who received $2.50 a day,(10) but this was increased in 1919 to $4 a day,(11) and since 1925, they have received salaries as established by the board of county commissioners.(12)

The municipal court originally had jurisdiction within the corporate limits of Columbus, concurrent with the superior court, to try and dispose of all civil cases where the principal sum did not exceed $300, provided jurisdiction was not vested exclusively by the constituiton in another court. Trials by a jury of six were provided for when demanded, and the rules and practice of the superior court were made applicable.(13)

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1) See Justice of the Peace Courts, supra, p. 214.
2) Ga. Acts 1915, p. 66.
3) Ga. Acts 1915, pp. 65, 66, 69.
4) Ga. Acts 1915, p. 67.
5) Ga. Acts 1919, p. 536.
6) Ga. Acts 1920, pp. 322, 323.
7) Ga. Acts 1925, pp. 396-399.
8) Ga. Acts 1915, pp. 63-79.
9) Ga. Acts 1922, p. 243.
10) Ga. Acts 1915, pp. 63-79.
11) Ga. Acts 1919, p. 536.
12) Ga. Acts 1925, pp. 396-399.
13) Ga. Acts 1915, pp. 63-79.

All justice courts in Muscogee County were abolished in 1929 and the municipal court of Columbus was given territorial jurisdiction over the entire county and the jurisdiction increased to $500.(1) This action was taken under authority of a constitutional amendment, proposed in 1927 and ratified in 1928, which authorized the General Assembly to abolish all justice courts in counties having within their border a city with a population of more than 20,000, and to establish in their place new courts to exercise their jurisdiction.(2)

The municipal court was constituted as a court of record and provided with a seal. The creating act vested the clerk with authority to issue civil and criminal warrants, summary processes and writs; to accept and approve bonds, and to discharge other functions, ministerial in character, which, under the laws of this State, are performable by a justice of the peace.(3)

The clerk is required to keep accurate minutes and records of all proceedings of the court, and such books and files as are necessary for the purpose, but he is not required to record any pleadings, motions, or other proceedings filed in the court, preserving, rather, the original papers in suitable files. He is also required to keep, as in the superior court, an accurate docket of each case, the docket to be properly indexed, and an execution docket showing all judgments rendered.(4)

All records of this court are located in the municipal court general office unless otherwise indicated in the entries.

Civil

Case Papers

282. CASES PENDING IN MUNICIPAL COURT OF COLUMBUS, 1925--. Est. 10,000 papers in 40 f.d. (labeled by contained case nos.). Untitled, 1933--, 1 f.d.
Civil case papers pending (most of these papers are not pending), showing term of court, case number, date filed, names of plaintiff, defendant, and attorneys, and nature of case. Arr. numer. by case no. No index. Hdw. and typed on pr. fms. 13 x 5 x 16 1/2.

283. PENDING JURY CASES, 1936--. 50 documents in 1 f.d.
Shows term of court, case number, date filed, names of plaintiff, defendant, and attorneys, nature of case, and notice of services by marshal. Arr. numer. by case no. No index. Typed on pr. fms. 12 1/2 x 5 x 16 1/2.

284. GUNBY PAPERS, 1921-25. Est. 600 papers in 2 f.d.
Papers of civil cases originating in the two militia districts in the city of Columbus, showing date, names of plaintiff and defendant, nature of case, and disposition thereof. No obvious arr. No index. Hdw. on pr. fms. 10 x 5 x 12. Mun. ct. cl.'s off.

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1) Ga. Acts 1929, pp. 387-390.
2) Ga. Code of 1933, #2-3501; Ga. Acts 1927, p. 117.
3) Ga. Acts 1915, pp. 67, 69.
4) Ga. Acts 1915, p. 70.

Municipal Court of Columbus and Clerk (285-291)
Civil

285. (CASES DISPOSED OF), 1925--. Est. 49,500 cases in 198 f.d. (labeled by contained case nos.).
Civil cases disposed of, showing term of court, case number, date filed, names of plaintiff, defendant, and attorneys, nature of case, verdict (if jury trial), and judgment. Arr. numer. by case no. For index, see entry 289. Hdw. and typed on pr. fms. 11 1/2 x 5 x 16.

Dockets

286. APPEARANCE DOCKET, 1938--. 1 vol.
Shows term of court, case number, names of attorneys, plaintiff, defendant, and witnesses, date filed, nature of case, and disposition thereof. Volume is loose-leaf; when a case is ready for trial, its page is transferred from this docket to Trial Issue Docket, entry 287; when case is finally determined, page is again transferred to Civil Cases Disposed of (Docket), entry 288; there is only one page to each case and case retains the same number from time of filing to final judgment. Arr. numer. by case no. Indexed alph. by first letter of plaintiff's and defendant's surnames and chron. thereunder. Hdw. under pr. hds. 100 pp. 13 x 10 x 1. Mun. ct. cl.'s off.

287. TRIAL ISSUE DOCKET, 1933--. 1 vol.
Docket in which an issue to be tried by a jury is made, or is likely to be made, showing names of attorneys, plaintiff, and defendant, case number, date, nature of case, and disposition thereof. Arr. numer. by case no. Indexed alph. by first letter of plaintiff's and defendant's surnames and chron. thereunder. Hdw. under pr. hds. 250 pp. 6 x 14 1/2 x 3.

288. CIVIL CASES DISPOSED OF (Docket), 1916--. 25 vols. Untitled, 1925--. 15 vols.
Docket of civil cases disposed of, showing term of court, case number, date filed, names of plaintiff, defendant, and attorneys, nature of case, verdict of jury, judgment, and disposition. Arr. numer. by case no. 1916-25, 10 vols., no index; 1925--, 15 vols., separate index, entry 289. Hdw. under pr. hds. Aver. 2,880 pp. 14 x 13 x 13. 10 vols., 1916-25, sup. ct. cl.'s bsmt. va.; 6 vols., 1925-29, mun. ctrm.; 9 vols., 1929--, mun. ct. gen. off.

289. INDEX TO CASES DISPOSED OF, 1925--. 15 vols. (dated).
Shows case number, names of plaintiff and defendant, book and page number where recorded. Serves as index to (Cases Disposed of), entry 285; Civil Cases Disposed of (Docket), entry 288. Arr. alph. by first letter of plaintiff's and defendant's surnames and chron. thereunder. Hdw. Aver. 200 pp. 6 x 14 x 2 1/2. Mun. ctrm.

290. MARSHAL'S FI. FA. (Fieri Facias) DOCKET, 1916--. 5 vols. (1-3;B,C)
Docket of executions issued upon municipal court judgments, showing names of plaintiff and defendant, nature of case, date of judgment and execution, amount of principal and costs, and date paid. Arr. chron. No index. Hdw. on pr. fms. Aver. 500 pp. 17 x 15 x 3. 3 vols., 1916-28, mun. ct. judge's off.

291. BANKRUPTCY DOCKET, 1933--. 1 vol.
Cases in which plea of bankruptcy is entered by defendant, showing names of attorneys, petitioner, and creditors, amount of assets and liabilities, and action of court. Arr. chron. by court term. Indexed alph. by first letter of petitioner's surname. Hdw. under pr. hds. 150 pp. 5 1/2 x 14 1/2 x 2 1/2.

292. GENERAL EXECUTION DOCKET, 1916--. 3 vols. (A-C).
Docket of executions issued on judgments obtained in municipal court, showing names of plaintiff, defendant, and attorneys, name of court judgment obtained in, date and amount of judgment, date of execution, date entered on docket, and if satisfied, date noted thereon. Arr. chron. by date of judgment. 1916-36, 2 vols., indexed alph. by first letter of plaintiff's and defendant's surnames and chron. thereunder; 1936--, 1 vol., separate index, see entry 293. Hdw. under pr. hds. Aver. 175 pp. 18 x 13 x 3. 1 vol., 1916-29, mun. ct. judge's off.

293. (INDEX TO GENERAL EXECUTION DOCKET), 1936--. 1 vol.
Shows names of plaintiff and defendant, and book and page number where recorded. Serves as index to General Execution Docket, entry 292. Arr. alph. by first letter of plaintiff's and defendant's surnames and chron. thereunder. Hdw. 200 pp. 6 x 14½ x 3.

Minutes and Proceedings

294. MINUTES (Civil and Criminal), 1925--. 4 vols. (2-5).
Minutes of all cases tried before court, showing names of plaintiff, defendant, attorneys, and jurors, court term, kind of action, offense charged, and disposition of case. Arr. chron. by court term. No index. Hdw. on rubber stamped fms. Aver. 700 pp. 18½ x 12 x 3. Mun. ct. judge's off.

Criminal

Docket

295. CRIMINAL DOCKET, 1937--. 1 loose-leaf vol.
Shows term of court, case number, names of defendant, prosecutor, and attorney, offense charged, and disposition of case. Each case has a separate sheet, when a case is tried or otherwise disposed of, it is transferred from the loose-leaf volume to Criminal Cases Disposed of (Docket), entry 297. Arr. numer. by case no. For index, see entry 296. Hdw. under pr. hds. 100 pp. 14 x 14 x 1.

296. INDEX TO CRIMINAL DOCKET, 1937--. 1 vol.
Index, showing names of prosecutor, plaintiff, and defendant, and case number. Serves as index to Criminal Docket, entry 295. Arr. alph. by first letter of defendant's surname and chron. thereunder. Hdw. under pr. hds. Aver. 250 pp. 5 x 14 x 3½.

297. CRIMINAL CASES DISPOSED OF (Docket), 1916--. 3 vols. and est. 1,200 docket case pages in 1 f.d.
Criminal cases, showing court term, case number, names of defendant, prosecuting attorney, and defense counsel, offense charged, and disposition of case. Arr. numer. by case no. Indexed alph. by first letter of defendant's surname and chron. thereunder. Hdw. on pr. fms. Vols. aver. 1,500 pp. 10 x 12 x 6; f.d. 12½ x 14 x 30. 2 vols., 1916-23, sup. ct. cl.'s bsmt. va.

Juries

298. RECORD (Jury List), 1927--. 1 vol.
List of jurors drawn for service in municipal and city courts, showing name

ward or precinct, and kind of juror. Arr. alph. by name of juror. No index. Typed. 250 pp. 11 x 9 x 2. Sup. ct. cl.'s first fl. E. va.

299. (JURY SCRIP), 1938. 1 vol.
Stubs of scrip issued in payment for jury services, showing date, serial number, term of court, name of juror, amount paid, and whether grand or traverse juror. Arr. numer. by scrip. no. No index. Hdw. on pr. fms. 125 pp. 18 x 10 c 1½.

Financial Records

300. (CASH BOOKS), 1925--, 5 vols.
Record of moneys received and disbursed, showing amount, to whom, purpose, voucher number, and totals. Arr. chron. by date of transaction. No index. Hdw. under pr. hds. Aver. 300 pp. 18 x 14 x 3. Mun. ct. cl.'s off.

301. BANK STATEMENTS AND CANCELLED CHECKS), 1925--. Est. 12,600 papers in 15 f.d. (dated).
Bank statements and cancelled checks, showing date, amount on hand at opening and closing of months, to whom and for what purpose checks were paid. Arr. chron. by date paid and numer. by check no. thereunder. No index. Hdw. on pr. fms. 11 x 5 x 12. Mun. ct. cl.'s off.

XXI. MUNICIPAL COURT MARSHAL

The office of municipal court marshal was established in Muscogee County by the act of 1915 creating the municipal court of Columbus.(1)

There is one marshal and to qualify for the office he must be a voter of the county. There is no provision for the administration of an oath to this officer, but he is required to give a bond of $1,000. He is elected by the voters of the county for a term of four years, and his compensation was originally fixed at $1,200 per annum.(2) His salary was increased in 1919 to $1,500,(3) and it was again increased in 1920 to $1,800,(4) but since 1925 the compensation of this official has been fixed by the board of commissioners of roads and revenues, with the advice and consent of the grand jury.(5)

There are no provisions in these acts for either the removal of this official or for the filling of vacancies in the office.

All requirements, duties, powers, and authority conferred upon the sheriff of Muscogee County were obligatory on and vested in the municipal court marshal, except where inconsistent with or limited by the creating act, and so far as applicable to the municipal court.(6)

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1) Ga. Acts 1915, pp. 63-79.
2) Ga. Acts 1915, pp. 65-67, 69.
3) Ga. Acts 1919, p. 536.
4) Ga. Acts 1920, pp. 322, 323.
5) Ga. Acts 1925, pp. 398, 399.
6) Ga. Acts 1915, pp. 68, 69.

The marshal, or his lawful deputies, is required to serve all processes of suit directed to him. All executions, warrants, writs, and summary processes of any kind, garnishments, dispossessory warrants, foreclosures of liens on personal property and labor liens issued from the municipal court are executed in Muscogee County by the marshal and his deputies.(1)

XXII. JUVENILE COURT

Juvenile courts were created in 1915 by the General Assembly in all counties having a population of 60,000 or more.(2) An amending act of 1916 extended the provisions of the juvenile court act to counties having a population of between 35,000 and 60,000 upon the recommendation of two successive grand juries, and Muscogee County was subject to this amending act.(3) The present law is that a juvenile court may be established in any county with a population of less than 60,000 upon the recommendation of one grand jury.(4)

The juvenile court succeeded the children's court, which had been organized in Muscogee County in October 1909.(5) The act creating the children's court was declared unconstitutional in August 1915 by the State Supreme Court because it failed to provide for uniformity of jurisdiction, powers, proceedings, and practice of the court.(6)

Under the provisions of the act of 1915 and the amending act of 1916, the judge of the municipal court was named first judge of the juvenile court and this tribunal began functioning in January 1917.(7) Parts of the act creating the juvenile court were in January of 1932 also declared unconstitutional,(8) and the court ceased to exist as of February 14, 1932,(9) and its wards and probationers were placed in charge of the former probation officer of the juvenile court.(10)

The Supreme Court decision held only certain sections of the act unconstitutional, and the juvenile court was again established in Muscogee County on May 11, 1932, under a section which provided for the creation of juvenile courts in certain counties upon the recommendation of two successive grand juries.(11)

The present judge was named to this tribunal on November 8, 1934.(12)

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1) Ga. Acts 1915, p. 71.
2) Ga. Code of 1933, #24-2401; Ga. Acts 1915, p. 35 et seq.
3) Ga. Code of 1933, #24-2441; Ga. Acts 1916, p. 60.
4) Ga. Acts 1935, pp. 399-403.
5) Ga. Acts 1908, p. 1107; Minutes, Children's Court, p. 1, see entry 306.
6) Law et ux v. McCord, 85 S.E., 1025; 143 Ga. p. 22 (1915).
7) Criminal Minutes, vol. H, p. 258, see entry 112; Minutes, Children's Court, p. 46, see entry 306.
8) Wages v. Morgan, ordinary, 162 S.E., 380; 174 Ga. 158 (1932)
9) Criminal Minutes, vol. S, p. 596, see entry 112.
10) Ibid.
11) Criminal Minutes, vol. T, p. 70, see entry 112.
12) Ibid., vol. U, p. 67, see entry 112.

Juvenile Court (Next entry 502, p. 228)

There is one judge of the juvenile court in each county in which the court exists. To be qualified for the office, the candidate must be an attorney who has practiced law for three years. He must be "of high moral character and clean life," and the law provides that he be selected for his special fitness for work with delinquent and neglected children. He is appointed by the superior court judge, and with such appointment the law provides that it shall be held that a juvenile court has been established in the county.(1)

The term of office for the judge is three years, and his compensation is fixed by the appointing judge, with the approval of the county commissioners.(2) No provisions are made for the removal of this officer, but, in the event of his disqualification, illness, or absence, upon his request if he is able to make it, otherwise upon the request of the judge of the superior court, the ordinary of the county, or the judge of the city court, or any person appointed pro tempore as the judge of the juvenile court, has the authority to preside.(3)

The juvenile court judge appoints a probation officer to serve under the direction of the court, such officer to be paid out of county funds. The court may also appoint one or more deputy probation officers.(4) Appointments are made on the basis of merit only as determined by a public competitive examination, held by three examiners appointed by the court. The examiners certify the names of the highest three from whom the court makes the appointment.(5) The court is authorized to appoint an advisory board, consisting of not less than six nor more than ten reputable inhabitants, of which number one-half must be men and one-half women.(6)

The juvenile court was given by the 1915 act exclusive jurisdiction over every child under 16 years of age, in the commission of any offense, except crimes for which the penalty is death or life imprisonment, or who comes within the provisions of any law for the education, care, and protection of children. Where the custody of children is the subject of controversy in any court of record, the judge of the court of record is required to transfer such cases to the juvenile court for determination. The court of record, however, retains concurrent jurisdiction in the case.(7) The jurisdiction over crimes punishable by death or life imprisonment was originally withheld, but in 1936 was extended to this court. When the juvenile court has acquired jurisdiction of any child, such authority continues as long as it is necessary in the judgment of the court, but, in any event, jurisdiction terminates when the child reaches the age of 21 years.(8)

The judge of the juvenile court has the power to commit childfen to detention homes or to the care of guardians, or, at his discretion, to return

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1) Ga. Code of 1933, #24-2441; Ga. Acts 1916, p. 60.
2) Ibid.
3) Ga. Code of 1933, #24-2442; Ga. Acts 1916, p. 61.
4) Ga. Code of 1933, #24-2441; Ga. Acts 1916, p. 60.
5) Ga. Code of 1933, #24-2424; Ga. Acts 1915, pp. 35-43.
6) Ga. Code of 1933, #24-2438; Ga. Acts 1915, pp. 35-48.
7) Ga. Code of 1933, #24-2402; Ga. Acts 1915, pp. 35, 36.
8) Ga. Acts 1935, pp. 400, 401.

them to their parents.(1) He may permit criminal action to be brought against any child in the proper court.(2)

The act of 1915 declares that the theory underlying the juvenile court is that children coming under its jurisdiction are wards of the State,(3) and no child is denominated a criminal, nor is he barred from holding public office upon attaining his majority by reason of any adjudication of this court against him.(4) The public may be excluded from hearings at the discretion of the judge.(5) Children less than 17 or 18 years of age, accordin to sex, may be brought originally before justice of the peace, but such justices are required to transfer all records in such cases to the juvenile court, where they become a part of the latter court's records; and the juvenile court assumes control of the cases.(6) An amendment in 1935 provided that when any child under 16 years of age is brought before a justice of the peace under a warrant, the justice must transfer the case to the juvenile court.(7)

The offices of the juvenile court are on the first floor of the courthouse in the city section and all records listed hereunder are in these offices, except as otherwise indicated in the entry.

Case Papers

302. PETITIONS, 1916--. Est. 4,000 papers in 8 f.d. Original papers, showing case number, name, color, age, sex, school attendance, and mentality of child, offense charged, by whom arrested, name of complainant, date warrant issued, and disposition of case. Arr. numer. by case no. For indexing, see entry 305. Hdw. on pr. fms. 12 x 5 x 17.

303. (CASES PENDING), 1932--. Est. 1,500 papers in 4 f.d. Cases under process of investigation, showing case number, name, color, age, sex, and school attendance of child, record of investigation of case, and offense charged. Arr. alph. by first letter of child's surname and chron. thereunder. No index. Hdw. and hdw. on pr. fms. 12 x 12 x 24.

304. (DISPOSED OF CASES), 1909--. Est. 2,500 papers in 4 f.d. Original papers of disposed of cases, showing case number, name, color, age, sex, school attendance, and mentality of child, offense charged, by whom arrested, dates child's home visited, and disposition of case, together with history of child's family. Arr. alph. by first letter of child's surname and chron. thereunder. No index. Hdw.; typed; hdw. and typed on pr. fms. 12 x 12 x 24.

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1) Ga. Code of 1933, #24-2409; Ga. Acts 1915, pp. 35, 41; 1916, pp. 58, 59.
2) Ga. Code of 1933, #24-2416; Ga. Acts 1915, pp. 35, 41.
3) Ga. Code of 1933, #24-2410; Ga. Acts 1915, pp. 35, 39.
4) Ga. Code of 1933, #24-2412; Ga. Acts 1915, pp. 35, 40.
5) Ga. Code of 1933, #24-2411; Ga. Acts 1915, pp. 35, 39.
6) Ga. Code of 1933, #24-2414; Ga. Acts 1915, pp. 35, 40.
7) Ga. Acts 1935, p. 401.

Dockets

305. JUVENILE COURT DOCKET, 1909--. 2 vols. (1, 2). Title varies: Children's Court Docket, 1909-32, 1 vol.
Docket shows case number, date of arrest, name of defendant, offense charged, name of complainant, date warrant issued, disposition of case, and remarks. Serves as index to Petitions, 1916--, entry 302. Arr. numer. by case no. Indexed alph. by first letter of child's surname and chron. thereunder. Hdw. under pr. hds. Aver. 250 pp. 18 x 12 x 3 1/2.

Minutes

306. MINUTES, CHILDRENS COURT, 1909-25. 1 vol.
Minutes and proceedings of cases heard and business transacted, showing date, name of defendant, and offense charged. Arr. chron. by court term. No index. Hdw. 600 pp. 18 x 10 x 3. Mun. ct. judge's off.

Miscellaneous

307. MISCELLANEOUS (Expenses), 1932--. Est. 500 papers in 1 f.d.
Requisitions and orders for supplies for wards and record of expenses of children in boarding homes, showing date and amount of order, article purchased, and name of child for whom purchased. Arr. alph. by first letter of subject and chron. thereunder. No index. Hdw.; typed; hdw. and typed on pr. fms. 12 x 12 x 24.

XXIII. COUNTY ATTORNEY

No legislation relating to the employemtn of county attorneys was enacted until 1922, but such an official had been employed at various times in Muscogee County since the establishment of the county in 1826. In addition to the specific jurisdiction and powers granted the county commissioners by the creating act, they were authorized to engage necessary employees, and were vested with "such other powers...as are indispensable to their jurisdiction."(1) Georgia counties are corporate bodies with the power to sue and be sued,(2) and as such they have acted under the implied authority to employ attorneys.

At first the county attorney was employed by the inferior court, which had charge of county affairs until 1868, and subsequently by the ordinary, who exercised this jurisdiction until 1872, when the board of commissioners of roads and revenues was created. The board has had this authority since that time. The first mention of such an official in Muscogee County appears in the inferior court minutes May 4, 1839.(3)

The only general act which has ever provided specifically for employment by counties of an attorney, an act of 1922 setting up machinery for establishment of county manager forms of government,(4) has never been adopted

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1) Ga. Acts 1872, pp. 451, 452.
2) Ga. Code of 1933, #2-8201.
3) Minutes, Commissioners Court, vol. A, 1838-57, p. 10, see entry 1.
4) Ga. Code of 1933, #23-917; Ga. Acts 1922, p. 89.

in any Georgia county. This act, however, authorized the employment of a county attorney, and when necessary, special counsel.(1) The only qualification for appointment to the office is the obvious one, that he must be a practicing attorney. Selection is by the board of commissioners of roads and revenues, and neither oath nor bond is provided for in the act.(2)

The county attorney serves at the pleasure of the appointing board, and compensation is fixed by this board. He may be removed by the county commissioners and they are empowered to fill any vacancy in the office.

It is the duty of the county attorney to advise the county commissioners upon any legal problems that might arise, and to represent the county in any litigation in which it might become involved.

This official is not required by law to keep any records.

XXIV. CORONER

The existence of the office of county coroner was recognized by the State Constitution of 1777,(3) and the election of such an officer in Muscogee County was provided for in the act of 1826 creating it and four other counties.(4)

There is one coroner for each county and the qualifications for the office are that he shall have been a resident of the county for two years, and a qualified voter.(5)

Since the organization of Muscogee County, the coroner has always been elected by the people.(6)

In addition to the oath required of all civil officers, the coroner must swear to serve the State well in his office, to execute all writs and precepts placed in his charge, and to return them to the best of his knowledge, skill, and judgment; that he will in no case knowingly use his office illegally, corruptly, or unjustly, and that he will not, under any pretense, take any fee or reward pertaining to his office other than such as are allowed by law; but that he will demean himself honestly, fairly, and impartially in the conduct of his office.(7)

The coroner is required to give bond of $500,(8) his term of office is four years,(9) and his compensation is based on a schedule of fees.(10)

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1) Ga. Code of 1933, #23-917; Ga. Acts 1922, p. 89.
2) Ibid.
3) Ga. Const. 1777, art. XL.
4) Ga. Acts 1826, p. 57.
5) Ga. Code of 1933, #2-8301; Ga. Acts 1914, p. 43, ratified Nov. 3, 1914.
6) Ga. Acts 1799, Nov. Ex Sess., pp. 7, 8; Ga. Code of 1933, #21-101; Ga. Acts 1914, p. 43.
7) Ga. Code of 1933, #21-103; Ga. Acts 1823, pp. 153-158; Cobb, p. 536.
8) Ga. Code of 1933, #21-104; Act 1823, Cobb, p. 539.
9) Ga. Code of 1933, #21-101; Ga. Acts 1914, p. 43.
10) Ga. Code of 1933, #21-105; Ga. Acts 1878-79, p. 73.

Coroner (Next entry 308, p. 233)

The coroner may be removed for malpractice in office,(1) and vacancies in this office are filled by appointment by the ordinary.(2)

The coroner is empowered to emanel and summon a jury of six persons to serve and find on matters of fact in cases of inquest,(3) and the coroner may issue subpoena compelling the attendance of witnesses at inquests. (4) When the coroner is absent, or will not, or cannot hold an inquest, the justice of the peace may act in his place.(5)

It is the duty of the coroner to take inquests of all violent, sudden, or casual deaths, when so ordered by a court of criminal jurisdiction, or when there are no eyewitnesses to the killing or cause of death, and such death occurs under suspicious circumstances;(6) he may disinter bodies already buried, if he deems it necessary;(7) and may have the viscera and contents of the stomach examined, if the verdict of the jury suggests that the death was caused by poison.(8) When the body of the dead person lies in a place unsuitable for the inquest, the coroner may remove it to a more convenient place.(9)

The coroner may issue warrants for the arrest of persons suspected in cases of homicide.(10) All orders, decrees, attachments for contempt, and final process issued against the sheriff must be directed to the coroner for execution.(11) The substance of this provision, included in early English statutes, was also a part of the Georgia Judiciary Act of 1799. Inferentially, the coroner is the only official in the county empowered to arrest the sheriff, and when the sheriff is disqualified, or refuses to act, the coroner may discharge the duties of that office.(12) When the coroner acts as sheriff, the ordinary may require of him an additional bond.(13)

The coroner commits to writing the substance of the testimony delivered at an inquest, and returns all the papers and proceedings touching the inquisition to the superior court of the county in which it is taken at the term held next after the inquest.(14)

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1) Ga. Code of 1933, #21-101, #24-2724; Ga. Acts 1914, p. 43.
2) Ga. Code of 1933, #21-102, #24-2707; Act 1826, Cobb, p. 212.
3) Ga. Code of 1933, #21-209; Act 1823, Cobb, p. 538; Ga. Acts 1884-85, p. 92; 1893, p. 116.
4) Ga. Code of 1933, #21-207; Act 1823, Cobb, p. 539.
5) Ga. Code of 1933, #21-204.
6) Ga. Code of 1933, #21-202; Act 1823, Cobb, p. 537; Ga. Acts 1893, p. 116; 1901, p. 44.
7) Ga. Code of 1933, #21-205.
8) Ga. Code of 1933, #21-214; Act 1850, Cobb, p. 540; Ga. Acts 1880-81, p. 59.
9) Ga. Code of 1933, #21-206; Act 1850, Cobb, p. 540; Ga. Acts 1862-63, p. 168.
10) Ga. Code of 1933, #21-208: Act 1823, Cobb, p. 539.
11) Ga. Code of 1933, #39-114, #81-219; Act 1812, Cobb, p. 578; 1840 Cobb, p. 473; 1847, Cobb, p. 517.
12) Ga. Code of 1933, #21-106, #39-114; Act 1847, Cobb, p. 517.
13) Ga. Code of 1933, #21-107.
14) Ga. Code of 1933, #21-215; Act 1823, Cobb, p. 539.

XXV. SHERIFF

The office of county sheriff, recognized in 1777 by the State's first constitution,(1) was specifically established in each county under the Constitution of 1798, which directed the General Assembly to prescribe the manner of his election,(2) and an act of November 1799 provided for his election by the voters of the county.(3) Muscogee County was created by an act of 1826, and a sheriff was elected at the first election after the county was organized.(4)

Qualifications for the office of sheriff are residence in the county for two years and eligibility to vote therein. He is elected by the people of the county for a term of four years,(5) The sheriff takes and subscribes an oath faithfully to execute and make true returns of all writs, warrants, precepts, and processes directed to him, to perform the duties of the office of seriff well and truly and without malice or partiality and to take only his lawful fees.(6)

The sheriff is required to give a bond of $10,000 with at least two sureties unless a different amount is specified by local act. The bond is conditioned on the faithful performance of the duties of sheriff by himself, his deputies, and his jailers, upon the terms required by law.(7)

The compensation of the sheriff of Muscogee County for the one hundred years from 1826 to 1926, was based on a schedule of fees.(8) The legislature provided in 1924 for payment of salaries in lieu of fees to certain officers in counties of specified population, and under the provisions of this act, Muscogee County, since 1926, has paid its sheriff a salary fixed annually by the board of county commissioners.(9)

The county sheriff also serves ex officio as sheriff of the city court. (10) In 1916 his salary as such ex officio sheriff was set at $1,080 per annum,(11) and in 1919 the salary was increased to $1,380.(12)

The sheriff may be removed by the judge of the superior court for failure to make proper returns of writs, executions, and other processes, and

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1) Ga. Const. 1777, art. XL.
2) Ga. Const. 1798, art. III, sec. XI.
3) Ga. Acts 1799, Nov. Ex Sess., pp. 7, 8.
4) County Officers, Secretary of State, 1826-33, (commission book), p. 161.
5) Ga. Code of 1933, #2-8301; Ga. Acts 1914, p. 43, ratified Nov. 3, 1914.
6) Ga. Code of 1933, #24-2804; Act 1799, Cobb, p. 574.
7) Ga. Code of 1933, #24-2805; Act 1799, Cobb, p. 575; Ga. Acts 1866, p. 17.
8) Ga. Code of 1933, #24-2823; Act 1792, Cobb, p. 350; 1840, Cobb, p. 362; Ga. Acts 1851-52, p. 20; 1857, p. 52; 1866, p. 24; 1880-81, pp. 90, 91; 1894, p. 48; 1898, pp. 58, 62; 1906, p. 119; 1918, p. 226; 1919, pp. 364, 365.
9) Ga. Acts 1924, pp. 90-97.
10) Ga. Acts 1884-85, pp. 455-460.
11) Ga. Acts 1916, p. 219.
12) Ga. Acts 1919, p. 460.

for failure to pay over moneys received on such executions.(1) The power of superior court judges subsequently was extended by the General Assembly to include removal of sheriffs for any sufficient cause, after trial by a jury.(2) Vacancies in this office are filled by appointment by the ordinary, pending an election, and in case the ordinary does not make such appointment, the county coroner is authorized to act as sheriff.(3)

The duties of the sheriff include the execution and return of all valid processes and orders of the courts and officers of competent authority, when delivered to him for that purpose; the attendance by himself or his deputies of all sessions of the superior court, and of the court of ordinary, when required to do so by the ordinary; attendance at the place of holding elections from the time the polls open until they close; the publication of notices of sales, citations, and other proceedings as required by law; the keeping of a file of all newspapers in which his official advertisements appear, such file to be similar to the file kept by the clerk of superior court; the keeping of an execution docket in which must be entered a full description of all executions delivered to him, the dates of delivery, and his acts and doings thereon. The sheriff must have such executions ready for use in any court in the county. He also keeps a book in which is entered a record of all sales made by processes of court, or by agreement of parties under the sanction of the court. In this book he must enter an accurate description of the property and the processes under which it is sold, giving the date of the levy and sale, the name of the purchase, and the price.(4)

The sheriff must also keep a docket in which are recorded all bench warrants delivered to him. Failure to comply with this requirement renders the sheriff liable to punishment for contempt of court.(5) The sheriff may receive bail, fix the amount, and approve security of persons arrested under any such bench warrants, except in cases that are bailable only before some particular officer.(6)

Books kept by the sheriff, when they are filled, are supposed to be deposited in the office of the clerk of the superior court, to be kept as are his other books of record.(7) All records hereunder listed are located in the sheriff's office.

Executions

308. EXECUTION, SUPERIOR AND CITY COURT, 1924--. Est. 500 papers in 1 f.d.

Papers and pleadings of civil cases placed in sheriff's hands for service

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1) Ga. Code of 1933, #24-213; Act 1799, Cobb, p. 577.
2) Ga. Code of 1933, #24-2814, #24-2724.
3) Ga. Code of 1933, #24-2803; Act 1826, Cobb, p. 213; Ga. Acts 1853-54, p. 28.
4) Ga. Code of 1933, #24-2813; Act 1799, Cobb, p. 574; 1810, Cobb, p. 577; 1818, Cobb, p. 585; 1820, Cobb, p. 480; 1823, Cobb, p. 512; Ga. Acts 1853-54, p. 28.
5) Ga. Code of 1933, #24-3352.
6) Ga. Code of 1933, #27-801.
7) Ga. Code of 1933, #24-2820.

which after action is taken are returned to the clerk's office for filing, showing names of plaintiff and defendant, nature of case, amount involved, court costs, and judgment. Arr. numer. by case no. No index. Hdw. and typed on pr. fms. 14 x 13 x 30.

309. ADVERTISED EXECUTIONS, 1926-27. Est. 100 papers in 1 f.d.
State and county tax fieri facias served by sheriff, showing name of defendant, amounts of principal, interest, and cost, description of property levied on, and dates of levy and sale. No obvious arr. No index. Typed. 11 x 4 x 16.

310. STATE AND COUNTY TAX FI. FAS. (Fieri Facias), 1936--. Est. 100 papers in 1 f.d.
Tax fieri facias delivered to sheriff for collection, showing names of delinquent and attorneys, amount of principal, interest, and cost, and when returnable. Arr. chron. by date issued. No index. Typed on pr. fms. 14 x 13 x 30.

311. EXECUTIONS SETTLED, 1930--. Est. 200 papers in 1 f.d.
Original executions and processes which have been settled, including laborers' liens, bills of injunction, and distress warrants, showing date, term of court, names of plaintiff, defendant, and attorneys, nature of case, and date filed. Arr. chron. by date filed. No index. Typed on pr. fms. 9 x 4 x 15.

Dockets

312. SHERIFF'S EXECUTION DOCKET, 1867--. 3 vols.
Dockets of executions delivered to the sheriff for collection, showing names of defendant and attorneys, court from which received, date of judgment, date fieri facias issued, when returnable, amount of principal, interest, and costs, date of levy, volume and page of sale book, and remarks. Also contains: Sheriff's Execution Docket (City Court), 1885-1911, 1922--, entry 314. Arr. alph. by first letter of defendant's surname and chron. thereunder. 1867-1905, 2 vols., no index; 1906--, separate index, entry 313. Hdw. under pr. hds. Aver. 350 pp. 24 x 16 x 3.

313. SHERIFF'S EXECUTION, INDEX, 1906--. 1 vol.
Shows names of plaintiff and defendant, kind of instrument, volume and page number where recorded. Serves as index to Sheriff's Execution Docket, entry 312. Arr. alph. by first letter of plaintiff's surname and chron. thereunder. Hdw. 600 pp. 14 x 10 x 3 1/2.

314. SHERIFF'S EXECUTION DOCKET (City Court), 1912-21. 1 vol.
1885-1911, 1922--, in Sheriff's Execution Docket, entry 312.
Sheriff's city court execution docket, showing date, names of plaintiff, defendant, and attorneys, date of judgment, date fieri facias issued, when returnable, amounts of principal, interest, and cost, and date of levy. Arr. chron. by date of execution. No index. Hdw. under pr. hds. 200 pp. 24 x 16 x 2.

315. SHERIFF'S SERVICE DOCKET, 1859--. 7 vols. Title varies: Sheriff's Docket, 1867-85, 2 vols.
Docket shows date and term of court, names of plaintiff, defendant, and

and attorneys, date received and served, and remarks. 1867-85, 2 vols., arr. alph. by first letter of plaintiff's surname and chron. thereunder; 1859--, 5 vols., arr. chron. by date served. 1867-85, 2 vols., no index; 1859--, 5 vols., indexed alph. by first letter of defendant's surname and chron. thereunder. 1859-1927, 5 vols., hdw.; 1927--, 2 vols., hdw. on pr. fms. Aver. 500 pp. 16 x 10 x 3.

Sales

316. SHERIFF'S SALE RECORD, 1906--. 4 vols.
Record of public sale of property to satisfy judgments, showing names of plaintiff and defendant, date levied, date of sale, amount received, purchaser, description of property, and all costs. Arr. alph. by first letter of defendant's surname and chron. thereunder. No index. Hdw. Aver. 600 pp. 14 x 10 x 2.
For original sales, see entry 318.

Warrants

317. BENCH WARRANT DOCKET, MUSCOGEE COUNTY, 1881--. 2 vols.
Docket of warrants issued by judge to apprehend persons indicted for crimes by grand jury, showing name of person, offense charged, date issued, date executed, and remarks. Arr. chron. by court term. No index. Hdw. Aver. 375 pp. 16 x 10 x 2.

318. WARRANTS, UNSERVED SUITS, RECEIPTS, UNPAID BILLS, AND SHERIFF'S SALES, 1936--. Est. 800 papers in 1 f.d.
Sheriff's original instruments, including:

i. Unserved case papers, showing names of all parties involved, nature of case, and date.
ii. Receipt for bills paid, showing name of payee, for what purpose, date, and amount.
iii. Unpaid bills, showing name, date, amount, and when due.
iv. Sheriff's sales of property to satisfy judgment, showing names of owner and purchaser, amount sold for, and costs.

Arr. alph. by principal's surname. No index. Hdw. and typed on pr. fms. 14 x 13 x 30.

319. BOOK OF WARRANTS (Municipal Court), 1938--. 1 vol.
Record of warrants issued in municipal court and delivered to sheriff for services, showing date, names of defendant and prosecutor, offense charged, court term, and return of serving officer. Arr. chron. by date issued and numer. by warrant no. No index. Hdw. on pr. fms. 125 pp. 14 x 10 x 1.

320. FOREIGN WARRANTS, 1920-28. Est. 200 warrants in 1 f.d.
Warrants issued in other counties for arrest of residents of Muscogee County, which for various reasons could not be served, showing date, names of accused, person making complaint, and justice of peace, and offense charged. No obvious arr. No index. Hdw. on pr. fms. 11 x 4 1/2 x 13.

Financial Records

321. RECEIPTS AND BILLS, 1929--. Est. 300 papers in 1 f.d.
Receipts for cost paid to clerk, showing date, amount, by whom paid, receipts

for cash paid for service of bailiffs, and office supplies. Arr. chron. by date filed. No index. Hdw. and typed. 9 x 4 x 15.

322. JOURNAL (Cash Book), 1926--. 1 vol.
Record of money received for sheriff's cost, showing date, amount, from whom received, for what purpose, and nature of transaction. Arr. chron. by date received. No index. Hdw. 400 pp. 16 x 10 x 2.

Correspondence

323. CORRESPONDENCE, 1930--. Est. 300 letters in 1 f.d.
Official correspondence of sheriff with sheriffs of other counties, in regard to apprehension of criminals, showing sheriff's and criminal's names and date received. Arr. alph. by name of correspondent. No index. Typed, 14 x 13 x 30.

XXVI. COUNTY POLICE

Although the general statute providing for county police was enacted in 1914,(1) the grand jury of Muscogee County, as early as 1903, saw the need of such an agency and recommended that "the city of Columbus and the county of Muscogee confer together and arrange some just and equitable basis as to defraying the expense of rural police throughout the county. We believe this will be of great benefit to the law-abiding citizens, and especially the farming interests."(2) The grand jury on January 15, 1913, requested the county and district legislative representatives to formulate and secure the enactment of a law to provide rural police.(3) The next succeeding grand jury in February 1913, gave its endorsement to the previous recommendation,(4) and the fall term body added its approval of the proposed legislation.(5)

While waiting for legislative action, the county commissioners decided that conditions demanded immediate remedy. They met and elected seven county policemen. All were to serve at the pleasure of the commissioners. One officer was to receive $100 per month; another $90; and the remaining five $85 per month each.(6)

The action of the commissioners anticipated by only a few months the passage of the act authorizing the creation of county police in any county.(7) This law was approved August 17, 1914. At a meeting of the commissioners on September 8, 1914, official cognizance was taken of the law's enactment and it was ordered that "Muscogee county exercise the privilege conferred upon it by the act and appoint county police." The previously named force was reappointed, with the addition of one more person. Salaries as

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1) Ga. Code of 1933, #23-1401; Ga. Acts 1914, p. 142.
2) Criminal Minutes, vol. C, p. 44, see entry 112.
3) Ibid., vol. F, p. 73.
4) Ibid., p. 152.
5) Ibid., p. 325.
6) Minutes, Commissioners Court, vol. F, 1901-22, p. 214, see entry 1.
7) Ga. Code of 1933, #23-1401; Ga. Acts 1914, pp. 142, 148.

County Police (Next entry 324, p. 238)

originally fixed, and a bond of $1,000 was required of each man.(1) In 1925 the salaries of the members of the force were increased as follows: the chief receiving $225 per month, his assistant $175, and patrolmen $150.(2)

In April 1924, a resolution to abolish the county police force was introduced at a meeting of the commissioners. Action was deferred until April 18, when the resolution was withdrawn.(3) Further effort to discontinue the county police is shown in an entry on the commissioners' minutes, dated December 31, 1924: "The question of abolishing the county police force on January 1 was brought up and, on motion duly seconded, it was ordered that the present force continue in service until other arrangements are made."(4)

On January 2, 1925, the following resolution was passed: "Whereas, it is deemed advisable by this board that the peace officers of the county, consisting of the county police and the forces of the sheriff, be placed under one head and that the responsibility of enforcing the laws of the state in this county be placed upon the sheriff of the county, it is therefore resolved, that the county police be placed in the office of the sheriff and that said sheriff have control and authority over management of said county police, subject, however, to the will of the board. It is further resolved that said sheriff shall be in charge of said police until such time as the board desires to change the above stated arrangement."(5)

The authority of the sheriff over the county police did not long continue. On January 28, 1925, the commissioners' minutes record a resolution and order reciting that the sheriff, being unwilling to take over the county police upon the terms under which the board could legally place the county police under the sheriff's jurisdiction, the board proceeded to reorganize the county police force under the authority of a chief.(6) At a meeting held on February 6, 1925, the board gave authority to the chief to employ and discharge members of the county police force.(7)

Since the brief interval noted, the county police have continued to function without interruption. Equipment of the force, originally mounted on horses, now includes automobiles and motorcycles. The city of Columbus radio station WPFI transmits calls for these officers. With a system of well-paved roads, police service to all parts of the county is easily feasible. Supplementary to the regular patrol of the county, county policemen check business houses outside the city for license payments, inspect bridges, dance halls, tourist camps, road houses, and perform such other duties as may be assigned them by the county commissioners.

The chief of the county police makes monthly reports to the commissioners

The office of the chief of police is on the second floor of the courthouse and all records listed hereunder are located there.

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1) Minutes, Commissioners Court, vol. F, 1901-22, p. 218, see entry 1.
2) Ibid., vol. G, 1922-26, p. 176.
3) Ibid., p. 104.
4) Ibid., p. 163.
5) Ibid., p. 164.
6) Ibid., p. 176.
7) Ibid., p. 180.

Investigations

324. COUNTY POLICE RECORD, 1914--. 5 vols. (dated).
Record of all cases investigated by police department, showing date, name of offender, offense charged, by whom reported, names of witnesses, amount of fine, amount and conditions of bond, if any, and remarks. Arr. chron. by date reported. No index. Hdw. on pr. fms. Aver. 200 pp. 15 x 10 x 1 1/2.

325. (STOLEN ARTICLES), 1939--. Est. 500 cards in 1 f.d.
Shows name, address, and telephone number of owner, description and valuation of article, date stolen, name of officer in charge, memorandum of recovery, if recovered. Arr. alph. by name of property owner. No index. Typed on pr. cards. 5 x 6 x 12.

Reports

326. MONTHLY REPORT TO COMMISSIONERS MUSCOGEE COUNTY, 1929--. Est. 2,000 papers in 8 stacks.
Duplicate of Monthly Report to Commissioners Muscogee County, showing information as in entry 19. Arr. chron. by date of report. No index. Typed. 16 x 8 1/2 x 4.

XXVII. TAX RECEIVER

The office of the tax receiver was created in 1785 by an act of the General Assembly which authorized the selection of tax receivers in each militia district in the county,(1) and in 1796 the jurisdiction of the tax receivers was, in effect, made county-wide.(2) Under this provision, such an official was chosen for Muscogee County soon after its creation in 1826. The office was consolidated in 1861 with that of tax collector,(3) but this consolidation was dissolved in 1863.(4) Consolidation of the two offices again became effective January 1, 1929, under an act of 1927(5) which had been authorized by a constitutional amendment of 1924,(6) and the successor to the two officials was designated as tax commissioner.

Qualifications for the office are the same as those for superior court clerk and include residence in the county for two years, eligibility to vote.(7) and a minimum age of twenty-one years.(8) It is also required that the candidate must not be under any disability applying to county officials.(9)

An act of 1796 required the inferior court justices to elect the tax receiver,(10) but an act of 1810 provided for election of the tax receiver

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1) Act 1785, Marbury and Crawford, p. 455.
2) Act 1796, Watkins, p. 614.
3) Ga. Acts 1861, p. 29.
4) Ga. Acts 1863, p. 16.
5) Ga. Acts 1927, pp. 638-642.
6) Ga. Code of 1933, #2-8401; Ga. Acts 1924, pp. 815-817.
7) Ga. Code of 1933, #2-8301; Ga. Const. 1877, art. XI, sec. II, par. 1.
8) Ga. Code of 1933, #89-101, par. 1.
9) Ga. Code of 1933, #89-101, Act 1823, Cobb, p. 209.
10) Act 1796, Watkins, p. 614.

by the qualified voters of the county,(1) and this provision is still in force.(2)

The tax receiver is required to take the oath prescribed for all civil officers, and, in addition, to swear to perform his duties faithfully; to receive returns only on oath of affirmation and carefully examine each, and to carry out the requirements of the law. He is required to give bond in a sum equal to one-fourth of the amount of the State tax due from the county for the year he makes the bond, except that such bond is not to exceed $10,000. The amount is filled in by the Comptroller General before the bond is sent to the county for execution.(3)

Originally elected for one year,(4) the tax receiver's term of office was extended to two years in 1872,(5) and to four years in 1914, which is the present term of office.(6)

Compensation of the tax receiver in Muscogee County until 1926 was based on a graduated schedule of fees, ranging from six percent of the first $1,000 of State and county taxes received, down to one and one-quarter percent for sum exceeding $36,000.(7) The legislature in 1924 provided for the payment of salaries in lieu of fees (except for fees paid by the State) for tax receivers in counties of specified population,(8) and under the provisions of this act, Muscogee County from January 1, 1926, until the office of tax receiver was abolished in 1929, paid its tax receiver a salary, fixed annually by the county commissioners, with the approval of the grand jury.

The tax receiver could be removed for malpractice in office.(9) Any vacancy in the office was filled by election called for that purpose by the inferior court justices who, in the meantime, appointed a person temporarily to fill the office.(10) Similar duty now rests upon the ordinary of the county.(11)

It was the duty of the tax receiver to receive all tax returns within the time and in the manner prescribed by law; to make out and perfect three digests, and to properly deposit them; to give ten days' notice in writing of times and places at which he was to attend in the various militia districts of the county to receive tax returns; to attend at such places at least three times during the period allowed for making returns; to post and maintain a notice showing the day or days on which he was to be at the county

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1) Ga. Acts 1810, pp. 132, 133; Act 1810, Cobb, p. 200.
2) Ga. Code of 1933, #92-4601; Ga. Acts 1872, pp. 80-82; 1894, p. 40; 1914, p. 43.
3) Ga. Code of 1933, #92-4602; Ga. Acts 1863-64, p. 124; 1896, p. 38; 1901, p. 23.
4) Ga. Acts 1810, pp. 132, 133; Act 1810, Cobb, p. 200.
5) Ga. Acts 1872, pp. 80-82.
6) Ga. Code of 1933, #92-4601; Ga. Acts 1914, p. 43.
7) Ga. Code of 1933, #92-5301; Ga. Acts 1878-79, p. 25; 1918, pp. 110, 111.
8) Ga. Acts 1924, pp. 90-97.
9) Ga. Code of 1933, #2-8301, #92-5403.
10) Ga. Acts 1826, pp. 120, 121.
11) Ga. Code of 1933, #92-4601, #24-2704; Act 1826, Cobb, pp. 212, 213.

seat for such purpose; to receive tax returns at any time a taxpayer applied to give in his returns; to embrace in his digest to the Comptroller General, to the ordinary or other authority in charge of county affairs, and to the tax collector, respectively, lists of all defaulters and the amount of their taxes and the double taxes assessed against them, and of all property assessed by him which has not been returned, or other special action had in conformity to the laws; to publish at the door of the courthouse, for 30 days, lists of all defaulters and the amount of their double taxes; to enter upon the digests deposited with the ordinary or other authority in charge of county affairs (county commissioners), the county taxes levied according to law, and the rate percent as fixed by the ordinary of such other authority; to conform to such rules and to obey such orders as were given by the Comptroller General.(1) In 1873 the tax receiver was required to obtain a statement from every person engaged in agriculture of the number of acres planted that year in each of the farm crops.(2)

XXVIII. TAX ASSESSORS

In 1913 county boards of tax assessors were created to assess property for taxation at a fair valuation.(3) Prior to 1852 the duties of tax assessor had fallen inferentially on the receiver of tax returns. In 1852 the General Assembly vested authority in the tax receiver to assess at the full market value all real and personal estates not returned or not assessed by the person returning it.(4) In 1874 the General Assembly required the tax receiver to lay his returns before the grand jury annually, and if undervaluation of property was found, the grand jury was authorized to assess the property at its correct market value.(5)

The opportunity for fraud in the valuation of property, and an urgent need for fairer and fuller listing of property returned for taxation being generally recognized, the General Assembly in 1909 passed a resolution providing for a joint committee to frame a measure for improvement of the condition.(6) "It is generally recognized and agreed," the resolution pointed out, "that there is no more urgent need of legislation in this state than of that which shall provide for a fuller and fairer listing of taxable property of every kind and for more uniform valuation of property...." Despite this recognition of the problem, it was not until 1913 that the General Assembly enacted a law establishing county agencies to assess property for taxation at a fair valuation.(7)

The board of tax assessors consists of three members, who must be freeholders and residents of the county. They are appointed by the board of county commissioners.(8) The assessors are required to take an oath before

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1) Ga. Code of 1933, #92-4611; Act 1804, Cobb, p. 1045; 1807, Cobb, p. 1054; 1812, Cobb, p. 1057; 1813, Cobb, p. 1059; Ga. Acts 1851-52, p. 290.
2) Ga. Acts 1873, pp. 5, 6.
3) Ga. Acts 1913, pp. 123-134.
4) Ga. Acts 1851-52, p. 290.
5) Ga. Acts 1874, p. 108.
6) Ga. Acts 1909, pp. 1566, 1567.
7) Ga. Acts 1913, pp. 123-134.
8) Ga. Code of 1933, #92-6903, #92-6905; Ga. Acts 1913, pp. 123-125.

(Next entry 327, p. 242)

the judge or the clerk of the superior court of the county to perform faithfully and impartially the duties imposed upon them by this law, and also the oath required of all civil officers.(1) Their term of office is six years.(2) Compensation of the board of assessors is fixed by the county commissioners, but is not, in any case less than $3 for each day they are in actual discharge of their duties.(3)

Upon petition of 10 or more freeholders of the county to the judge of the superior court, setting forth that any member of the board of assessors is disqualified or is not impartially discharging his duties, the judge cites this member to appear before him at a specified place in the county not less than 20 or more than 40 days from the date of presentation of the petition, and make answer thereto. The judge thereupon renders judgment and order, either dismissing the petition or removing the offending member from office and declaring a vacancy therein.(4) Vacancies are filled by appointment by the board of county commissioners.(5)

The county board of tax assessors elects one of their number as chairman, and fixes his term of office. The board has authority to employ a competent person to serve as secretary.(6)

The board is also authorized to employ an agent to seek out all unreturned property in the county and bring it to the attention of the board.(7) This section was amended in 1937 by adding the provision that the agent also seek out all unreturned taxable stocks and bonds.(8) In all cases where an assessment is made or a return is changed by authority of the assessors, and notice is not given personally to the taxpayer, the assessors post before the courthouse door a notice of such change or assessment.(9)

It is the duty of the board to examine all tax returns laid before them by the tax receiver. The board members examine all tax returns of both real and personal property of each taxpayer, and if, in their opinion, any taxpayer has omitted from his returns any property that should be returned, or has failed to return any of his property at a just and fair valuation, they correct such returns and fix a fair valuation to be placed on the property.(10)

If a taxpayer is dissatisfied with the action of the board, he may ask for a hearing before a board of arbitrators composed of three members, one named by the property owner, another by the assessors, and the third by these two members. The decision of the arbitrators is final.(11)

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1) Ga. Code of 1933, #92-6906; Ga. Acts 1913, pp. 123, 125.
2) Ga. Code of 1933, #92-6904; Ga. Acts 1913, pp. 123, 124.
3) Ga. Code of 1933, #92-6908; Ga. Acts 1913, pp. 123, 125.
4) Ga. Code of 1933, #92-6909; Ga. Acts 1913, pp. 125, 126.
5) Ga. Code of 1933, #92-6904; Ga. Acts 1913, pp. 123, 124.
6) Ga. Code of 1933, #92-6910; Ga. Acts 1913, pp. 123, 126.
7) Ibid.
8) Ga. Acts 1937, p. 518.
9) Ga. Acts 1937, pp. 519, 520.
10) Ga. Code of 1933, #92-6911; Ga. Acts 1913, pp. 123, 127.
11) Ga. Code of 1933, #92-6912; Ga. Acts 1913, pp. 123, 127; 1918, pp. 230, 231; 1931, pp. 7, 35; Ogletree et al v. Woodward,

It is the duty of the board of assessors to make such investigation as may be necessary to determine the value of any property upon which all taxes due the State or county have not been paid, and the board is required to assess against the owner, if known, and against the property, if the owner is unknown, the full amount of taxes which have accrued and are unpaid at any time within the statute of limitations.(1)

The board of assessors is empowered to subpoena witnesses and may require the production by any person of all his books, papers, and documents pertinent to the liability to taxation of any class of property. The board has authority to cite persons to appear before the ordinary, who can impose a fine of $100 or imprisonment for not more than 10 days for failure to comply with this provision.(2) The latter part of this section was amended in 1937 to provide that if any witness subpoenaed by the board of tax assessors fails or refuses to appear, or fails or refuses to answer questions propounded, or to produce books, records, papers, or documents required to be produced by an order of the board, except upon legal excuse, such person shall be guilty of contempt, and shall be cited by said board to appear before the judge of the superior court of the county, who shall have the same power to punish the person as in cases of contempt committed in the presence of the court.(3)

County boards of tax assessors are final judges as to the eligibility and value of property in applications for homestead exemptions.(4) The applicant for a homestead exemption has the right of appeal from the ruling of the board of tax assessors as to his eligivility to an exemption to the judge of the superior court.(5) The secretary of the board is required to keep a record of the proceedings of the board.(6)

Assessments

327. (RECORD OF ASSESSMENTS), 1914--. 12 vols.
Record of assessments, showing name of property owner, description, location, and valuation of property, amount of assessment, and when and to whom sold. Arr. numer. by district and road thereunder. Indexed alph. by first letter of name of road or subdivision and chron. thereunder. Hdw. on pr. fms. Aver. 500 pp. 14 x 16 x 3. 9 vols., 1914-32, tax comm.'s va.; 3 vols., 1932--, tax comm.'s off.

328. OLD CITY ASSESSMENT LEDGER, 1927-36. 19 vols. (dated).
Assessors' record of taxable property in Columbus, showing name of property

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chairman, et al, 105 S.E. 243; 150 Ga. 691-698 (1920);
Vestel v. Edwards et al, 85 S.E. 187; 143 Ga. 368-376 (1916);
254 U.S., pp. 64-70.

1) Ga. Acts 1937, pp. 517-524.
2) Ga. Code of 1933, #92-6914; Ga. Acts 1913, pp. 123, 128.
3) Ga. Acts 1937, pp. 522, 523.
4) Ga. Acts 1937-38. Ex. Sess., p. 147.
5) Ibid.
6) Ga. Acts 1913, p. 126.

owner, ward in which property is located, amount of assessment, when sold, to whom sold, and remarks. Arr. alph. by first letter of property owner's surname and chron. thereunder. No index. Hdw. Aver. 450 pp. 14 x 9 x 2. Tax Comm.'s va.

XXIX. TAX COLLECTOR

A tax collector for each county then existing was named in the general tax act of 1783,(1) and since that time each county has been provided with such an official. One was chosen for Muscogee County soon after its creation in 1826. The office was consolidated in 1861 with that of tax receiver, (2) but this consolidation was dissolved in 1863.(3) Consolidation of the two offices again became effective January 1, 1929, under an act of 1927,(4) which had been authorized by a constitutional amendment of 1924,(5) and the successor to the two officials was designated as tax commissioner.

Tax collectors must be qualified voters and residents for two years of the counties in which elected.(6) Their selection is by the voters of their respective counties.(7)

He is required to take an oath to discharge faithfully the duties of his office, and to search out and make a true return of all defaulters, polls, and professions, and all taxable property not found on the tax receiver's digest, or not returned according to law, and to pay over all taxes collected by him to the proper authorities.(8)

Tax collectors are required to give bond for 40 percent of the State tax supposed to be due from the county for the year he gives the bond, but it is provided that this bond shall not exceed $50,000. The amount of this bond is filled in by the Comptroller General before being sent out to the county. The tax collector is required to also give a bond to the county commissioners, the amount to be determined by the commissioners, but within a limit of $25,000.(9)

The tax collector's term of office was fixed at one year by an act of 1810,(10) increased to two years in 1872,(11) and set at four years by an amendment to the Constitution of 1877, proposed in 1914 and ratified and made effective January 1, 1917.(12) This is the present term of office.

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1) Act 1783 Marbury and Crawford, p. 447 et seq.
2) Ga. Acts 1861, p. 29.
3) Ga. Acts 1863, p. 16.
4) Ga. Acts 1927, pp. 638-642.
5) Ga. Code of 1933, #2-8401; Ga. Acts 1914, pp. 815-817.
6) Ga. Code of 1933, #2-8301; Ga. Acts 1914, p. 43.
7) Ga. Acts 1810, pp. 132, 133; Act 1810, Cobb, p. 200.
8) Ga. Code of 1933, #92-4702.
9) Ga. Code of 1933, #92-4801; Ga. Acts 1863-64, p. 124; 1933, p. 47.
10) Ga. Acts 1810, pp. 132, 133; Act 1810, Cobb, p. 200.
11) Ga. Acts 1872, pp. 80-82.
12) Ga. Code of 1933, #2-8301; Ga. Acts 1914, p. 43.

Tax Collector (Next entry 329, p. 247)

Compensation of the tax collector in Muscogee County, until 1926, was based on a graduated schedule of fees, ranging from six percent of the first $1,000 dollars of the State and county taxes collected, down to one and one-quarter percent for sums exceeding $36,000.(1) The legislature in 1924 provided for the payment of salaries in lieu of fees (except for fees paid by the State) for tax collectors in counties of specified population,(2) and under the provisions of this act, Muscogee County from January 1, 1926, until the office of tax collector was abolished in 1929, paid its tax collector a salary, fixed annually by the county commissioners with the approval of the grand jury.

The tax collector may be removed for malpractice in office.(3)

Early provision for filling vacancies in the office of the tax collector was made by authorizing the justices of the inferior court to call an election for that purpose, and to appoint, in the meantime, a person temporarily to fill the office.(4) The duty formerly devolving upon the inferior court in this instance now rests upon the ordinary of the county.(5)

It is the duty of the tax collector to collect and pay over to the State and county treasurers their proportionate share of the taxes collected;(6) to search out and ascertain all polls and professions and all taxable property not returned to the receiver or not found on his digest;(7) to enter the names of defaulters in a book kept for that purpose and to assess and collect a double tax thereon, and to deposit said book with the Comptroller General and a copy with the ordinary (or other authority over county affairs) before the final settlement;(8) to have his insolvent list allowed in the manner provided by law; to give 10 days' notice in writing of the several times and places at which he will attend in the militia districts of the county for the purpose of collecting taxes, and to attend at such places at least three times during the period allowed for paying taxes; to publish his insolvent list at the courthouse door for 30 days; to pay the receiver his commissions, upon the production of the Comptroller General's receipt for his digest; to report to the Comptroller General the names of persons or firms paying the special taxes levied;(9) to issue executions against all defaulters and insolvents who are residents of his county;(10) to keep a permanent qualification or voters book and make up the registration lists, as provided by law.(11)

The tax collector is also required to keep a detailed record of all

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1) Ga. Code of 1933, #92-5301; Ga. Acts 1878-79, p. 25; 1918, pp. 110, 111.
2) Ga. Acts 1924, pp. 90-97.
3) Ga. Code of 1933, #2-8301.
4) Ga. Acts 1826, pp. 120, 121.
5) Ga. Code of 1933, #92-4701, #24-2704; Act 1826, Cobb, pp. 212, 213.
6) Act 1804, Cobb, p. 1046; 1812, Cobb, p. 1058.
7) Ga. Acts 1857, p. 131; 1858, p. 104.
8) Ga. Acts 1857, p. 131; 1862-63, p. 57.
9) Ga. Acts 1878-79, p. 78.
10) Ga. Acts 1875, p. 120.
11) Ga. Code of 1933, #92-4901.

receipts and disbursements in a cash book;(1) to keep a record of interest collected from delinquents and defaulters;(2) to keep stub books of tax receipts;(3) to keep a tax execution docket, and on December 20 of each year issue fieri facias against delinquent taxpayers and enter their names on the docket;(4) to prepare two digests, one for the State Revenue Department and one for his office, of all special or occupational taxes;(5) to make out a report to the Comptroller General and to the ordinary, or other authority in charge of county affairs, on December 20 of each year, showing the amount of State and county taxes unpaid on the tax digest, and report every 30 days thereafter until final settlement, showing taxes collected and interest thereon;(6) to keep a permanent qualification or voters book, or instead of a voters book, to keep such record on a card system;(7) to make a list of persons disqualified from voting by reason of nonpayment of poll taxes.(8)

The offices of receiver of tax returns and tax collector were consolidated in Muscogee County by an act of 1927, effective January 1, 1929, under the authority of a constitutional amendment ratified in 1924,(9) and their successor is designated as tax commissioner.(10)

XXX. TAX COMMISSIONER

The office of tax receiver and tax collector in Muscogee County were combined January 1, 1929, by an act of the General Assembly of 1927,(11) under authority of a constitutional amendment of 1924,(12) and this dual officer was designated tax commissioner. A previous consolidation of the two offices under the title "Tax Receiver and Collector," had been effected in 1861,(13) but the act was repealed after two years.(14)

The qualification and oath of the tax commissioner are the same as those prescribed for tax collector. The act of 1927 provided that the tax commissioner give a bond in double the amount reasonably estimated to pass through his hands annually.(15) In 1933, however, an amending act made it obligatory upon both tax collectors and tax commissioners to give a bond of

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1) Ga. Code of 1933, #92-4902, #92-4903; Ga. Acts 1910, p. 121.
2) Ga. Code of 1933, #92-5003.
3) Ga. Code of 1933, #92-5101; Ga. Acts 1884-85, p. 66.
4) Ga. Code of 1933, #92-5102; Ga. Acts 1884-85, p. 66.
5) Ga. Code of 1933, #92-5201; Ga. Acts 1924, pp. 183, 184.
6) Ga. Code of 1933, #92-5002; Ga. Acts 1917, p. 197.
7) Ga. Code of 1933, #34-101, #34-102, #34-201; Ga. Acts 1913, p. 115; 1894, pp. 116, 117; 1908, p. 58.
8) Ga. Code of 1933, #34-203; Ga. Acts 1899, p. 21; 1908, p. 58; Ga. Const. 1877, art. II, sec. I, par. 3.
9) Ga. Code of 1933, #2-8401; Ga. Const. 1877, art. XI, sec. III, par. 1.
10) Ga. Acts 1927, pp. 638-642.
11) Ibid.
12) Ga. Code of 1933, #2-8401; Ga. Const. 1877, art. XI, sec. III, par. 1.
13) Ga. Acts 1861, p. 29.
14) Ga. Acts 1863, p. 16.
15) Ga. Acts 1927, p. 641.

40 percent of the State tax supposed to be due from the county the year for which the officer gives bond, the amount of the bond to be filled in by the Comptroller General before being sent out to the county from the executive office. This amending act also required such officials to give another bond with sufficient security, payable to the ordinary, or other officials in charge of county affairs, conditioned on the faithful performance of their duties and in a sum to be fixed by the ordinary or other county authority. It was provided, however, that in no case was the bond required on behalf of the State to exceed $50,000, or that on behalf of the county, $25,000.(1)

The tax commissioner's term of office is four years, and provisions for removal from office for malpractice are the same as those named in relation to the tax collector.(2) Vacancies in the office are filled in the same manner as in the offices of receiver and of collector.

The tax commissioner is charged with all the duties, liabilities, and penalties of both the tax receiver and tax collector, and is subject to all the laws applicable to these officers.

It is the duty of the tax commissioner (or tax receiver) to administer oaths to applicants for personalty and homestead tax exemptions, to file and preserve applications, and determine the eligibility of such applicants to claim the exemption.(3)

He is required to pay into the county treasury all fees, commissions, and other compensation formerly allowed to the tax receiver and tax collector.(4) The salary of the tax commissioner was fixed by the commissioners

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1) Ga. Acts 1933, pp. 47-49.
2) Ga. Acts 1927, pp. 639, 642.
3) Ga. Acts 1937-38, Ex. Sess., pp. 146, 147, 178, 179; The General Assembly provided at the 1937 session for amendment to the Constitution exempting homesteads not exceeding $2,000 in value from ad valorem taxation, except special assessments and taxation for any existing bonded indebtedness. The law also provided that the General Assembly could, as the condition of fiscal affairs of the State, counties, or schools warranted, lower the exemption to not less than $1,250 (Ga. Acts 1937, pp. 1122-1124). Ratification of the act by the voters took place at the next general election. Another constitutional amendment of the same legislature provided exemption from the ad valorem taxation of all clothing, household and kitchen furniture, and other personal property not to exceed $300 in actual value (Ga. Acts 1937, pp. 38, 39). The enabling acts were passed at the legislative extra session of 1937-38 (personalty, Ga. Acts 1937-38, Ex. Sess., pp. 176-179; homestead, Ga. Acts 1937-38, Ex. Sess., pp. 145-150). It was stipulated in the act providing for the amendment that personalty exemption applications, giving a description of the property, must be filed to secure the exemption, and the enabling act providing homestead exemption required the filing of a written application for the tax receiver or tax commissioner.
4) Ga. Acts 1927, pp. 638-642; 1937-38, Ex. Sess., pp. 297-299. The fees turned over to the county under the provision of the act of 1927 are now based on a schedule of commissions revised by an act of 1937-38, which provided for a maximum of six percent for $3,000 and was scaled downward to one and one-half percent for sums in excess of $54,000.

of roads and revenue when the office was established, effective January 1, 1929, and is fixed every four years with the commencement of each tax commissioner's term.(1)

Returns

329. TAX PAYERS RETURNS, 1905--. 1,007 vols. (798 vols. not labeled; dated).
Original returns made by white and colored taxpayers on realty and personalty, showing name and address of taxpayer, description, location, and valuation of property, and date returned. 1905, 16 vols., arr. alph. by name of property owners; 1906--, arr. chron. by date of return and numer. by file no. For index, see entry 330. Hdw. on pr. fms. Aver. 310 pp. 17 x 14 x 1 1/2. 798 vols., 1905-32, gen. bsmt. strm.; 173 vols., 1933-37, tax comm.'s va.; 36 vols., 1938--, tax comm.'s off.

330. (INDEX TO TAX RETURNS), 1905--. 32 vols. (dated).
Index to Tax Payers Returns, entry 329, showing name of taxpayer, address, past due taxes, date and amount paid, volume and page number where recorded; notations whether paid or execution issued on property, with execution number. Arr. alph. by name of taxpayer. Hdw. under pr. hds. Aver. 600 pp. 18 x 12 x 3. 14 vols., 1906-20, gen. bsmt. strm.; 18 vols. 1921--, tax comm.'s va.

Exemptions

331. (HOMESTEAD EXEMPTIONS - WHITE), 1938--. Est. 2,000 cards in 4 f.d. Subtitled by location of property.
Applications for exemption from taxation on real property to the value of $2,000 from State, county, and school taxes, showing a description of property, when and from whom acquired, kind of title held, the amount of liens on the property, and to whom due, if any, and oath of applicant. Arr. by districts and alph. by name of applicant thereunder. No index. Hdw. on pr. fms. 6 1/2 x 8 1/2 x 18. Tax comm.'s off.

332. (HOMESTEAD EXEMPTIONS - COLORED), 1938--. Est. 250 cards in 1 f.d.
For description, see entry 331. Arr. by districts and alph. by name of applicant thereunder. No index. Hdw. on pr. fms. 6 x 8 x 18. Tax comm.'s off.

333. (HOUSEHOLD EXEMPTIONS - WHITE), 1938--. Est. 2,000 cards in 4 f.d. (labeled by contained letters of the alph.). Subtitled by name and number of district.
Applications for exemption from taxation on personal property by heads of families (including household property, domestic animals, and tools of trade - does not include motor vehicles), of the value of $300, showing name of applicant, date order confirmed, and date recorded. Arr. by districts and alph. by name of applicant thereunder. No index. Hdw. on pr. fms. 6 1/2 x 8 1/2 x 18. Tax comm.'s off.

334. (HOUSEHOLD EXEMPTIONS - COLORED), 1938--. Est. 250 cards in 1 f.d.
For description, see entry 333. Arr. by districts and alph. by name of

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1) Ga. Acts 1927, p. 640.

applicant thereunder. No index. Hdw. on pr. fms. 6 1/2 x 8 1/2 x 18. Tax comm.'s off.

335. TAX BOOK FOR 1851. 1 vol.
Record of taxable property and slaves owned, showing name of owner, location and value of property and slaves, amount of tax assessment, and date. Arr. by militia districts and alph. by first letter of owner's surname thereunder. No index. Hdw. 150 pp. 16 1/2 x 8 1/2 x 1. Gen. bsmt. strm.

Tax Receipts and Collections

(For audits of tax commissioner's financial records, see entry 13)

Receipts

336. (TAX RECEIPTS - WHITE), 1914-17, 1935--. 31 vols. (dated).
Stubs of tax receipts, showing name of property owner, date, location of property, kind and amount of taxes. Arr. numer. by serial no. No index. Typed on pr. fms. Aver. 500 pp. 15 x 14 x 1. 24 vols., 1914-37, gen. bsmt. strm.; 7 vols., 1938--, tax comm.'s off.

337. (TAX RECEIPTS - COLORED), 1932--. 14 vols. (dated).
For description, see entry 336. Arr. numer. by serial no. No index. Typed on pr. fms. Aver. 400 pp. 15 x 14 x 1. 12 vols., 1932-37, gen. bsmt. strm.; 2 vols., 1938--, tax comm.'s off.

338. (RECEIPTS FOR SPECIAL TAXES NOT ON DIGEST - WHITE), 1923--. 17 vols. (dated).
Stubs of special taxes and taxes not on the regular digests, showing receipt number, name of property owner, kind and amount of tax. Arr. numer. by receipt no. No index. Hdw. on pr. fms. Aver. 200 pp. 15 x 13 1/2 x 1. 11 vols., 1923-34, gen. bsmt. strm.; 6 vols., 1934--, tax comm.'s off.

339. (RECEIPTS FOR SPECIAL TAXES NOT ON DIGEST - COLORED), 1923--. 17 vols. (dated).
For description, see entry 338. Arr. numer. by receipt no. No index. Hdw. on pr. fms. Aver. 200 pp. 15 x 13 1/2 x 1. 11 vols., 1923-34, gen. bsmt. strm.; 6 vols., 1934--, tax comm.'s off.

Cash Books

340. CASH BOOK, 1905--. Est. 765 papers in 17 bdles. (dated), 9 vols. Title varies: Cash, 1905-16, 4 vols. Untitled, 1917-37, 4 vols. and 17 bdles.
Record of cash collected, showing name of taxpayer, date, amount paid, kind of tax, interest, and total amount received. Arr. chron. by date paid. No index. Hdw. under pr. hds. Vols. aver. 450 pp. 18 x 24 x 3; bdles. aver. 18 x 24 x 1. 8 vols., 17 bdles., 1905-37, gen. bsmt. strm.; 1 vol., 1937--, tax comm.'s va.

341. SPECIAL TAX CASH BOOK, 1925--. 2 vols.
Record of special taxes collected, showing name of taxpayer, date, receipt number, kind of tax, amount, interest, and totals. Arr. chron. by date paid. No index. Hdw. under pr. hds. Aver. 400 pp. 17 x 11 x 2. 1 vol., 1935-31, tax comm.'s va.; 1 vol., 1932--, tax comm.'s off.

Tax Digests; Specific and Special Taxes;
Insolvent and Delinquent Taxpayers

342. RECORD OF TAX COLLECTIONS NOT ON DIGEST, 1913-36. 12 vols. (dated). Record of tax collections not on regular digest, showing number, name of taxpayer, date, kind of tax, amount, interest, and total. Arr. alph. by first letter of taxpayer's surname and chron. thereunder. No index. Hdw. under pr. hds. Aver. 300 pp. 18 x 14 x 1 1/2. 7 vols., 1913-26, sup. ct. cl.'s bsmt. va.; 5 vols., 1927-36, tax comm.'s va.

Tax Digests

343. TAX DIGEST (White), 1841, 1847-57, 1861, 1863, 1866, 1867, 1869, 1872, 1875-78, 1884--. 77 vols. (dated).
Digest of returns on real and personal property, showing date, name of owner, location, description, and valuation of property, with notation whether taxes paid or payment enforced by execution. Also contains: Tax Digest (Colored), 1872, 1875-78, 1884-1905, entry 344. Arr. by militia districts and alph. by name of taxpayer thereunder. No index. Hdw. under pr. hds. Aver. 500 pp. 17 x 14 x 2 1/2. 23 vols., 1841, 1866-67, 1869, 1908-26, ord.'s va.; 42 vols., 1847-57, 1861-63, 1872-1907, gen. bsmt. strm.; 12 vols., 1927--, tax comm.'s va.

For duplicate 1929--, see entry 10.

344. TAX DIGEST (Colored), 1906--. 33 vols. (dated). 1872, 1875-78, 1884-1905, in Tax Digest (White), entry 343.
For description, see entry 343. Arr. by militia districts and alph. by name of taxpayer thereunder. No index. Hdw. under pr. hds. Aver. 250 pp. 17 x 14 x 2 1/2. 2 vols., 1906-7, gen. bsmt. strm.; 19 vols., 1908-26, ord.'s va.; 12 vols., tax comm.'s va.

345. SPECIAL TAX DIGEST, 1925-26, 1931-34. 2 vols.
Digest of special taxes collected, showing date collected, amount, name and kind of business, receipt number, penalties, totals, and remarks. Arr. chron. by date collected. No index. Hdw. under pr. hds. Aver. 300 pp. 17 1/2 x 11 x 2. Tax comm.'s va.

Specific and Special Taxes

346. DEPARTMENT OF REVENUE, INTANGIBLE TAX UNITS, 1925-37. 1 vol.
Record of taxes on intangibles in Muscogee County, showing name and address of taxpayer, kind of property, name of tax collector, date registered, date tax collector notified, amount of taxes paid, and date of remittance to Comptroller General. Arr. alph. by first letter of taxpayer's surname and chron. thereunder. No index. Typed. 250 pp. 14 x 11 x 2. Tax comm.'s va.

347. REGISTER OF SPECIAL TAXES, 1905-23. 1 vol.
Shows name of taxpayer, address and kind of business, name of collector, date registered, date tax collector notified, amount of taxes paid, and date remitted to Comptroller General. Arr. chron. by date paid. No index. Hdw. under pr. hds. 150 pp. 16 1/2 x 10 x 1. Sup. ct. cl.'s bsmt. va.

Insolvent and Delinquent Taxpayers

348. (INSOLVENT LIST), 1891--. 35 vols. (E; 1 vol. not labeled; 1905--, dated).
List of persons whose taxes are in default, showing date, name, color, address,

kind of tax, and amount due. Arr. alph. by first letter of insolvent's surname and chron. thereunder. No index. Typed under pr. hds. Aver. 17 pp. 14 x 8 1/2 x 1/2. 1 vol., 1891-98, ord.'s off.; 1 vol., 1899-1904, gen. bsmt. strm.; 17 vols., 1905-21, sup. ct. cl.'s bsmt. va.; 16 vols., 19 1922--, tax comm.'s va.

Tax Execution Dockets and Fieri Facias

349. TAX COMMISSIONER'S EXECUTION DOCKET, 1905--. 33 vols. (dated). Title varies: Tax Collector's Execution Docket, 1905-28, 23 vols.
Docket of State and county executions, showing name of taxpayer, years in default, amounts of taxes and interest due, to whom fieri facias delivered, date, and notation whether paid. Arr. numer. by execution no. No index. Hdw. on pr. fms. and under pr. hds. Aver. 620 pp. 18 x 12 x 2 1/2. 23 vols., 1905-28, gen. bsmt. strm.; 10 vols., 1929--, tax comm.'s va.

350. (DUPLICATES OF FIERI FACIAS ISSUED - EXECUTIONS), 1909--. Est. 70,000 papers in 71 bdles. and 10 f.d.
Duplicates of fieri facias issued against property owners for nonpayment of taxes, showing name of taxpayer, address, fieri facias number, location of property, amount of taxes due, interest, cost, and total amount. Arr. chron. by date issued and numer. by fi. fa. no. No index. Hdw. on pr. fms. Bdles., aver. 8 1/2 x 8 x 4; f.d. 10 x 5 x 12. 71 bdles. and 3 f.d., 1909-35, sup. ct. cl.'s bsmt. va.; 7 f.d., 1936--, tax comm.'s va.

351. (RECORD OF FIERI FACIAS), Mar. 14 - Sept. 10, 1908. 1 vol.
Record of fieri facias issued against property owners for nonpayment of taxes, showing name of taxpayer, address, fieri facias number, location of property, amount of taxes due, cost, and, if paid, amount. Arr. numer. by fi. fa. no. No index. Hdw. 275 pp. 16 x 11 x 1 1/2. Sup. ct. cl.'s bsmt. va.

Voters
(See also entries 124, 360)

352. REGISTRATION BOOK, 1886-94, 1906, 1912, 1920, 1922-30, 1932, 1934--. 20 vols. (labeled by district no.). Untitled, 1906--, 19 vols.
Certified list of registered voters, showing name, age, sex, color, and address of voter, and date registered. Arr. by districts and alph. by name of voter thereunder. 1886-94, 1 vol., separate index, entry 353; 1906--, no index. 1886-94, 1 vol., hdw. under pr. hds.; 1906--, typed. Aver. 180 pp. 9 x 6 x 1/2. 1 vol., 1886-94, ord.'s va.; 19 vols., 1906--, tax comm.'s va.

353. (INDEX TO REGISTRATION BOOK), 1886-94. 1 vol.
Index to Registration Book, entry 352, showing name, age, address, sex, and color of voter, book and page number where recorded. Arr. alph. by name of voter. Hdw. 50 pp. 15 1/2 x 10 x 1/2. Ord.'s va.

354. OATHS OF VOTERS, WHITE MEN, 1920--. Est. 3,000 cards in 2 f.d. (labeled by contained letters of alph.).
Oaths of voters, showing name, age, sex, color, address, length of residence in county, date, and signature of voter. Arr. alph. by name of voter. No index. Hdw. on pr. fms. 11 x 5 x 16. Tax comm.'s va.

355. OATHS OF VOTERS, WHITE WOMEN, 1920--. Est. 1,500 cards in 2 f.d. (labeled by contained letters of alph.).
For description, see entry 354. Arr. alph. by name of boter. No index. Hdw. on pr. fms. 10 x 5 x 18. Tax comm.'s va.

356. REGISTERED AND QUALIFIED VOTERS, 1906, 1923, 1925, 1927-29. 10 vols. (dated).
List of qualified voters, showing name, age, sex, color, occupation, address, and date. Arr. alph. by name of voter. No index. Hdw. under pr. hds. Aver. 100 pp. 8 1/2 x 6 1/2 x 1. Tax comm.'s va.

357. DELINQUENT VOTERS, 1923--. Est. 2,000 papers in 8 f.d.
List of persons disqualified to vote because of nonpayment of poll taxes, showing name, address, and reason. Arr. alph. by first letter of voter's surname and chron. thereunder. No index. Hdw. on pr. fms. 12 x 4 x 18.

Maps

358. MAP OF MUSCOGEE COUNTY, 1907. 1 map.
Physical and political map, showing divisions of county in colors, land lots by number, and churches. Author and publisher: Duncan Hannegan and Oscar Jones, Washington, D. C. Pr. and colored. Scale: 2 in. equals 1 mi. 35 x 52. Tax comm.'s off.

359. MAP OF COLUMBUS, 1931. 1 map.
Political map, showing the city of Columbus, Georgia, with its suburbs, streets, lots, lot numbers, and names of divisions. Author: Hugh McMath and Eldridge Garrett. Pr. black and white. Scale: 2 1/2 in. equals 1,000 ft. 52 x 65. Tax comm.'s off.

XXXI. DISBURSING AGENT
(Formerly County Treasurer)

A disbursing agent succeeded on January 1, 1925, to the duties of the Muscogee County treasurer, whose office was abolished by an act of 1924. This act created the office of clerk of the board of commissioners of roads and revenues, and provided that the clerk of the board act as disbursing agent.(1)

The office of county treasurer had existed since 1825,(2) and such an official was named for Muscogee County soon after that county's creation in 1826.

To be eligible for the office, the county treasurer was required to be a qualified voter in the county and a resident therein for 2 years prior to election. He was forbidden to hold any other county office.(3)

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1) Ga. Acts 1924, pp. 357-363.
2) Ga. Acts 1825, pp. 67-69.
3) Ga. Code of 1933, #23-1002, #2-8301; Ga. Acts 1914, p. 43, ratified Nov. 3, 1914.

Disbursing Agent (Next entry 360, p. 255)

The act of 1825 provided for appointment of the county treasurer by the inferior court justices,(1) but since 1865 county treasurers have been elected by the voters of the county,(2) and this is the present practice in those counties where the office of county treasurer still exists.[3] The clerk of the commissioners, who acts as disbursing clerk of Muscogee County, is chosen by the board of commissioners of roads and revenues.(3)

The county treasurer was required to take an oath to collect and account for all moneys or other effects due the county, and to otherwise properly discharge the duties of his office.(4)

A bond in a sum approved by the county commissioners as ample to protect the county from loss was required of the county treasurer,(5) and the act creating the office of county disbursing agent provided that he be bonded for not less than $40,000, the premium to be paid by the county.(6)

County treasurers served under an act of 1865 for terms of 2 years,(7) but by an amending act of 1914 to the constitution, the terms of these officers were extended to 4 years,(8) and this is the present term of treasurers in counties having such an official.(9) The Muscogee County disbursing agent serves at the will of the county commissioners.(10)

As compensation, the county treasurer received two and one-half percent commission on all county funds received or paid out by him, up to $10,000, and one and one-quarter percent commission on all county funds received or paid out by him in sums of more than $10,000, but the same act provided that in no case could his salary exceed $3,000.(11) Compensation of the disbursing agent is fixed by the county commissioners.(12)

County treasurers could be removed from office on the same grounds and in the same manner as clerks of the superior court are removed.(13) In addition to the removal provisions applicable to county treasurers, the disbursing agent is also subject to removal from office at the discretion of the county commissioners.(14)

Vacancies in the office of county treasurer were filled by appointment by the ordinary.(15) A vacancy in the office of the disbursing clerk of

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1) Ga. Acts 1825, pp. 67-69.
2) Ga. Code of 1933, #23-1001; Ga. Acts 1865, Ex. Sess., p. 49; 1872, p. 82.
3) Ga. Acts 1924, pp. 357-363.
4) Ga. Code of 1933, #23-1004.
5) Ga. Code of 1933, #23-1005; Ga. Acts 1889, p. 51; 1918, pp. 109, 110.
6) Ga. Acts 1924, p. 360.
7) Ga. Acts 1865, Ex. Sess., p. 49.
8) Ga. Acts 1914, p. 43, ratified Nov. 3, 1914; Ga. Code of 1933, #2-8301; Ga. Const. 1877, art. XI, sec. II, par. 1.
9) Ga. Code of 1933, #2-8301.
10) Ga. Acts 1924, pp. 357-363.
11) Ga. Code of 1933, #23-1013.
12) Ga. Acts 1924, p. 358.
13) Ga. Code of 1933, #23-1026.
14) Ga. Acts 1924, pp. 357-363.
15) Ga. Code of 1933, #23-1027, #23-701.

Disbursing Agent (Next entry 360, p. 255)

Muscogee County is filled by appointment by the county commissioners.(1)

It is the duty of county treasurers to collect all moneys due the county; to examine the minutes and execution dockets of the various courts of the county, and to demand and receive all moneys appearing to be due thereon, and to institute proceedings against defaulters; to obtain and file receipts on all orders when paid; to keep well-bound books in which must be entered all receipts with information as to when received, from whom and on what account, and a record of all moneys paid out, when paid, to whom, and on what account; to record a full description of all county orders, or other orders of indebtedness, and to record a copy of the orders of the tax authorities levying county taxes; to file with the ordinary (county commissioners) on the second Monday in January, annually, a full statement of their accounts, accompanied by vouchers for the preceding year, together with his estimate of the indebtedness of the county for the ensuing year, and the means of providing therefor; and to publish at the courthouse door and in a public newspaper, a copy of their annual statements.(2) All books, records, vouchers, and other files relating to the office of county treasurer are supposed to be deposited by that official in the office of the ordinary, where they become a part of the latter official's records.(3)

The act of 1924 vested the disbursing clerk with all the powers and duties, and he was made liable to all the penalties incident to the treasurer's office. The clerk was made liable both civilly and criminally as county treasurers are liable for any nonfeasance, misfeasance, or malfeasance in the performance of the duties of the office.(4)

The act of 1924 abolishing the office of treasurer in Muscogee County and providing for the appointment of a disbursing agent, also authorizes the county commissioners to select and appoint two or more incorporated banks as depositories of county funds. The banks serve as depositories at the will of the commissioners, and it is provided that they are to receive no compensation as such. Each of the depositories is required to give a surety bond, the amount of which is determined by the commissioners as adequate to protect the county.(5) An amending act of 1933 authorizes the acceptance of bonds of the United States, or of this State, or of validated bonds of the counties or municipalities on which there has been no default in payment of either principal or interest, in lieu of the surety bonds. This amending act also provides that the depositories can secure county deposits in part by surety bond and in part by a deposit of any or all bonds above mentioned, or by any other method.(6)

Entries on the county's financial records are listed under Board of Commissioners of Roads and Revenues, supra, p. 121.

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1) Ga. Acts 1924, pp. 357-363.
2) Ga. Code of 1933, #23-1015; Ga. Acts 1825, pp. 67-69, Cobb, p. 211; 1838, Cobb, p. 216; Ga. Acts 1838, p. 82; 1859, p. 25.
3) Ga. Code of 1933, #23-1021.
4) Ga. Acts 1924, pp. 357-363.
5) Ibid.
6) Ga. Acts 1933, pp. 640-642.

XXXII. REGISTRARS

Three registrars were provided for each county by the General Assembly in 1894.(1) They are required to be "upright and intelligent citizens" and from more than one political interest or party.(2)

They are appointed by the superior court judge and required to take an oath, before some official qualified to administer it, to discharge their duties impartially.(3) Their term of office is for 2 years and until their successors are qualified, and a record of such appointments is entered on the minutes of the superior court.(4)

Registrars are paid $2 for each day of actual service, but the law provides that the county commissioners may change this rate of compensation.(5) The superior court judge is vested with authority to remove registrars at his discretion with or without cause,(6) and in the event the provision of the law requiring registrars to be from more than one political interest or party has not been complied with, one registrar must be removed and a successor named from another political interest or party.(7)

Vacancies in the board of registrars are filled by appointment by the superior court judge,(8) and, if in the opinion of the judge, the registrars cannot prepare the registered voters list on or before June 1, the judge is empowered to appoint one or more assistant boards of registrars.(9)

It is the duty of the registrars to prepare on or before June 1 of each election year(10) a list of registered voters arranged in alaphabetical order by names of voters, by militia districts or city wards, and showing name, age, occupation, residence, and color of the voter.(11) The registrars begin the preparation of this list on April 20 of each year in which a general election is to be held (biennially) from the voters list prepared and furnished by the tax collector, removing the names of persons on the disqualified lists of the tax collector, ordinary, and superior court clerk.(12) Any citizen whose name does not appear on the registered voters list may make application to the registrars, and upon showing satisfactory qualifications, may cause his name to be placed thereon.(13) The registered voters list is open to the public and any citizen of the county may contest the right of registration of any person whose name appears thereon.(14) The registrars have the power to require, on one day's notice, the production of original papers or books pertinent to the

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1) Ga. Code of 1933, #34-301; Ga. Acts 1894, pp. 115-118.
2) Ibid.
3) Ibid.
4) Ibid.
5) Ga. Code of 1933, #34-1001; Ga. Acts 1894, p. 121; 1899, p. 21.
6) Ga. Code of 1933, #34-301; Ga. Acts 1894, pp. 115-118.
7) Ga. Code of 1933, #34-302; Ga. Acts 1894, pp. 115-118.
8) Ibid.
9) Ga. Code of 1933, #34-403; Ga. Acts 1908, p. 59; 1924, p. 47.
10) Ga. Code of 1933, #34-403; Ga. Acts 1908, p. 58; 1924, p. 47.
11) Ga. Code of 1933, #34-401; Ga. Acts 1894, p. 118; 1908, p. 58.
12) Ibid.
13) Ga. Code of 1933, #34-601; Ga. Acts 1894, p. 119.
14) Ga. Code of 1933, #34-605; Ga. Acts 1908, p. 58.

disqualification of any voter. They have the power to summon and swear witnesses, also on 1 day's notice, all such summonses to be served by the county sheriff, his deputy, or constable.(1)

The registrars are required to file the registered voters list within 5 days of its completion with the superior court clerk, no person being eligible to vote whose name does not appear thereon.(2) They are further required to place in the possession of the election managers at each voting precinct one or more copies of the list of registered voters in that militia district or city ward when or before the polls open.(3)

The first appointments of registrars in Muscogee County were recorded on January 28, 1895, and signed by the superior court judge.(4)

Voters
(See also entries 124, 352-357)

360. REGISTERED VOTERS, 1906--. 20 vols. (dated).
List of persons qualified to vote, showing district number, name, age, address, color, sex, and occupation of voter, and date list authenticated by signatures of county registrars. Arr. by district and alph. by name of voter thereunder. No index. Pr. Aver. 165 pp. 9 x 6 x 1/2. Tax. comm.'s va.

XXXIII. BOARD OF EDUCATION

The State Constitution of 1777 provided for the establishment of schools in each county to be maintained at the general expense of the State "as the legislature shall hereafter point out,"(5) and under this statewide program, the Muscogee Academy was established as the county's first educational institution. An act of the General Assembly approved December 16, 1828, incorporated the academy and named its trustees.(6) Upatoy Academy was incorporated and its trustees named in 1832.(7) Other academies and the dates of establishemnt in Muscogee County were Jefferson Academy, 1833;(8) Mount Pleasant Academy, 1835;(9) Summer Retreat Academy, 1836;(10) Halloca Academy, 1837;(11) Hickory Grove Academy, 1839.(12) These institutions were the forerunners of the Muscogee County public school system.

It is obvious that under the academy system, the trustees of these institutions took the place of a county board of education. The number of

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1) Ga. Code of 1933, #34-602; Ga. Acts 1894, p. 119.
2) Ga. Code of 1933, #34-404; Ga. Acts 1908, pp. 58-60.
3) Ga. Code of 1933, #34-701; Ga. Acts 1894, p. 120.
4) Civil Minutes, vol. W, p. 244, see entry 91.
5) Ga. Const. 1777, art. LIV.
6) Ga. Acts 1828, p. 14.
7) Ga. Acts 1832, pp. 3-6.
8) Ga. Acts 1833, pp. 22-26.
9) Ga. Acts 1835, pp. 11-13.
10) Ga. Acts 1836, pp. 4, 5.
11) Ga. Acts 1837, pp. 3-10.
12) Ga. Acts 1839, pp. 4-6.

trustees varied with the different institutions and, therefore, with the counties themselves. In 1837 the General Assembly revamped the school set-up and the act provided for five school commissioners in each division (county). They were styled commissioners of the common school.(1) This act was repealed in 1840 and provision was made for the administration of the poor school fund by five persons in each county.(2) Other shortlived administrative provisions were enacted for a period of years,(3) and in 1852, with the creation of the office of ordinary, this official was named an ex officio school commissioner and provision was made for his appointment of two persons in each militia district to furnish information concerning those childred in their districts entitled to benefits of the poor school fund.(4) This in effect made the educational fund administrative board in Muscogee County consist of the commissioner and 18 aides, there being nine militia districts at the time.(5) In 1859, however, the legislature provided that the justices of the inferior court and the ordinary serve as members of the school board by virtue of their offices, and appoint another member to serve as superintendent.(6)

Under the general educational system enacted in 1866, a county commissioner of schools was provided and he laid off school districts and caused the election of three trustees in each district.(7) An elaborate system instituted by the General Assembly in 1870 provided for county school boards to be composed of one member from each militia district and one person from each ward in any city or incorporated town. The board secretary served as school commissioner. Three school trustees were to be elected in each subdistrict of the county.(8) A county board of education consisting of five members was provided under a legislative act of 1872, and this is the present number of board members.(9)

No provision was made as to qualifications for county school administrative officers until 1838, when the legislature empowered the inferior court justices to appoint "fit and proper persons" as commissioners.(10) An act of 1859 provided that the justices of the inferior court and the ordinary, who were members of the county school board by virtue of their offices, appoint another member, "taking into consideration his proficiency in the elementary branches upon which teachers were to be examined,"(11) and it was required in 1872 that members of county boards of education be "freeholders" and citizens of the counties for which chosen.(12) The present qualifications

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1) Ga. Acts 1837, pp. 94-99.
2) Ga. Acts 1840, pp. 61-65.
3) Ga. Acts 1843, pp. 43, 44; 1849-50, p. 154, 1851-52, pp. 1-4. 1853-54, pp. 7, 8; 1855-56, p. 11; 1857, pp. 9-11; 1858, pp. 49-51; 1859, pp. 28-30; 1865-66, pp. 77, 78.
4) Ga. Acts 1851-52, pp. 1-4.
5) Minutes, Commissioners Court, vol. A, 1838-57, p. 201, see entry 1.
6) Ga. Acts 1859, p. 29.
7) Ga. Acts 1866, pp. 58-64.
8) Ga. Acts 1870, pp. 49-60.
9) Ga. Acts 1871-72, pp. 279-283; Ga. Code of 1933, #32-902; Ga. Acts 1919, p. 320.
10) Ga. Acts 1838, pp. 96, 97.
11) Ga. Acts 1859, p. 29.
12) Ga. Acts 1871-72, p. 279.

for county board of education membership are good moral character, "at least a fair knowledge of the elementary branches of an English education," and a favorable attitude toward the common school system. It is provided that members of the board shall not be chosen from the grand jury making the selection, and that more than one board member shall not be chosen from the same militia district.(1)

The early trustees of the schools and academies were chosen by the General Assembly.(2) An act of 1837 provided for county school commissioners, to be elected by the qualified voters of the county and to take office in 1839.(3) The legislature stipulated in 1859 that six of the seven-member county boards of education serve by virtue of their election as justices of the inferior court and the ordinary, respectively, and that the seventh member be appointed by them.(4) In 1870 it was provided that the county commissioners of schools be elected by the members of the board of education of the county.(5) The present system of selection of board members by the grand jury was instituted in 1872.(6)

The county commissioners of education, as set up by an act of 1837, were required to take an oath before the judge of the superior court, justice of the inferior court, or justice of the peace in the county in which they resided, faithfully to perform their duties.(7) An act of 1859 provided that the ordinary, as treasurer of the county board of education, give bond and good security, to be determined by the board.(8) The county commissioner of education was required in 1866 to take an oath before the ordinary or other official empowered to administer oaths, to discharge faithfully and impartially the duties of his office, and it was provided that the oath be filed in the office of the superior court clerk.(9) The county superintendent of schools at present takes the same oath required of other officers of the State,(10) and must give bond payable to the county board of education, the amount to be decided by the board, and the bond to be filed by the ordinary.(11)

The original trustees served for life and their boards were self-perpetuating,(12) but in 1837 annual election of the commissioners by the voters of the county in each school division became the law.(13) With the provision in 1852 that the ordinary serve as ex officio school commissioner, his term ran concurrently with that of his elective office,(14) and, similarly, the justices of the inferior court in 1859 began service as members

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1) Ga. Code of 1933, #32-903; Ga. Acts 1919, p. 321.
2) Ga. Acts 1828, p. 14; 1832, pp. 3-6; 1835, pp. 11-13.
3) Ga. Acts 1837, pp. 94-99.
4) Ga. Acts 1859, p. 29.
5) Ga. Acts 1870, p. 53.
6) Ga. Acts 1871-72, p. 279; Ga. Code of 1933, #32-902; Ga. Acts 1919, p.320
7) Ga. Acts 1837, p. 98.
8) Ga. Acts 1859, p. 30.
9) Ga. Acts 1866, p. 61.
10) Ga. Code of 1933, #32-1007; Ga. Acts 1919, p. 351.
11) Ga. Code of 1933, #32-1005; Ga. Acts 1919, p. 350; 1925, p. 250.
12) Ga. Acts 1828, p. 14; 1832, pp. 3-6; 1835, pp. 11-13.
13) Ga. Acts 1837, pp. 94-99.
14) Ga. Acts 1851-52, p. 2.

of the school board concurrently with their terms of justiceship.(1) No provision was made by the act of 1866 for the tenure of office of the school commissioner, but the district trustees held office for 2 years each.(2) In 1870 the members of the board were chosen for terms of 2 years each,(3) but in 1872, terms of board members were fixed at 4 years each,(4) and this is the term now provided.(5)

The trustees of the various early schools and academies received no compensation,(6) and the legislature specifically set forth in 1837 that school commissioners and trustees were to receive no compensation for their services.(7) The first provision for compensation was made by the General Assembly in 1866 and authorized a salary of $1 per day for the county school commissioner.(8) This amount was raised to $3 per day in 1870, and it was again specifically stipulated that trustees were to receive no compensation.(9) With the institution of the current procedure in 1872, the General Assembly empowered the grand jury to establish per diem pay not to exceed $2 for members of the county board of education,(10) and this is their current rate of pay.(11)

The early acts relating to education made no provision for removal of trustees, but empowered the boards to fill their own vacancies,(12) and an act of 1837 likewise empowered the board of commissioners to fill its own vacancies, but established no means of removing board members.(13) In 1866 the inferior court was empowered to fill any vacancy in the office of the school commissioner, and vacancies in the board of trustees were filled by the remaining trustees and the county school commissioner, new members being appointed from the same districts in which the vacancies occurred.(14)

Power temporarily to fill vacancies in the county board of education was vested in 1872 in the judge of the superior court, with such appointments to remain in effect until the next session of the grand jury, when the vacancy was to be filled by the grand jury.(15) The present law provides for the removal of any member of a county board of education by the judge of the superior court on the address of two-thirds of the members of the grand jury for inefficiency, incapacity, general neglect of duty, or malfeasance or corruption in office, and the superior court is empowered to fill board vacancies until the next session of the grand jury, at which time the grand jury fills the vacancy.(16)

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Board of Education (Next entry 361, p. 261)

An executive officer of the county educational body was first provided for in 1859 when the inferior court justices and the ordinary, as members of the board, appointed the seventh member with consideration as to "his proficiency in the elementary branches upon which teachers..." were to be examined.(1) In 1870 the board of education was empowered to elect a secretary who served as county school commissioner,(2) but in 1872 the board was empowered to elect a secretary from among its own members or from the citizens of the county, and this officer was also county commissioner of education.(3) The present law provides for a county school superintendent who is elected by the people and who performs all clerical duties formerly required of the county school commissioner.(4)

Under its pprerogative authorized by the Constitution of 1777, the legislature made the following early provisions for financing public schools in the counties: In 1810 commissioners of academies for each county were authorized to purchase one thousand pounds worth of confiscated property for use in the promotion of public instruction;(5) in 1820 all real estate of academies was exempted from taxation;(6) in 1821 a fund of $500,000, composed of the stocks of the Bank of Darien, the State Bank, and the Bank of Augusta, one-half of which was set up for the support of free schools, and one-half for academies;(7) in 1822 the dividends from the banks heretofore set apart for the endowment of academies, and all funds in the State treasury derived from escheated and confiscated property were directed to be divide among the counties, each county to receive $2,000, and the remainder to be divided among the counties proportional to their representation in the General Assembly.(8)

The Constitution of 1868 allocated poll taxes, special taxes on shows and exhibitions, and on the sale of alcoholic liquors, and the proceeds from commutation of military service to the support of the common schools; and also provided that if funds thus assigned proved insufficient, the General Assembly levy such general tax as might be necessary.(9)

The act of 1870 allocated to the school system, in addition to the income specified in the Constitution of 1868, the funds derived from all endowments, gifts, devises, and bequests, one-half of the net earnings of the Western and Atlantic (State) Railroad, and such sums, to be raised by taxation, as deemed necessary by the State Board of Education.(10)

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1) Ga. Acts 1859, p. 29.
2) Ga. Acts 1870, p. 53.
3) Ga. Acts 1871-72, p. 279.
4) Ga. Code of 1933, #32-1002; Ga. Acts 1887, p. 68; 1909, p. 154; 1914, p. 47; 1919, p. 349; 1931, p. 124; Ga. Code of 1933, #32-1004; Ga. Acts 1919, p. 350.
5) Ga. Acts 1810, pp. 25, 26.
6) Ga. Acts 1820, pp. 59, 60.
7) Ga. Acts 1821, pp. 113, 114.
8) Ga. Acts 1822, pp. 6, 7.
9) Ga. Const. 1868, art. VI, par. 3.
10) Ga. Acts 1870, p. 60.

Board of Education (Next entry 361, p. 261)

The boards of trustees of the early academies were bodies politic and corporate, empowered to establish and execute bylaws for the management of county academies, and they were vested with wide powers, although these powers were limited to the particular academy over which they held trusteeship. They were empowered to purchase, receive, and retain lands, rents, tenements, goods, chattels, and to sell or otherwise dispose of same for the benefit of the institutions intrusted to their care, and to accept and spend donations or grants from the State or from any source.(1) They were not, however, empowered to levy taxes for support of the academies, and it was not until 1852 that such authority was vested in the ordinary, who, as ex officio school commissioner of the county, was authorized to levy such tax as recommended by the grand jury for education of the poor.(2) In 1870 the county boards of education were empowered to raise funds by a property tax, and by assessment on the labor of the qualified voters.(3) This power was limited, however, in 1872 to recommendation by the board to the grand jury of the amount needed in addition to that provided by the State for the carrying on of county schools for at least 6 months, and the grand jury was empowered to approve such estimate and authorize the ordinary or board of county commissioners to levy a county tax sufficient to raise the required sum.(4) It was made the duty of the county school superintendent in 1919 to transmit to the State School Superintendent an itemized list of moneys owed by the county school board and the State Treasurer was authorized to then draw a draft in favor of the county school superintendent, who disbursed the sum. The county boards were empowered to borrow funds for the operation of the public schools of their counties, but such sum was limited to an amount equal to that to which the county was entitled from the public school fund.(5) This is the law now in force.(6)

The county school board may receive appeals from teachers suspended by the county school superintendent for nonperformance of duty, incompetency, immorality, or other good and sufficient causes, but either the teachers or the superintendent may appeal from the board's decision to the State Superintendent of Schools or to the State School Board.(7) The county school board has power to suspend the superintendent of schools for cause,(8) and formerly determine the length of school terms.(9) The present school term as prescribed by the State Board is 7 months, but the county board may extend operations for a longer period at its own expense.(10)

The proceedings of the board are recorded in books kept for that purpose by the superintendent of schools, who, by virtue of his office, is secretary of the board.(11)

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Each county board is required to make up annually a budget of estimated receipts and proposed expenditures for the next school year, and when duly approved by the State Board, one copy must be filed with the State Superintendent of Schools, one copy with the local board, and one copy with the State Department of Audits and Accounts.(1) It is also a duty of the county and city boards of education to cause an enumeration to be made every 5 years of the children between the ages of six and eighteen years,(2) and to receive from teachers a full and complete report of the number of pupils admitted to the school during the term. It was required that the reports show the names of the pupils, and distinguish between males and females, white and colored.(3) The board may make regulations, if it deems them necessary, for the vaccination of pupils, and forbid those pupils who do not comply with such regulation admission to the school.(4)

Minutes

361. RECORD OF COUNTY BOARD OF EDUCATION (Minutes), 1872--. 3 vols. Minutes of meetings of county board of education, showing all business transacted, resolutions passed, and names of members present. Arr. chron. by date of meeting. No index. Hdw. Aver. 300 pp. 14 x 10 x 2. Supt.'s off.

XXXIV. SUPERINTENDENT OF SCHOOLS

The first administrative officer of the county school commission was the ordinary, who, as ex officio member of the commission, was given such powers and responsibilities in 1852.(5) Prior to that time, administration of county schools had been vested in the county school commissioners as a whole. The law was changed in 1859 to place the direction of county educational affairs under the judiciary, and this act, which provided that the ordinary and the justices of the inferior court were to serve as members of the county board of education, provided also that they name another person to the board, taking into consideration his proficiency in the elementary branches upon which teachers were to be examined.(6) In 1866 the General Assembly authorized grand juries to elect a commissioner of schools as executive officer of each county school board,(7) and 3 years later the General Assembly again changed the law to provide for a county board of education which elected a president and a secretary, the latter officer serving as county school commissioner.(8) This officer continued to be known as commissioner of schools until 1911, when his title was changed to that of superintendent.(9)

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1) Ga. Code of 1933, #32-945, #32-947; Ga. Acts 1925, p. 136; 1937, pp. 888, 889.
2) Ga. Code of 1933, #32-1601; Ga. Acts 1919, p. 318.
3) Ga. Code of 1933, #32-914; Ga. Acts 1919, p. 325.
4) Ga. Code of 1933, #32-911; Ga. Acts 1880-81, p. 97; 1919, p. 325.
5) Ga. Acts 1851-52, pp. 1-4.
6) Ga. Acts 1859, pp. 29-31.
7) Ga. Acts 1866, p. 59.
8) Ga. Acts 1870, pp. 52, 53.
9) Ga. Acts 1911, p. 101.

Superintendent of Schools (Next entry 362, p. 263)

The county superintendent of schools is elected for a term of 4 years by those voters of the county who reside outside the city limits of Columbus, where there is an independent school system,(1) and to be eligible, he must be of good moral character, have had at least 3 years of practical teaching experience, hold a professional high school 4-year certificate based on a minimum of a bachelor's degree including 18 semester hours of approved professional education, or in lieu thereof shall have held the office of county superintendent of schools for a period of one or more years.(2)

The superintendent is required to take the same oath as is required of other State officers.(3) He gives a bond to the county school board in an amount determined by the board, and this bond is filed with the ordinary, a copy is recorded on the ordinary's records, and the latter official sends a certified copy to the State Superintendent of Schools, who records and files it at the State Board of Education.(4)

The county school superintendent receives a minimum of $450 per annum salary and $150 per annum traveling expenses from the State, payable monthly, and additional compensation from the county as determined by the county board of education.(5)

Removal of a county school superintendent can be effected by a majority vote of the county board of education, for inefficiency, incapacity, neglect of duty, or malfeasance or corruption in office, but a superintendent so removed can appeal from the board's decision to the State Superintendent of Schools and from his decision to the State Board of Education.(6)

Vacancies in the office of county school superintendent are filled by appointment by the county board of education for the unexpired term.(7)

The superintendent is the chief administrative officer of the county school system and is the medium of communication between the State Superintendent of Schools and subordinate school officials. As the agent of the county board, he procures county school supplies, audits all school accounts before application is made to the county board for payment; enforces rules, regulations, and instructions of the State Superintendent and of the county board; visits all schools receiving State aid at least once every 60 days, and superintends examination of teachers in the county.(8) He is required to make a report of school operations to the grand jury at the first term of the superior court following the preceding fiscal year.(9) He is authorized to suspend teachers under his jurisdiction for cause.(10)

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Superintendent of Schools (362-366)
Pupils; Financial Records;
Miscellaneous

The superintendent of schools, who by virtue of his office is secretary of the board of education, is required to record the proceedings of the board in books kept for that purpose.(1)

Teachers are required to make reports to the superintendent at the end of each term, in which are shown the total number of pupils, subjects taught, and average attendance. These reports distinguish between male and female, and white and colored pupils.(2) The superintendent is required to provide the board with an annual budget of estimated receipts from all sources, and their proposed expenditures for the next year.(3)

The office of the Muscogee County superintendent of schools is on the first floor of the courthouse, where all his records are kept.

Pupils

362. (LIST OF PUPILS IN COUNTY SCHOOLS), 1928--. 11 vols.
Monthly report made by teachers of pupils in schools of county, showing name of pupil in school, age, date of birth, sex, grade, and number of years in school, date of report, name of teacher, and report made to county superintendent of schools. Arr. chron. by date of report. No index. Hdw. on pr. fms. Aver. 205 pp. 12 x 10 x 2.

Financial Records

363. (BUDGET), 1911--. 1 vol.
Estimated receipts and proposed expenditures for the ensuing school year, approved by members of board of education. Arr. chron. by year. No index. Hdw. on pr. fms. 300 pp. 14 x 10 x 2 1/2.

364. FINANCIAL REPORTS, 1911--. 1 vol.
Record of disbursements for salaries, transportation, repairs, supplies, and miscellaneous costs, showing name of person to whom paid, purpose, amount, and date. Arr. chron. by date disbursed. Indexed alph. by first letter of payee's surname and chron. thereunder. Hdw. on pr. fms. 300 pp. 14 x 10 x 3.

Miscellaneous

365. MISCELLANEOUS PAPERS, 1929--. Est. 1,000 papers in 4 f.d.
Applications for positions, petitions, and contracts of various kinds, pertaining to the school board, showing date, name of principal, and nature of petition or contract. Arr. chron. by date filed. No index. Hdw. on pr. fms. 12 x 10 x 24.

366. SCHOOL CENSUS, 1938--. Est. 100 papers in 1 f.d.
School census of children between the ages of six and eighteen years, showing name of child, address, age, birthday, sex, color, grade completed, physical condition, names of enumerator and parent or guardian, district number, and date of census. Arr. chron. No index. Hdw. on pr. fms. 30 x 4 x 30.

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1) Ga. Code of 1933, #32-907; Ga. Acts 1919, p. 322.
2) Ga. Code of 1933, #32-914; Ga. Acts 1919, p. 325.
3) Ga. Code of 1933, #32-945; Ga. Acts 1925, p. 135.

XXXV. BOARD OF HEALTH

Under authority of an act of the General Assembly approved August 17, 1914, revising the health laws of the State and providing for county boards of health,(1) the grand jury appointed a reputable physician as the third member of the Muscogee County board on November 27, 1914,(2) and on January 7, 1915, the county board was organized.(3)

The board of health is composed of three persons, two of whom, the superintendent of schools and the chairman of the board of commissioners of roads and revenues, are members by virtue of their offices. In counties having no such board of commissioners, the ordinary serves. The other member is a reputable physician elected for a term of 4 years by the grand jury at the session of the superior court next preceding the regular January session of the county board of health, or at any succeeding court session.(4)

Compensation of members of the board of health is fixed by the act at $2 per day while actually engaged in their duties as board members. Vacancies in the board are filled by appointment by the grand jury, and members so elected hold office until election and qualification of their successors.(5)

Prior to the organization of the board of health, the administration of health matters in Muscogee County was vested from the organization of the county until 1868 in the inferior court, then in the ordinary until 1872, and finally in the board of commissioners of roads and revenues. Early legislative acts delegating authority over health matters to the inferior court included jurisdiction over protection of health and the establishment of quarantine in counties and towns adjacent to the rivers and inlets of the State,(6) and authority to establish temporary hospitals and to provide nurses in any city visited by epidemic.(7)

The county board of health has supervision of all matters relating to health and sanitation. It has authority to declare and enforce quarantine and power to adopt, enact, establish, and maintain lawful rules and regulations for protecting the health of the county, and for preventing the introduction, generation, and spread of infectious and contagious diseases. Such rules must be approved by three reputable physicians.(8)

Smallpox vaccination is compulsory in Muscogee County. The law provides that public school pupils must present a certificate of vaccination before being admitted to school.(9) Typhoid and diptheria antitoxine is administered to pupils free on request. The board of health receives and transmits to the State Chemist for analysis samples of water used at the

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1) Ga. Acts 1914, pp. 124-134.
2) Criminal Minutes, vol. G, p. 153, see entry 112.
3) Minutes (Board of Health), 1915--, p. 2, see entry 367.
4) Ga. Code of 1933, #88-201; Ga. Acts 1914, p. 125.
5) Ga. Acts 1914, pp. 125, 126.
6) Act 1803, Prince to 1837, p. 273.
7) Act 1836, Prince to 1837, p. 277.
8) Ga. Code of 1933, #88-201 to #88-205; Ga. Acts 1914, pp. 124-126.
9) Ga. Code of 1933, #32-911, #88-417; Ga. Acts 1880-81, p. 97; 1897, p. 101; 1919, p. 325.

schools. The city-county health officer annually gives physical examinations to school pupils.

The board is required to advertise its regulations in the official newspaper of the county.(1)

The construction of a tuberculosis hospital for Muscogee County was authorized by the board of county commissioners of roads and revenues on January 1, 1923, and in August 1926, the hospital was ready to receive patients.(2) Under an agreement between the city of Columbus and the county of Muscogee, maintenance of the sanatorium was provided on an equal basis by the city and county.(3) The facilities were found inadequate and, after negotiations for financial assistance, the board of commissioners of roads and revenues authorized the construction of a new fireproof plant, and the purchase of equipment and furnishings. The building cost $45,000, and the equipment, $10,000, all paid from county funds. The hospital is under the supervision of the county board of health and the city-county health officer. Patients are received from both city and county.(4)

The State Board of Health has charge of the registration of births and deaths.(5) The State is divided into registration districts as follows: Each city, each incorporated town, and each militia district or part thereof outside a city or town, constitutes a registration district.(6) The city clerks, town clerks, and justices of the peace, are the local registrars of their cities, towns, and militia districts, respectively, except where another person has been appointed as local registrar by the State Board of Health, which has authority to appoint and remove local registrars as it sees fit.(7) The local registrar is required to make out birth and death certificates in duplicate, send the original to the State Board of Health in Atlanta and transmit the duplicate to the city or county health officer, if there is such a health officer; if not, the duplicate is sent to the ordinary of the county.(8)

The board holds quarterly meetings in the courthouse office of the superintendent of schools, and its records are on file in that office. Steps have been taken to increase the office space available for the board. Additional rooms are being prepared in the courthouse basement.

The activities of the county board of health and those of the city board have recently been coordinated under a single health officer. A resolution was adopted by the county commissioners and concurred in by the

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1) Ga. Code of 1933, #88-205; Ga. Acts 1901, p. 61.
2) Minutes, Commissioners Court, 1926-32, p. 380, see entry 1.
3) Minutes, City of Columbus, 1926-28, p. 52; Minutes, Commissioners Court 1923-26, p. 405, see entry 1.
4) Minutes, Commissioners Court, 1937--, pp. 81, 86, 95, 100, 103, 129, 209, see entry 1.
5) Ga. Code of 1933, #88-1101; Ga. Acts 1927, p. 353.
6) Ga. Code of 1933, #88-1103; Ga. Acts 1927, p. 354; 1931, pp. 7, 11; 1933, p. 7.
7) Ga. Code of 1933, #88-1104.
8) Ga. Code of 1933, #88-1210; Ga. Acts 1927, p. 266.

Columbus city commission effectuating this change on December 1, 1939. Provision was made, however, "that neither city nor county will surrender or change its present authority or control over health matters."(1)

Minutes

367. MINUTES, 1915--. 1 vol.
Minutes of meetings of board of health, showing dates, proceedings, nature of business considered, and action taken thereon, and reports of various committees and departments under its supervision. Arr. chron. by date of meeting. No index. Hdw. 200 pp. 13 x 12 x 1. School supt.'s off.

XXXVI. CITY-COUNTY HEALTH OFFICER

Under a plan to coordinate in Muscogee County the work of the city and county health departments, these activities were combined on December 1, 1939, under the supervision and control of a city-county health officer. A resolution adopted on December 1, 1939, by the county board of commissioners of roads and revenues, and concurred in by the Columbus city commission, declared that the purposes of the change were to improve health conditions and to eliminate overlapping of functions.

The expenses of the combined health department are shared equally by the city and county, each setting up in their 1940 budgets sufficient funds to meet the department budget of $41,522.

The monthly division of payrolls and other expenses are worked out by the city manager and the health officer to divide equally the monthly cost between the city and county.(2)

A county health officer was appointed when the board of health was organized in Muscogee soon after the passage of the general health laws by the legislature in 1914.(3) The city-county health officer in Muscogee County is the equivalent of a district commissioner of health as provided for by statute.

To qualify for the office, the county health officer is required to pass an examination given by the State Board of Health in hygiene, sanitation, and State health laws. No person may take the examination except temperate and able-bodied licensed physicians of good moral character who are residents of the State. Applicants who pass the examinations are placed on an eligible list and all county health officers are chosen from this list.(4) Selection

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1) 1939 Book of Ordinances, Minutes of Commission Meetings, City of Columbus, p. 264; Criminal Minutes, vol. U, pp. 378, 565, see entry 112; Minutes, Commissioners Court, 1937--, p. 313, see entry 1.
2) 1939 Book of Ordinances, Minutes of Commission Meetings, City of Columbus, p. 264; Criminal Minutes, vol. U, pp. 378, 565, see entry 112; Minutes, Commissioners Court, 1937--, p. 313, see entry 1.
3) Ga. Acts 1914, pp. 124-131; Criminal Minutes, vol. G, p. 153, see entry 112; Minutes (Board of Health), p. 2, see entry 367.
4) Ga. Code of 1933, #88-303; Ga. Acts 1914, pp. 124-127; 1931, pp. 7-11; 1933, p. 7.

City-County Health Officer (Next entry 368, p. 268)

is made by the county board of health,(1) and the health officer takes the oath required of all constitutional officers, this oath being filed with the ordinary of the county.(2) He gives a bond of $1,000 conditioned on the faithful performance of his duties; such bond is also filed with the ordinary.(3)

The city-county health officer serves for 4 years,(4) and his compensation is fixed by the appointing board.(5)

The city-county health officer can be removed by the director of the State Board of Health for incompentency, wilful neglect of duty, immorality, or the commission of a crime involving moral turpitude, but a health officer so suspended has the right of appeal to the State board, whose decision is final.(6) Vacancies in the office of health officer are filled by appointment by the county board of health.(7)

The city-county health officer has under his supervision the sanitary engineer, the supervising nurse, the dairy inspector, six sanitary inspectors, the dog catcher, the bureau of vital statistics, the venereal clinic, and the laboratory. This porsonnel, however, is employed by the board of health.(8)

It is the duty of the health officer to be vigilant in the work of disease prevention; to enforce all health laws, ordinances, and regulations; to enter upon and inspect private property for the possible presence or source of disease, when he considers such action necessary; to establish quarantine; to close schools, churches, theaters, or any place of public assemblage, in order to prevent or stay epidemics; to collect statistics concerning insanity, feeble-mindedness, tuberculosis, and other infectious diseases; to inspect hotels, trains, depots, ships, and all places where food is sold; to inspect and make a sanitary survey at least every 6 months of all public buildings and institutions of the county; to inspect and make a sanitary survey, at least once every school year, of the buildings, grounds, and water supply of all schools; to examine the teachers, pupils, and employees of schools for infectious and contagious diseases, and to examine each pupil for defects of eyes, ears, nose, throat, lungs, teeth, and other physical defects. He is required to deliver, at least once each year, a lecture on general matters of health and sanitation, to the pupils of each school in the county. He is also required to make a monthly report to the board of health in narrative or tabulated form of the work done by him, and to keep a permanent record of all work done in a form book prescribed for that purpose by the State Board of Health.(9)

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1) Ibid.
2) Ga. Code of 1933, #88-304; Ga. Acts 1914, pp. 124-128.
3) Ibid.
4) Ga. Code of 1933, #88-303; Ga. Acts 1914, pp. 124-127; 1931, pp. 7-11; 1933, p. 7.
5) Ga. Code of 1933, #88-304; Ga. Acts 1914, pp. 124-128.
6) Ga. Code of 1933, #88-303; Ga. Acts 1914, pp. 124-127; 1931, pp. 7-11; 1933, p. 7.
7) Ga. Code of 1933, #88-304; Ga. Acts 1914, pp. 124-128.
8) Ga. Code of 1933, #88-312; Ga. Acts 1914, pp. 124-133.
9) Ga. Code of 1933, #88-309.

City-County Health Officer (368-374)
Vital Statistics; Reports

Headquarters for the department of health are in the west wing of the newly-finished office section of the courthouse basement. A private office for the health officer and offices for the department workers are included. All records hereunder listed are located in this office, except as otherwise indicated in entry 374.

Vital Statistics

Births

368. RECORD OF BIRTHS, 1890-1922. 2 vols. (dated).
Shows name of infant, race, sex, date of birth, and where born, parents' names, address, and nativity; date reported, and name of informant. Arr. chron. by date of birth. No index. Hdw. on pr. fms. Aver. 300 pp. 18 x 14 x 1 1/2.

369. BIRTH CERTIFICATES, 1922--. 17 vols. (dated).
Copies of birth certificates, showing certificate number, militia district or ward, address, name of infant, sex, whether stillborn, plural birth, or illegitimate, date and hour of birth, maiden name of mother, name of father, race, birthplace, profession, number of other children born, number living, number of stillbirths, and signature of attending physician or midwife. Arr. numer. by certificate no. For index, see entry 370. Typed on pr. fms. Aver. 1,200 pp. 12 x 10 x 5.

370. INDEX CARDS (Births), 1922--. Est. 17,000 cards in 13 f.d.
Index to Birth Certificates, entry 369, showing date, name, sex, and race of infant, district or city resident number, and volume and page number where recorded. Arr. alph. by name of infant. Typed. Aver. 6 x 4 x 30.

371. FILING CARDS (Births), 1892--. Est. 24,000 cards in 16 f.b.
Record of birth certificates, showing name of infant, sex, race, date of birth, certificate number, and name and address of parents; 1892-1922 are transcriptions of Record of Births, entry 368. Arr. alph. by infant's surname. No index. Typed. 6 x 4 x 24.

Deaths

372. RECORD OF DEATHS, 1890-1922. 3 vols.
Shows name of deceased, place of death, sex, marital status, date of interment, name of cemetery, and name of attending physician. Arr. chron. by date of death. No index. Hdw. under pr. hds. Aver. 250 pp. 18 x 12 x 2.

373. DEATHS (Certificates), 1922--. 18 loose-leaf vols. (dated).
Shows place of death, name of deceased, sex, race, marital status, age, and occupation, date of death, names, occupation, and birthplace of parents, signature of informant, registrars, and undertaker, and date and place of burial. Arr. alph. by name of deceased. No index. Typed on pr. fms. Aver. 500 pp. 8 x 6 x 5.

Reports

374. REPORT OF COUNTY PHYSICIAN, 1929--. Est. 100 reports in 1 f.d.
Monthly report of county health officer (city-county health officer since

December 1939) to county commissioners, showing date of report, number of calls made, number of prescriptions and calls to county farm, medical inspection of chain gang and county prison, county's general health condition, and cases committed to hospital. Arr. chron. by date of report. No index. Typed. 10 x 5 x 14. Co. comms.' va.

XXXVII. COUNTY PHYSICIAN

The earliest record of employment by Muscogee County of a county physician was an order of the inferior court in 1858, which appointed a physician to attend all jail patients for that year. His pay was fixed at $100 per annum. It was also ordered that the doctor attend all post-mortem examinations, at legal rates. The county jailer was required to call upon the physician to attend all sick cases in jail, and also to notify the coroner to advise the physician upon all cases coming under the coroner's jurisdiction, when the former's services were required.(1)

When the inferior court was abolished in 1868, the ordinary took up the administration of county affairs, and this officer employed a county physician on an annual contract.

Administration of county affairs was vested in 1872 in a board of county commissioners.(2) At a meeting held in January 1874, the following order was passed by the board:

"Ordered, That notice be given through the Columbus 'Inquirer' until the 15th inst. for sealed proposals to give medical attention and furnish medicines for the poor of the county, including the jail, for the year 1874. The commissioners reserve the right to reject any or all bids."(3)

On the date named, the clerk of the board reported that 10 bids had been received from as many physicians of the county, and a contract had been awarded at $400.(4)

The county physician was appointed by the county commissioners, served at the will of the board, and was removable by its authority. It was his duty to attend and treat the inmates of the county jail and chain gang and the poor of the county.

The county physician was not required to keep separate records, but made a monthly report to the county commissioners and to the county board of health. He attended the court of ordinary in the trial of lunacy cases.

The duties of the county physician were absorbed by the executive officer of the county board of health when the board was established in Muscogee County in 1915.(5) Although referred to as county physician in

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1) Minutes, Commissioners Court, vol. B, 1857-71, p. 61, see entry 1.
2) Ga. Acts 1872, pp. 451, 452.
3) Minutes, Commissioners Court, vol. C, 1871-86, p. 147.
4) Ibid., p. 148.
5) Minutes (Board of Health), 1915--, p. 2, see entry 367.

Muscogee County until the coordination of the city and county health departments in December 1939, under one official known as city-county health officer. The executive officer of the county health department is by law designated district commissioner of health.(1)

XXXVIII. DEPARTMENT OF PUBLIC WELFARE

The department of public welfare was established in Muscogee County in August 1937, under authority of an act approved on February 26 of that year, which provided for the creation of such departments in each county of the State.(2)

Care of the poor of Muscogee County, however, devolved upon the inferior court from the county's creation in 1826 until 1868, under an act of 1792, which provided that "the inferior courts of the several counties of the state shall have power to inquire into the circumstances of the poor, bind out orphans, and appoint guardians, in the manner pointed out by law, and appoint overseers over the poor."(3)

The county records from 1826 to 1838 were lost in the fire which destroyed the courthouse in the latter year. Evidence is supplied, however, in the records of the court's first sitting after the fire, December 10, 1838, that the justices were responsive to appeals from the indigent: "Ordered, That the county treasurer pay to Alexander Moss, for the use of Elizabeth Cook, pauper, fifty dollars per year, payable quarterly."(4)

The first tax levy for assistance to the poor was made by the inferior court on March 2, 1840, when 50 percent of the general tax for county purposes was levied for the support of the poor.(5)

During the next few years the number of applications for support of the poor so increased that in 1844 the inferior court exercised the power granted it to appoint overseers of the poor. Three were named in each militia district. They were required to investigate and report to the court on requests from the poor in their respecitve districts.

Orders relating to care of the poor were issued to the overseers of the various districts, in whom considerable discretion was vested, and they made the distribution of funds to the needy. A sample order:

"Ordered, That the treasurer pay to William F. Luckier, Asa Pond, and B. F. Coleman seventy-five dollars out of any money in the treasury, as overseers of the poor in the 668th district, to be expended or paid at such time and in such manner as they think best for the benefit of John McCasdell and his family, including his daughter named Pennington and her two children."(6)

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1) Ga. Code of 1933, ¶88-302, ¶88-303.
2) Ga. Acts 1937, pp. 355-370.
3) Act 1792, Marbury and Crawford, p. 220.
4) Minutes, Commissioners Court, vol. A, 1838-57, p. 2, see entry 1.
5) Ibid., p. 24.
6) Ibid., p. 92.

In 1845 the number of overseers for each district was reduced to two. The city districts were covered at the same time.(1) In October of this year the overseers reported a total of 20 cases and $678 expended for the support of the county poor.(2)

The poor fund was separated by the court in 1846 and a direct appropriation was made to the two districts of the city of Columbus, the county treasurer being ordered to pay $600 to the mayor and city council for the support of the poor in the 668th and 773rd militia districts out of the funds set aside for the support of the poor. The districts outside the city reported 22 cases and received $560 which, with the order for the city, aggregated $1,160 for the year.(3)

Agitation, which had begun as early as 1842, resulted in the establishment in 1847 of a county-city asylum for the poor. The act authorizing this action, assented to December 24, 1847, gave the inferior court and the city council the right to hold annual joint meetings for the yearly selection of trustees for the Muscogee asylum for the poor.(4)

General powers to manage and regulate the institution were assigned these trustees. Funds to be collected for the poor in both county and city, together with a portion of the funds for the poor schools, were ordered turned over to the trustees of the asylum.(5)

This board on November 28, 1850, purchased 100 acres of land, known as lot no. 90 in Coweta Reserve, for $1,500 for the Muscogee asylum.(6)

In the period of the War Between the States the resources of the asylum were subjected to heavy drains. Its appropriation from the tax levy rose from $3,200 in 1861 to $15,000 in 1864.(7)

The Muscogee asylum for the poor was abolished by an act of the General Assembly of August 24, 1931.(8)

By 1921 the complexity of the relief situation in Muscogee County had attracted the attention of the citizens. It was pointed out that, due to an overlapping of county, city, and quasi-public charitable institutions, it was possible for the needy to obtain help from several or all, of these agencies. A group of citizens applied on July 21, 1923, to the Muscogee superior court for a charter under the name of "The Family Welfare Bureau of Columbus, Georgia." Listed as incorporators were 39 citizens. The charter was granted on August 25, 1923.(9)

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1) Minutes, Commissioners Court, vol. A, 1838-57, p. 97, see entry 1.
2) Ibid., p. 101.
3) Ibid., p. 128.
4) Ga. Acts 1847, pp. 133-146.
5) Ibid.
6) Deed Record, vol. E, p. 477, see entry 29.
7) Minutes, Commissioners Court, vol. B, 1857-71, p. 192.
8) Ga. Acts 1931, p. 1043.
9) Charter Record, vol. 3, 1914-24, p. 538, see entry 53.

The bureau was given space in the city section of the courthouse and with funds donated by both county and city, the organization began the work of investigating relief applicants and dispensing aid.

When the county department of public welfare was set up in 1937,(1) the county ceased to contribute to the Family Welfare Bureau. On July 18, 1938, the president of the bureau notified the city of Columbus that the organization would cease to operate after August 1, 1938, the department of public welfare having taken over the activities of the former.

The present county farm, or almshouse, is located on lot No. 73, in the seventh district of the county, and occupies the entire lot of 202 1/2 acres. It is laid out on the cottage plan with two-room houses for those able to take care of themselves, a barracks, cook houses and dining room, a hospital, barns, and other necessary buildings. The almshouse has its own water system, and obtains electric service from the city of Columbus. A farm is operated in connection with the almshouse, and a plentiful supply of fresh vegetables is raised.

The department of public welfare for Muscogee County was established under authority of an act of February 26, 1937. The State department created by this act is empowered to disburse and administer the funds allocated to it by the Federal Government, the General Assembly of Georgia, and the counties of the State, and to supervise the county departments of public welfare.(2)

This act provides that "there shall be established in each county of the State a county department of public welfare, which shall consist of a county board of public welfare, a director of public welfare, and such additional employees as may be necessary."(3)

The county board is composed of five members, who are appointed by the county commissioners for terms of 3 years. This board appoints the director for the county, who must meet the requirements prescribed by the State Department of Public Welfare.(4)

The county director is the executive officer and secretary of the county board. He is required to prepare a budget and report of the operations annually. The county board of public welfare administers all forms of public assistance in the county, including home relief, aid to dependent children, old age assistance, and aid to the blind and those otherwise handicapped. It is also its duty to investigate and pass upon all applications for admission to and discharge from county institutions which care for and provide treatment for indigents.(5)

The department of public welfare of Muscogee County took over the work of the family welfare bureau on August 20, 1937, and has since functioned as a local division of the State department.

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1) Ga. Acts 1937, pp. 363-370.
2) Ga. Acts 1937, pp. 355-370.
3) Ga. Acts 1937, p. 363.
4) Ga. Acts 1937, p. 364.
5) Ga. Acts 1937, p. 365.

Department of Public Welfare (375-381)
Family Welfare Bureau; Cases

The offices and records of the department of public welfare are located on the first floor of the Labor Temple, 13½ West Eleventh Street, and the records of the family welfare bureau are located on the second floor of this building.

Family Welfare Bureau

375. BOOK OF MINUTES, 1921-38. 1 vol.
Minutes of the family welfare bureau of the city and county from 1921 to 1937, when the department of public welfare was set up; the work of the family welfare bureau, except in a few special cases, is now handled by the department of public welfare; minutes show all business transacted, resolutions passed, dates, and names of members present. Arr. chron. by date of meeting. No index. Typed. 175 pp. 13 x 8 x 1.

376. CASE RECORD - ACTIVE, 1938. 51 cases in 1 f.d.
Case histories of white and colored persons receiving aid from the family welfare bureau, showing name, age, residence, date case opened, and amount of aid received. Arr. alph. by applicant's surname. For index, see entry 377. Typed and typed on pr. fms. 14 x 12 x 24.

377. INDEX ACTIVE CASES, 1938. 51 cards in 1 f.d.
Index to Case Record - Active, entry 376, showing applicant's name, address, and file in which case history is located. Arr. alph. by name of applicant. Hdw. on pr. fms. 4 x 6 x 15.

378. CASE RECORD - CLOSED, 1921-38. Est. 9,000 papers in 18 f.d.
Histories of white and colored cases which have been closed, showing name of person, case number, residence, age, type of assistance rendered, dates case opened and closed, and amount paid. Arr. alph. by applicant's surname. For index, see entry 379. Typed and typed on pr. fms. 14 x 12 x 24.

379. INDEX INACTIVE CASES, 1921-38. Est. 9,000 cards in 18 f.d.
(labeled by contained letters of alph.).
Index to Case Record - Closed, entry 378, showing name of applicant, address, and case file number. Arr. alph. by name of applicant. Hdw. on pr. fms. 4 x 6 x 16.

Cases

380. ACTIVE CASES, 1937--. Est. 4,800 papers in 4 f.d.
Active cases, and cases being investigated, containing the following types of records: Applications for general public assistance, applications for old age assistance, applications for assistance to needy blind, applications for aid to dependent children, applications for aid to crippled children, medical service, certification for national youth administration, certification for work projects administration. Also contains: CCC (Civilian Conservation Corps), entry 387. Arr. alph. by applicant's surname. For index, see entry 383. Hdw. and typed on pr. fms. 11 x 13 x 26.

381. CASES PENDING, 1937--. Est. 4,800 papers in 4 f.d.
Cases in which applications have been made but have not yet been investigated.

for types of records, see entry 380. Arr. alph. by name of applicant. For index, see entry 383. Hdw. and typed on pr. fms. 11 x 13 x 26.

382. CLOSED CASES, 1937--. Est. 16,000 papers in 16 f.d. Records of cases which have been investigated and closed because of change of financial condition or death of applicant, and cases rejected for various reasons. For types of records contained, see entry 380. Arr. alph. by applicant's surname. For index, see entry 383. Hdw. and typed on pr. fms. 11 x 13 x 26.

383. (MASTER INDEX), 1937--. Est. 14,000 cards in 9 f.d. Serves as index to Active Cases, entry 380; Cases Pending, entry 381; Closed Cases, entry 382, showing name, address, county, case number, color, sex, names of other members of family with birth date; cross reference to other members of family; date of application, district, and name of worker. Arr. alph. by applicant's surname. Typed on pr. fms. 6 x 5 x 14.

Applications
(See also entry 380)

384. (REGISTER OF APPLICATIONS FOR PUBLIC ASSISTANCE), 1937--. 1 loose-leaf binder. Ledger shows name, date, and classification of applicant, case number, and type of assistance. Arr. chron. by date of application. No index. Typed on pr. fms. 300 pp. 14 x 9 x 3.

Investigations

385. (SERVICE REQUEST FORM), 1937--. Est. 300 papers in 1 f.d. Shows form number, name, race, sex, age, others in family and in household, relationship to applicant; also case number, date, district, welfare worker, status of case, and explanatory notes. Arr. chron. by date of request. No index. Hdw. and typed on pr. fms. 6 x 8½ x 14.

386. (CASE CONTROL CARDS), 1937--. Est. 7,000 cards in 3 f.d. Shows case and line number, name, address, and race of applicant, number in family with their sex, age, date of birth, grade or occupation, marital status and relationship to head of family, amount of rent paid, number of rooms in house, and monthly status of case. Arr. alph. by name of applicant. No index. Hdw. on pr. fms. 10½ x 12 x 32.

387. C C C (Civilian Conservation Corps), 1937--. Est. 300 papers in 1 f.d. Also in Active Cases, entry 380. Certification of eligibility for enrollment in Civilian Conservation Corps, showing name, address, age, birthplace, weight, height, color of eyes and hair, and marital status of applicant, names and relationship of members of family, and occupation of principal wage earner, applicant's education and reason for desiring enrollment, former employment record, with employers' names and addresses, nature of work, and date held, health record, name and address of allottee, and general remarks of agent. Arr. numer. by application no. No index. Hdw. on pr. fms. 5 x 10 x 14.

388. (CASE REGISTRATION LEDGER), 1937--. 1 loose-leaf binder. Ledger shows case number, name of applicant, wife's maiden name, race, date

registered, and master index file check. Arr. numer. by case no. No index. Hdw. on pr. fms. 300 pp. 14 x 9 x 3.

Daily Record Sheets

389. (INDIVIDUAL TIME AND DISTRIBUTION REPORT), 1937--. Est. 250 papers in 10 spring clip boards.
Shows hours worked each day, miles traveled and in connection with which type of assistance; salaries and travel expenses received, total amount; also signature and title of employee. Applications for leave of county employees, showing name, address, title, date, and time of leave. Arr. chron. by date of report. No index. Hdw. and typed on pr. fms. 12 x 9 x 1.

390. (MONTHLY STATISTICAL REPORT), 1937--. 1 loose-leaf binder.
Monthly report of all unduplicated case counts of applications and cases of all types of assistance, showing month of year, status brought forward from preceding and current months of application, and cases opened or reopened, denied, disposed of, transferred, approved, and total amount of expenses, itemizing accounts on which paid assistance was or was not given. Arr. chron. by date of report. No index. Typed on pr. fms. 40 pp. 14 x 8 x 1.

391. (DAILY RECORD SHEET), 1937--. 1 loose-leaf binder.
Daily record sheets of welfare workers, showing date, name of worker, name and type of case, with whom contact was made, type of contact, as: home visit, collateral visit, office consultation, letter, or by telephone; purpose of case contact, community contacts, meetings attended; speedometer reading at start and close, number of miles on official duty, time and distribution in hours by type of visit made, and totals. Arr. chron. by date of record. No index. Hdw. and typed on pr. fms. 120 pp. 9 x 12 x 1.

Special Assistance

392. (CERTIFICATE OF AWARD - OLD AGE ASSISTANCE), 1937--. 1 loose-leaf binder.
Official notice by welfare board to State department of granting award, showing name of applicant, address, sex, age, race, legal guardian, if any; date effective, type and amount of award; numbers, also certification by county director. Arr. numer. by certificate no. For index, see entry 396. Typed on pr. fms. 300 pp. 6 x 9 x $2\frac{1}{2}$.

393. (CERTIFICATE OF AWARD - OLD AGE ASSISTANCE - INACTIVE), 1937--. 1 loose-leaf binder.
Official notice by welfare board to State department of suspending or canceling award, showing name of applicant, address, sex, age, race, legal guardian, if any; date effective, type and amount of award; also certification by county director. Arr. numer. by certificate no. For index, see entry 396. Typed on pr. fms. 300 pp. 6 x 9 x $2\frac{1}{2}$.

394. (CERTIFICATE OF AWARD - AID TO THE BLIND), 1937--. 1 loose-leaf binder.
Certificates of approval, showing name, address, sex, race, age, and relationships of applicant, date issued, date effective, type and amount of award; application, code, serial and symbol numbers; also certification by

county director. Arr. numer. by certificate no. For index, see entry 396. Typed on pr. fms. 250 pp. 6 x 9 x 2½.

395. (CERTIFICATE OF AWARD - AID TO DEPENDENT CHILDREN), 1937--. 1 loose-leaf binder.
Certificate of approval, showing name, age, sex, race, and relationships of children, date issued, date effective, type and amount of award; application, code, serial, and symbol numbers; certification by county director. Arr. numer. by certificate no. For index, see entry 396. Typed on pr. fms. 600 pp. 6 x 9 x 4.

396. (RECORD OF AWARDS AND MODIFICATION - INDEX), 1937--. Est. 2,400 cards in 1 f.d.
Serves as index to (Certificate of Award - Old Age Assistance), entry 392; (Certificate of Award - Old Age Assistance - Inactive), entry 393; (Certificate of Award - Aid to the Blind), entry 394; (Certificate of Award - Aid to Dependent Children), entry 395, showing case number, name and address of recipient, type and amount of award, and certificate number where recorded. Arr. by type of assistance and alph. by applicant's name thereunder. Typed on pr. fms. 6 x 6 x 24.

397. (OFFICIAL ACTION OF COUNTY DEPARTMENT OF PUBLIC WELFARE AS TO APPROVED, MODIFIED, AND CANCELED AWARDS), 1937--. 1 loose-leaf binder.
Official action in regard to aid to blind, old age assistance, and dependent children, showing name of recipient, type and amount of awards, total amount, canceled awards, application, certificate, sheet, county code, serial, and symbol numbers; also certification by county director. Arr. chron. by date of entry and numer. by certificate no. No index. Typed on pr. fms. 800 pp. 16 x 10 x 4.

Financial Records

398. (PAYMENT SCHEDULE FOR OLD AGE ASSISTANCE, AID TO BLIND, AID TO DEPENDENT CHILDREN), 1937--. 1 loose-leaf binder.
Shows name of payee, date, amount, total, application, serial, symbol, certificate, county code, and check numbers. Arr. numer. by application no. No index. Typed on pr. fms. 600 pp. 16½ x 10 x 3.

399. (CERTIFICATION OF PAYMENT SCHEDULES BY COUNTY DIRECTOR), 1937--. 1 loose-leaf binder.
Verification by county director, showing number of cases and total sums for each type of assistance rendered, and date; also, statement as to availability of county funds, 10 percent county participation according to classification, amounts and check number; undivided funds previously deposited with State department, statement of facts relative to county funds, and signature of county director. Arr. chron. by date of report. No index. Typed on pr. fms. 19 pp. 12 x 9 x ½.

400. (REPORT OF REFUNDS AND RECOVERIES), 1937--. Est. 100 papers in 1 f.d.
Shows type of assistance, date of recovery, recipient from whom recovered, application number, and remarks. This form is used for submission of any

refunds or recoveries to the State department for all types of assistance. Arr. chron. by date of report. No index. Typed on pr. fms. 9 x 5 x 12.

401. (ALLOTMENT REGISTER), 1937--. 1 loose-leaf binder. Shows type of assistance, date, description, posting reference, allotments, disbursements, and unexpended balance of allotments. Arr. chron. by date of report. No index. Typed on pr. fms. 250 pp. 14 x 8 x 1.

402. FINANCIAL REPORTS (Monthly Report of Cash Receipts and Disbursements), 1937--. Est. 175 papers in 1 f.d.

Contains:

i. Balance of welfare fund at beginning of month, list of all receipts, total; list of disbursements, total; balance of welfare fund at end of month; balance per bank statements, less outstanding checks; balance per county welfare department records, and signature of county director.

ii. Checks returned to welfare office after cancellation in payment of aid to blind, aid to dependent children, and old age assistance; awards showing date, check number, name and address of recipient, amount of award, and date canceled.

iii. Statement of county administrative expenses to State welfare department, showing date, amount of receipts, expenditures, and reimbursements.

Arr. by subject and chron. by date of report thereunder. No index. Typed on pr. fms. 11 x 13 x 26.

403. (REGISTER OF CASH RECEIPTS AND DISBURSEMENTS), 1937--. 1 loose-leaf binder. All financial transactions are recorded in these records, showing collections from various sources, reimbursements from State, and disbursements. Arr. chron. by date of entry. No index. Hdw. under pr. hds. 250 pp. 12 x 18 x 3.

404. (CERTIFICATE CONTROL), 1937--. 1 loose-leaf binder. Shows type and amount of assistance, date, status of case from beginning, certificate number, and increases and decreases in benefits. This form is used in maintaining a control of total awards, both as to number of recipients and total amount of awards. Arr. numer. by certificate no. No index. Typed on pr. fms. 600 pp. 10 x 12 x 5.

XXXIX. SUPERINTENDENT OF ROADS AND COUNTY ENGINEER

Authority for the employment of a superintendent of roads in any county upon recommendation of the grand jury was provided by the legislative acts of 1882 and 1891,(1) and such an official was appointed in Muscogee County in 1911.(2) County engineers are employed in counties desiring them by the

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1) Ga. Code of 1933, #95-801; Ga. Acts 1882-83, pp. 140-145; 1890-91, vol. I, pp. 135-138.

2) Minutes, Commissioners Court, vol. F, 1901-22, p. 187, see entry 1.

county commissioners who act under their general authority to employ such personnel as is necessary.(1) In Muscogee County, the capacities of superintendent of roads and of county engineer were combined and the office of superintendent of roads and county engineer was established January 2, 1935.(2)

This official is chosen by the board of commissioners of roads and revenue and serves at the board's pleasure. His compensation is fixed by the board and his removal is discretionary with the board. Vacancies in the office are filled by appointment by the commissioners.(3)

The act of 1891 vested authority in the board of commissioners of roads and revenue to prescribe the duties of the superintendent of roads.(4) It is assumed that the duties of the superintendent of roads and county engineer are similar to those prescribed by an act of 1922 which, although not adopted in Muscogee County, stipulated that the county superintendent of roads have charge of the construction and maintenance of all roads and bridges of the county.(5)

The construction and care of roads and bridges was vested at the creation of the county in the inferior court, and these officials appointed road commissioners. Records of this court prior to 1838 were destroyed by fire, but page one of the first available record book of the court shows a road order and appointment of road commissioners.(6) The ordinary administered county affairs in Muscogee from 1868 to 1872,(7) assuming the authority for the construction and care of roads and bridges formerly vested in the inferior court. In 1872 authority over county affairs was transferred from the ordinary to the board of commissioners of roads and revenue.(8)

The office of the superintendent of roads and county engineer has a well equipped force of surveyors and rod-men, and the necessary machines are available to maintain the road system of the county. The superintendent's office is on the first floor of the courthouse, where also a large work room for draftsmen and the storage of records is assigned him. In cooperation with the city of Columbus, a blueprint room is maintained in the basement of the courthouse.

Maps and Plans

Roads and Bridges

405. RIGHT OF WAY (Muscogee County Roads), 1930--. 11 blueprints. Blueprints of right of way for various roads in Muscogee County. Author:

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1) Ga. Acts 1872, pp. 451, 452.
2) Minutes, Commissioners Court, 1933-36, p. 1175, see entry 1.
3) Ga. Acts 1890-91, vol. I, pp. 135, 136.
4) Ibid.
5) Ga. Acts 1922, p. 89.
6) Minutes, Commissioners Court, 1838-57, vol. A, p. 1.
7) Ga. Const. 1868, art. V, sec. V.
8) Ga. Acts 1872, pp. 451, 452.

county engineer. Blueprint. Scale: 1 in. equals 100 ft. 23 x 35. Engr.'s off., drawer 4.

406. MISCELLANEOUS DRAWINGS, 1928--. 33 maps.
Maps show detailed plans and specifications for road construction in county. Author: W. J. Long. No obvious arr. No index. Black and white. Aver. 22 x 36. Engr.'s off., drawer 2.

407. MISCELLANEOUS TRACINGS, 1930--. 12 maps.
Drawings show standards and plans for various roads. Author: county engineer. No obvious arr. No index. Black and white. 22 x 36. Engr.'s off., drawer 3.

408. BLUE PRINTS, no date shown. 19 blueprints.
Detailed plans and specifications for road construction, showing place of construction, name of engineer, and scale. No obvious arr. No index. Blueprint. 33 x 36. Engr.'s off.

409. BOOK OF BLUE PRINTS, 1925. 1 vol.
Blueprints show detailed plans and specifications for road construction, name of author, and scale. No obvious arr. No index. 35 pp. 22 x 36 x 1. Engr.'s off.

410. BLUE PRINTS (Woodridge Road), 1925. 8 blueprints.
Shows profile and elevation of Woodridge Road, and name of author. No obvious arr. No index. Blueprint. No scale. 36 x 12. Engr.'s off.

411. MISC. (Miscellaneous) DRAWINGS, 1927--. 30 maps.
Topographical and communications maps, showing railroads and various rights of way for roads. Author: W. J. Long. No obvious arr. No index. Black and white. Scale: 1 in. equals 100 ft. 23 x 35. Engr.'s off., drawer 4.

412. MAP OF MUSCOGEE COUNTY, 1907. 1 map.
Map prepared in 1907, and revised at later date to show road condition; main roads in blue, secondary in red, rural free delivery in yellow, and new construction added as completed. Authors: Duncan Hannegan and Oscar Jones. Publisher: A. Hoon & Company, Baltimore, Md. Pr. and colored. Scale: 2 in equals 1 mi. 32 x 48. Engr.'s off.

413. ROAD MAP OF MUSCOGEE COUNTY, 1933. 1 map.
Shows condition of roads and whether hard surface, semi-hard surface, or unimproved. Author: county engineer. Blueprint. Scale: 1 in. equals 1 mi. 18 x 24. Engr.'s off.

414. STATE OF GEORGIA, ROAD SYSTEM, 1923. 1 map.
Map of all roads, showing kind of road, and condition. Author and publisher: State Highway Dept., Atlanta, Ga. Pr. and colored. Scale: 1 in. equals 10 mi. 25 x 30. Gen. bsmt. strm.

415. STATE HIGHWAY SYSTEM OF GEORGIA, 1932. 1 blueprint.
Blueprint shows entire highway system and kind of road. Author and

publisher: State Engineer's Office, Atlanta, Ga. Blueprint. Scale: 1 in. equals 10 mi. 40 x 52. Gen. bsmt. strm.

416. STATE HIGHWAY OF GEORGIA - SYSTEM OF ROADS, 1937. 1 map.
Map of entire road system, showing kind of road, concrete, semi-hard surface, sand-gravel, maintained roads, and first aid stations. Author and publisher: State Highway Dept., Atlanta, Ga. Pr. and colored. Scale: 1 in. equals 20 mi. 20 x 15. Engr.'s off.

417. STANDARD ROAD MAP, 1933. 1 map.
Map of Kentucky, Tennessee, Mississippi, Alabama, Georgia, and Florida, showing general road information. Author and publisher: General Drafting Co., New York, N. Y. Pr., colored, and mounted. Scale: 1 in. equals 25 mi. 44 x 32. Engr.'s off.

418. REVISED GEORGIA STANDARDS FOR BRIDGE BUILDING, 1938. 115 blueprints.
Blueprints show detailed plans for bridge building on state and county roads. Author: State Highway Dept., Atlanta, Ga. No obvious arr. No index. Blueprint. Scale: 1½ in. equals 1 ft. 23 x 35. Engr.'s off., drawer 6.

419. BLUE PRINTS, no date shown. 982 blueprints.
Blueprints of roads and bridges, showing name and type of construction, author and scale, viaducts, and other public works in Muscogee County and Columbus. No obvious arr. No index. Blueprint. Aver. 17 x 24. Engr.'s off.

420. BLUE PRINTS (Harris County), 1925. 3 blueprints.
Physical blueprints, showing construction detail of Mulberry Creek Bridge in Harris County. Author: county engineer. Blueprint. No scale. 24 x 36. Engr.'s off.

421. MISC. (Miscellaneous) COMPLETED PROJECTS, 1932-36. 130 maps.
Maps show detailed specifications for construction of various roads, bridges, and other public works. Author: W. J. Long. No obvious arr. No index. Black and white. Scale varies: 23 x 35. Engr.'s off.

422. COMPLETED PLANS (Blueprints), 1932--. 266 blueprints.
Blueprints show detailed information of roads, bridges, viaducts and other public works in Muscogee County and Columbus, scale, and name of author. No obvious arr. No index. Blueprint. 23 x 35. Engr.'s off.

423. COUNTY PROJECTS, 1932--. 122 maps.
Maps show details of road construction, plans, profiles, cross sections, bridges, culverts, and crossings, name of author, and scale. No obvious arr. No index. Black and white. 23 x 35. Engr.'s off., drawer 7.

Other Projects

424. BLUE PRINTS, 1907. 150 blueprints.
Blueprints of Columbus Stadium, showing detailed plans and specifications for construction. Author: Duncan Hannegan and Oscar Jones. Blueprint. Scale: 2 in. equals 1 mi. Sizes vary. Engr.'s off.

425. FIRE CONTROL MAP (Fort Benning), 1928. 1 map.
Topographical fire control map of Fort Benning, showing military reservation, woods, general topography, and bench marks. Author and publisher: Engineer's Corps U. S. A., Washington, D. C. Pr. and colored. Scale: 3¼ in. equals 1 mi. 32 x 24. Engr.'s off., drawer 5.

426. SURVEY OF LAND NEAR EAST COMMONS, SURVEY OF LAND NEAR ROSE HILL, 1863. 1 map.
Map of part of estate of Colonel John Woolfolk, showing boundaries, acreage, roads, streets, streams, and names of owners of adjoining property. Author: W. E. Serrell. Black and white, mounted. No scale. 32 x 24. Engr.'s off., rack C.

427. TOPOGRAPHIC MAP OF U. S. A., 1907. 24 maps. Reprinted 1936.
Topographical maps, showing general contours, elevations, streams, and towns. Author: Oscar Jones and J. W. Bagley. Publisher: United States Government, Washington, D. C. Pr. and colored. Scale: 2½ in. equals 5 mi. 30 x 33. Engr.'s off., drawer 4.

428. COUNTY OF MUSCOGEE VARIOUS BLUE PRINTS, 1922--. 68 blueprints.
Blueprints of county club drives, showing roads, drives, walks, bridges, and detours, and name of author. No obvious arr. No index. Blueprints. Aver. 22 x 36. Engr.'s off., drawer 2.

429. MISCELLANEOUS PROJECTS, 1922--. 173 maps.
Maps show detailed plans, profiles, cross sections, grades, bridges, culverts, crossings, and drains, name of author, and scale. No obvious arr. No index. Black and white. Aver. 24 x 36. Engr.'s off.

430. PLAN OF NORTHERN LIBERTIES, 1862. 1 map.
Map of a subdivision of Columbus, showing location, lot numbers, streets, roads, and streams. Author: W. E. Serrell. Black and white, mounted. No scale. 32 x 24. Engr.'s off., rack D.

431. MISCELLANEOUS (Blueprints), 1932--. 13 blueprints.
Blueprints show various roads and rights of way. Author: county engineer. Blueprint. Scale: 1 in. equals 100 ft. 23 x 35. Engr.'s off., drawer 4.

432. ROAD MAP OF MUSCOGEE, 1933. 1 blueprint.
Blueprint is hand colored to show new road construction and road condition. Author: county engineer. Blueprint and colored. Scale: 1 in. equals 1 mi. 16 x 26. Engr.'s off.

Field Books

433. (FIELD BOOKS), 1925--. 92 vols. (1-92).
Survey notes, showing date, name of surveyor, location, kind of work being done, and other data pertaining to county improvements. Arr. chron. by date of survey. Indexed alph. by first letter of name of project and chron. thereunder; also separate index, 1928--, entry 435. Hdw. Aver. 50 pp. 7 x 4 x ½. Engr.'s off.

434. BUENA VISTA ROAD (Public Road Field Books), 1928--. 37 vols.
Title varies: Projects #65120, 1928, 1 vol.; River Road, 1928--, 8 vols.; Macon Road, 1932--, 3 vols.; Hamilton Road, 1934, 2 vols.; Brown Road, 1934, 1 vol.; Morris Road, 1934, 1 vol.; Mobley and Moore Road, 1934, 1 vol.; Mobley Road, 1935, 1 vol.; Talbotton Road, 1936, 1 vol.
For description, see entry 433. No obvious arr. For index, see entry 435. Hdw. Aver. 80 pp. 7 x 4½ x ½. Engr.'s off.

435. INDEX, 1928--. 1 vol.
Index shows name of project, book and page number where notes recorded. Serves as index to (Field Books), entry 433; Buena Vista Road (Public Road Field Books), entry 434. Arr. alph. by first letter of name of project and chron. thereunder. Hdw. 100 pp. 7 x 4½ x ½. Engr.'s off.

Reports

436. MONTHLY REPORTS S. A. P. (State Aid Projects), 1937--. Est. 100 papers in 1 f.d.
Monthly report of state aid projects, showing name and number of project, class of work, estimate of cost, amount of work completed since last report, and reference to blueprints. Arr. numer. by project no. No index. Hdw. and typed on pr. fms. 12 x 13 x 36. Engr.'s off.

Miscellaneous

437. CITY AND SUB-DIVISION ASSESSMENTS, 1933--. 4 vols.
Record of paving assessments, showing date, name and address of property owner, and amount of assessments. Arr. by subdivision or street and alph. by first letter of property owner's surname thereunder. No index. Hdw. under pr. hds. Aver. 200 pp. 14 x 8½ x 1½. Engr.'s off.

438. CITY OF COLUMBUS AND ENVIRONS, 1931. 1 map.
Physical map of Columbus, showing name of subdivision, lot number, railroads and electric lines, streets and roads, streams, and buildings. Author: Hugh McMath and Elledge Garret. Black and white. Scale: 2½ in. equals 1,000 ft. 75 x 52. Engr.'s off.

439. TOTAL AND DETAILED ANALYSIS, 1935-36. 1 vol.
Detailed analysis of cost of various projects, showing date, project number, labor, materials, equipment, and overhead. Arr. numer. by project no. No index. Hdw. under pr. hds. 500 pp. 12 x 18 x 1½. Engr.'s off.

440. IMPORTANT CORRESPONDENCE, 1937--. Est. 1,500 papers in 1 f.d.
Official correspondence of county engineer. Arr. alph. by first letter of correspondent's surname and chron. thereunder. No index. Hdw. and typed. 12 x 13 x 36. Engr.'s off.

XL. ROAD COMMISSIONERS

The General Assembly, by an act approved December 19, 1818, provided for the establishment and defined the duties of road commissioners in each

county in the State,(1) and beginning with the earliest existing records of Muscogee County, there are numerous accounts of the appointment of such officials,(2) until February 4, 1888, when apparently the last such appointment was made.(3)

Three road commissioners, appointed by the ordinary or other county official in charge of county affairs, served in each district for terms of two years each.(4) These districts were originally created under authority of an act of 1792, which also provided that the road commissioners be appointed by the inferior court.(5)

Road commissioners were required to accept appointment, unless excused by competent authority for providential cause only, provided that those who served two consecutive terms could decline appointment for a third term.(6) No compensation was provided, but they could be fined or imprisoned and removed from office by the county official in charge of county affairs for neglect of duty.(7) The commissioners, while in office, were exempted from jury, patrol, militia, and other road duty.(8)

All males between the ages of 16 and 50 in a road district, except ministers, cripples, and those who had lost an arm or leg, were subject to work on the roads.(9) In 1910 the age limit was changed to between 21 and 50 years,(10) and all laws pertaining to road duty were repealed in 1935.(11)

Duties of road commissioners included appointment of one or more persons in their respective districts as overseers of roads, apportionment of roads and hands, and the furnishing of overseers with lists of roads and hands under their respective charge; the hearing and determining of all cases of default or other violation of the road laws within their jurisdiction (if not indictable only) at a court to be held by them; the issuance of executions or other processes against the convicted; the expenditure of moneys coming into their hands from defaulting road hands and from fines imposed on overseers, and the service upon road defaulters of notice of time and place of trials for default;(12) paying to the county treasurer of that portion of fine money belonging to the county; the reporting annually to the ordinary or other competent officials of the condition of the public roads

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1) Ga. Code of 1933, #95-301; Act 1818, Cobb, p. 947.
2) For example, see Minutes, Commissioners Court, vol. A, 1838-57, p. 4, see entry 1.
3) Minutes, Commissioners Court, vol. C, p. 29.
4) Ga. Code of 1933, #95-301, #95-302; Act 1818, Cobb, p. 947.
5) Act 1792, Watkins, p. 500.
6) Ga. Code of 1933, #95-303; Act 1818, Cobb, p. 947; Ga. Acts 1878-79, p. 67.
7) Ga. Code of 1933, #95-310, #95-311; Ga. Acts 1884-85, pp. 136, 137.
8) Ga. Code of 1933, #95-305.
9) Ga. Code of 1933, #95-401; Act 1818, Cobb, p. 947; Ga. Acts 1865-66, pp. 23, 78; 1870, p. 399; 1871-72, p. 19; 1876, p. 20.
10) Ga. Code of 1933, #95-802; Ga. Acts 1910, p. 54.
11) Ga. Acts 1935, pp. 159, 160.
12) Ga. Code of 1933, #95-307; Act 1818, Cobb, pp. 947, 948; Ga. Acts 1880-81, p. 146.

and bridges in their respective districts, the state of finances, and what executions were outstanding and unpaid; inspection of the public roads, bridges, and ferries within their districts and notation as to whether direction boards were put up as required by law; the exercise of general supervision over their respective overseers, fining them for neglect of duty and seeing that persons were indicted for offenses set forth in the road laws; and the administration of all oaths connected with the road laws.(1)

Road commissioners, when sitting as a court, were empowered to levy fines not to exceed $5 or to imprison not to exceed five hours for contempt, and constables were compelled to enforce the orders of the court.(2)

The commissioners kept a book in which to enter the hands in their districts, the assignment of hands; a list of defaulters, persons fined, amounts of fine, amounts paid, what disposition was made of money, and what executions were issued and remained unpaid.(3)

XLI. COUNTY SURVEYOR

In 1783 the General Assembly provided that "there must be one surveyor in each county," and this provision has been preserved through the various digests and codes of law to date.(4) Provision was made in 1799 for the election of county surveyors by justices of the inferior court and justices of the peace in each county,(5) but the act of 1826, providing for the organization of Muscogee County, fixed the first Monday in May 1827 for the holding of an election of county officers, including a surveyor.(6)

The county surveyor since then has been elected by the people and holds his office for a term of four years.(7) He must possess those qualifications required of other county officers, that is, he must have been a bona fide resident of the county for two years and be a qualified voter therein, and not otherwise disqualified from holding office.(8) In addition to the oath required of all county officers to "support and defend the constitution,"(9) he must also take an oath to discharge the duties of the office of surveyor to the best of his skill and knowledge, and not to admeasure, survey, or lay out any land without first obtaining a warrant for that purpose.(10) He is required to give bond in the sum of $1,000,(11) which must be approved by the ordinary and filed in his office.(12)

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1) Ga. Code of 1933, #95-307; Act 1818, Cobb, pp. 947, 948; Ga. Acts 1880-81, p. 146.
2) Ga. Code of 1933, #95-308; Ga. Acts 1882-83, p. 79.
3) Ga. Code of 1933, #95-307, par. 6.
4) Ga. Code of 1933, #23-1105; Act 1783, Cobb, p. 665; 1784, Cobb, p. 670.
5) Ga. Acts 1799, Jan. An. Sess., pp. 119-122.
6) Ga. Acts 1826, pp. 57, 58.
7) Ga. Code of 1933, #23-1101; Act 1799, Cobb, p. 198.
8) Ga. Code of 1933, #2-8301, #89-101; Act 1787, Cobb, p. 366; 1823, Cobb, p. 209; Ga. Acts 1914, p. 43.
9) Ga. Code of 1933, #89-302.
10) Ga. Code of 1933, #23-1104.
11) Ga. Code of 1933, #23-1104; Act 1847, Cobb, p. 217.
12) Ga. Code of 1933, #89-405.

As compensation for his services in assisting in the establishment of lines in processioning proceedings, the county surveyor receives $5 per day.(1) When employed by county commissioners to assist in laying out new roads, he receives $2 per day.(2) For all other services he receives fees as prescribed by law.(3)

The county surveyor may be removed by the ordinary for want of capacity,(4) and, in addition, for the causes which apply to all county officers. If there is a vacancy in the office, the ordinary may appoint a successor to serve until the vacancy is filled according to law,(5) and in the event there is no county surveyor, any competent person who is a citizen of the county may act in his stead upon being sworn to perform his duties skillfully, faithfully, and impartially, or in default of such person, the surveyor of an adjoining county may serve.(6)

It is the duty of the county surveyor to carry out the orders of any official who may be legally entitled to command him; to admeasure and lay off dower; to partition lands; to make resurveys; to administer all oaths required by law in such cases; to survey county and district lines and any other lines in which his county may be interested when ordered to do so by the ordinary; to execute all surveys required by the rule or order of any court of competent jurisdiction.(7) It is also his duty to assist county processioners in arriving at true lines, to trace out and plainly mark them and to make a plat thereof.(8) When employed by the county commissioners to do so, he is required to assist in the laying out of new roads.(9)

The county surveyor may keep his office at his place of abode, if in the county.(10) He is required to keep in a well-bound book plats of all surveys made by him, with minutes of the names of the chainbearers, date survey was executed, by whose orders, and to whom plat was delivered.(11)

Muscogee County is provided with an engineer, and a large portion of the work formerly falling under the duties of the surveyor is now done by the county engineer and his staff.

XLII. COUNTY AGRICULTURAL AGENT

Agricultural extension work was provided for by the Federal Government and assented to by the State of Georgia in 1914. County agricultural agents

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1) Ga. Code of 1933, #85-1610; Act 1818, Cobb, p. 719; Ga. Acts 1912, p. 70.
2) Ga. Code of 1933, #95-206; Ga. Acts 1901, p. 79.
3) Ga. Code of 1933, #23-1109; Act 1792, Cobb, p. 350; Ga. Acts 1870, p. 68.
4) Ga. Code of 1933, #23-1117.
5) Ga. Code of 1933, #23-1102.
6) Ga. Code of 1933, #23-1113; Ga. Acts 1882-83, pp. 104, 105.
7) Ga. Code of 1933, #23-1108; Act 1785, Cobb, p. 672; 1838, Cobb, p. 215.
8) Ga. Code of 1933, #85-1606.
9) Ga. Code of 1933, #95-206; Ga. Acts 1901, p. 79.
10) Ga. Code of 1933, #23-1107.
11) Ga. Code of 1933, #23-1108; Act 1785, Cobb, p. 672; 1838, Cobb, p. 215.

are employed under the provisions of these enactments. The Federal law, known as the Smith-Lever act, inaugurated a program of cooperation with State agricultural colleges to improve productive methods and living conditions of farmers, and provided for semiannual grants of money to the States whose legislatures assents to its provisions.(1) The Georgia General Assembly, by a resolution approved August 14, 1914, assented to the Federal act and authorized the trustees of the University of Georgia to receive the grants of money for the College of Agriculture and to organize and conduct agricultural extension work.(2)

Acts of 1922 and 1923 provide that there may be one county agricultural agent in each county,(3) and such an officer was first employed in Muscogee County in 1917. Qualifications for appointment are a B.S. degree in agriculture from a standard recognized agricultural college, farm rearing or at least two years' farming experience since graduation from college, a minimum age of 21 years, leadership ability, honesty, and integrity. No person is appointed as agent in his home county.(4)

Selection of the county agricultural agent by the county board of education is authorized by the Georgia code, but in Muscogee County the agent is recommended by the college of agriculture of the University of Georgia, with the county board of education and the county board of commissioners concurring upon the appointment.(5)

The county agricultural agent takes an oath required of every teacher, and all other employees of the State or any subdivision thereof, to uphold, support, and defend the constitution and laws of the State and of the United States, and to refrain from subscribing to or teaching any sort of theory of government or economics or of social relations inconsistent with the principles of patriotism and the high ideals of Americanism.(6) No bond is required of this official.

The term is fixed in a memorandum agreement between the county officials and the extension service, and varies in the different counties.(7)

The compensation of the county agricultural agent is determined jointly by the district supervisor in charge and the county cooperating authorities, and it is the practice of the extension service to establish a minimum appropriation for the county which will be acceptable, although the county has the option of paying according to its financial condition in an amount considered appropriate by the county officials in charge.(8)

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1) Barnes Federal Code, #8413, #8414; 38 Stat. L. 372.
2) Ga. Acts 1914, p. 1243.
3) Ga. Code of 1933, #32-944; Ga. Acts 1922, p. 82; 1923, p. 88.
4) Statement of Director, Cooperative Extension Work in Agriculture and Home Economics, State of Georgia, September 21, 1939.
5) Ga. Code of 1933, #32-944.
6) Ga. Acts 1935, pp. 1305, 1306.
7) Statement of Director, Cooperative Extension Work in Agriculture and Home Economics, State of Georgia, September 21, 1939.
8) Ibid.

County Agricultural Agent - Federal Government Activities; Reports (441-446)

The county agricultural agent supervises farm extension work in the county and is responsible for improvement of agricultural methods and the betterment of living conditions on the farms.

Since 1933 he has also been of great value in carrying out the various agricultural and soil conservation programs of the Federal Government, and in administration in his county of the AAA program.

Offices of the Muscogee County agent are on the third floor of the Federal building, Columbus, and all records of this office are kept there.

Federal Government Activities

441. AAA (Agricultural Adjustment Administration) INFORMATION, 1934--. Est. 6,000 papers in 11 f.d.
Information and performances under the Agricultural Adjustment Administration program, showing producer's name, address, militia district, acreage in farm, and cotton allotment; list of cotton growers, location, acreage, cotton grown, and market quota; record of performance, application for parity payment, name, address, and crop record. Arr. by militia district and alph. by first letter of grower's surname thereunder. For index, see entry 442. Hdw. and typed on pr. fms. 12 x 15 x 26.

442. (LISTING OF FARMERS - INDEX), 1936--. Est. 1,300 cards in 2 f.d. (labeled by contained letters of alph.).
Card index to AAA (Agricultural Adjustment Administration) Information, entry 441, showing name and address of farmer, land lot number, acreage in farm, and amount of cotton grown. Arr. alph. by name of farmer. Typed on pr. fms. 5 x 5 x 14.

443. C. A. P. (Cotton Adjustment Payments) REPORTS, 1937--. Est. 1,100 papers in 1 f.d.
Report of cotton adjustment payments, showing name and address of grower, location in county, amount of cotton grown and sold, and adjustment between selling price and guaranteed price. Arr. alph. by name of grower. No index. Hdw. and typed on pr. fms. 12½ x 14 x 28.

444. BANKHEAD INFORMATION AND REPORTS, 1933--. Est. 2,000 papers in 4 f.d.
Reports and information gathered under the Bankhead Act, showing name of grower, location, allotments, quotas, amount grown, and amount plowed under for 1933-34. Arr. alph. by name of grower. No index. Hdw. on pr. fms. 12 x 15 x 26.

445. FARMERS (Acreage), 1938--. Est. 600 papers in 2 f.d. (labeled by contained letters of alph.).
List of all farmers in Muscogee County, showing name, address, total acreage in farm, and acreage planted. Arr. alph. by name of farmer. No index. Hdw. on pr. fms. 12 x 15 x 26.

Reports

446. (COUNTY REPORTS), 1933-35. Est. 4,800 papers in 3 f.d.
Reports of county agent of all his activities, showing date, nature of project,

name of supervisor, and general remarks. Arr. chron. by date of report. No index. Hdw. and hdw. on pr. fms. 12 x 15 x 26.

447. COMPLIANCE REPORTS, 1938--. Est. 1,200 papers in 1 f.d. Cotton growers report to county agent, showing compliance with the acreage law under the Agricultural Adjustment Administration. Arr. alph. by name of grower. No index. Hdw. and typed on pr. fms. 12 x 15 x 26.

Correspondence

448. CORRESPONDENCE, 1936--. Est. 12,000 letters in 4 f.d. (dated). County agent's official correspondence, showing date, name of correspondent, and subject matter. Arr. alph. by name of correspondent. No index. Hdw. and typed. 12 x 15 x 26.

449. COUNTY AGRICULTURAL ASSOCIATION, 1937--. Est. 500 papers in 1 f.d. County agent's correspondence in regard to county agricultural association. Arr. alph. by subject. No index. Hdw. on pr. fms., typed, and pr. 12 x 15 x 26.

XLIII. COUNTY HOME DEMONSTRATION AGENT

Provision for instruction in home economics in connection with the programs of State agricultural colleges was made in 1914 by the Federal Government under the terms of the Smith-Lever act.(1) The Georgia General Assembly, in a resolution, promptly concurred with the act of Congress,(2) and in 1922, passed an act authorizing county boards of education to employ home demonstration agents.(3)

In Muscogee County, a program similar to that now carried out by the home demonstration agent had been in effect as early as 1912. An appropriation was made by the board of commissioners of roads and revenue and girls' garden and canning clubs were established. This program was subsequently sponsored by the Columbus Federation of Women's Clubs. Local citizens donated the use of a room and equipment in 1913 and food preparation was added to the regular course of instruction. In 1915 the United Daughters of the Confederacy supplied domestic science equipment for use in the rural schools and groups of women were organized with committees on education, sanitation, recreation, and beautification. Specialists lectured on various phases of the activities. This program was in effect when the Federal program was instituted.

There is one home demonstration agent in each cooperating county.(4) Qualifications for appointment are a B.S. degree in home economics from a standard, recognized college, farm rearing, or at least two years' experience on a farm since graduation from college, a minimum age of 21 years,

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1) Barnes Federal Code, #8413, #8414; 38 Stat. L. 373.
2) Ga. Acts 1914, p. 1243.
3) Ga. Code of 1933, #32-944; Ga. Acts 1922, p. 82; 1923, p. 88.
4) Ga. Code of 1933, #32-944.

leadership ability, honesty, and integrity. No person is appointed in her home county.(1)

Acts of 1922 and 1923 authorize the selection of home demonstration agents by the county boards of education and authority in charge of county affairs,(2) but in Muscogee County the agent is provided by the agricultural extension service, the county board of education and the county commissioners signing a memorandum of agreement to her employment.(3)

The home demonstration agent takes an oath to uphold, defend, and support the constitution and laws of the State and of the United States, and to refrain from subscribing to or teaching any sort of theory of government or economics or social relations inconsistent with the principles of patriotism and the high ideals of Americanism.(4)

The term of office is established by memorandum agreement between the county officials and the extension service, and varies in the different counties. In Muscogee County, the term of office is one year.(5)

Compensation of the home demonstration agent is determined jointly by the district supervisor in charge and the county cooperating authorities, and it is the practice of the extension service to establish a minimum appropriation for the county which will be acceptable, although the county has the right to pay a larger amount if a larger salary is considered appropriate by the county officials in charge.(6)

The home demonstration agent conducts classes in home economics, directs canning classes, and provides educational entertainments. The work of the office embraces instruction in nutrition, home dairying, clothing, home improvement, food preservation and utilization, miscellaneous marketing, child development and family life education, health demonstration team contests, 4-H Club activities, assistance in marketing, plant pathology, agricultural engineering, poultry keeping, horticulture, landscaping, and forestry.

The home demonstration agent makes reports to both the district and State offices. She gives both written and oral reports on her work at the monthly meetings of the county board of education.

Home demonstration work has been prosecuted continuously in Muscogee County since its inception in 1912, with the exception of a lapse from 1930 to 1932 when no agent was employed. In 1932 the home demonstration program was carried on in both Muscogee and Chattahoochee Counties by one

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1) Statement of Director, Cooperative Extension Work in Agriculture and Home Economics, State of Georgia, September 21, 1939.
2) Ga. Code of 1933, #32-944; Ga. Acts 1922, p. 82; 1923, p. 88.
3) Statement of Director, Cooperative Extension Work in Agriculture and Home Economics, State of Georgia, September 21, 1939.
4) Ga. Acts 1935, pp. 1305, 1306.
5) Statement of Director, Cooperative Extension Work in Agriculture and Home Economics, State of Georgia, September 21, 1939.
6) Ibid.

agent until October, when she was again placed on full time for Muscogee County. She has continued to serve in this capacity to the present time.(1)

The home demonstration office is in room 314 of the new Federal building. A large room in the courthouse is also used by this office for meetings and assemblies. All records listed hereunder are in the office in the Federal building.

Reports

450. ANNUAL REPORTS, 1928-30, 1932--. Est. 1,250 papers in 1 f.d. Copies of annual reports of agent to the Federal Department of Agriculture, showing all activities of county home demonstration agent, date, name of agent, and work accomplished. Arr. chron. by date of report. No index. Typed on pr. fms. and under pr. hds. 12½ x 14 x 28.

Recreation

451. RURAL SOCIAL LIFE, 1932--. Est. 500 papers in 1 f.d. Data on all rural social life and activities in the county, showing community center programs, recreations, hobbies, games, music, and playgrounds. Arr. alph. by name of subject. No index. Hdw., typed, mimeographed, and pr. 12½ x 14 x 28.

Miscellaneous

452. PROJECTS IN COUNTY, 1932--. Est. 500 papers in 1 f.d. Information on the following subjects: clothing, laundrying, dry cleaning, dress, textiles; foods, cooking, canning, vegetables, gardening, marketing, fertilizer, landscaping; etiquette, personality, parent education, music, toys, wild life; poultry, hogs, and cattle. Arr. alph. by subject. No index. Hdw., typed, and pr. 12½ x 14 x 28.

453. (WORK PROGRAM), 1932--. Est. 500 papers in 1 f.d. Work program for the following subjects: fairs, 4-H Club contests, home improvement, radio and newspaper programs, poultry and garden clubs, flower clubs, cooking classes, dressmaking and general sewing, home beautification, and general health. Arr. alph. by subject. No index. Hdw., typed, and pr. 12½ x 14 x 28.

454. ACTIVITIES, 1932--. Est. 1,200 papers in 1 f.d. Activities of county home demonstration agent, showing camps for girls, women's and girl's clubs, promotion and grades in 4-H Clubs, councils, demonstrations made, literature distributed, radio talks, and meetings. Arr. alph. by subject. No index. Hdw., mimeographed, and typed. 12½ x 14 x 28.

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1) Record of County Board of Education (Minutes), vol. 3, 1932--, pp. 75-89, see entry 361.

BIBLIOGRAPHY

Primary Sources

Note: The records of Muscogee County, used in this inventory, are not listed in this bibliography. When a county record is cited, reference is made to the appropriate entry, where the title, location, and other information about the record may be found.

I. Documentary

Acts and Resolutions of the General Assembly of the State of Georgia... (titles vary in early volumes). 140 vols. 1799-1939.

Addresses delivered before the Virginia State Convention, by Hon. Fulton Anderson, Commissioner from Mississippi, Hon. Henry L. Benning Commissioner from Georgia, and Hon. John S. Preston, Commissioner from South Carolina, February, 1861. Richmond. Wyatt M. Elliott. 1861.
(Note: The address of Hon. Henry L. Benning, of Columbus, Georgia, occupies pp. 21-24.)

Barnes, Uriah, et al., eds., Federal Code: Containing All Federal Statutes of General and Public Nature Now in Force. Charleston, W. Va. Virginia Law Book Co. 1919.

Clayton, Augustin Smith, A Compilation of the Laws of the State of Georgia, Passed By the Legislature Since the Political Year 1800, to the Year 1810, Inclusive. ... Augusta. Adams & Duyckinck. 1812.

Cobb, Thomas R. R., A Digest of the Statute Laws of the State of Georgia, in Force Prior to the Session of the General Assembly of 1851.... Athens, Ga. Christy, Kelsea & Burke. 1851.

Code of Georgia of 1933, The, Adopted March 24, 1933, Effective January 1, 1935, Prepared under the Direction of the Code Commission.... Atlanta. The Harrison Company. 1935.

Colonial Records of the State of Georgia, The. Allen D. Candler, comp. 24 vols. in 27. Atlanta. Geo. W. Harrison; The Franklin-Turner Company; and Chas. P. Byrd. 1904-1915.

Columbus, 1828. (Manuscript journal of the commissioners for laying out

Bibliography
Primary Sources

the town of Columbus, January 15-July 22, 1828, in city clerk's office, Columbus, Georgia.)

Confederate Records of the State of Georgia, The. Allen D. Candler, comp. 5 vols. Atlanta, Ga. Chas. P. Byrd. 1909-11.

Corpus Juris, Being a Complete and Systematic Statement of the Whole Body of the Law As Embodied In and Developed By All Reported Decisions. Volume XXXV. New York. American Law Book Co. 1914.

County Officers (commission book), Secretary of State, 1826-33. (Manuscript in the Department of Archives and History, Atlanta, Georgia.)

Dawson, William C., A Compilation of the Laws of the State of Georgia, Passed by the General Assembly, Since the Year 1819 to 1829, Inclusive.... Milledgeville. Grantland & Orme. 1831.

Executive Minutes, 1825-29. (Manuscript in Department of Archives and History, Atlanta, Georgia.)

Executive Papers of Governor Forsyth, 1827. (Manuscripts in the Department of Archives and History, Atlanta, Georgia.)

Georgia Constitutions of 1777, 1798, 1868, and 1877.

Georgia Department of Archives and History, Georgia's Official Register, 1931. Compiled by Ruth Blair, State Historian and Director. Atlanta, Georgia. Stein Printing Company. 1931.

Georgia State Department of Education, Georgia Educational Directory, 1939-1940.

Georgia State Department of Education, Sixty-Sixth and Sixty-Seventh Annual Reports (Biennium Ending June 30, 1938).

Georgia, Supreme Court, Reports of Cases Decided in the Supreme Court of the State of Georgia...(titles vary). 188 vols. 1846-1939.

Justices of the Inferior Court (commission book). (Manuscript in the Department of Archives and History, Atlanta, Georgia.)

Bibliography

Primary Sources

Lamar, Lucius Q. C., A Compilation of the Laws of the State of Georgia, Passed By the Legislature Since the Year 1810 to the Year 1819, Inclusive. ... Augusta. T. S. Hannon. 1821.

Letter of James Oglethorpe to Harman Verelst, Ft. Augusta, Georgia, September 5, 1739, in the Collections of the Georgia Historical Society, III (Savannah, 1873), 81

Marbury, Horatio, and William H. Crawford, Digest of the Laws of the State of Georgia, from Its Settlement as a British Province, in 1755 to the Session of the General Assembly in 1800, Inclusive. ... Savannah. Woolhopter & Stebbins. 1802.

1939 Book of Ordinances, Minutes of Commission Meetings, City of Columbus.

Phillips, Ulrich B., editor, The Correspondence of Robert Toombs, Alexander H. Stephens, and Howell Cobb (Volume II of the Annual Report of the American Historical Association for the Year 1911). Washington. 1913.

Prince, Oliver H., A Digest of the Laws of the State of Georgia: Containing All Statutes and the Substance of All Resolutions of a General and Public Nature, and Now in Force, Which Have Been Passed in This State, Previous to the Session of the General Assembly of December, 1820. ... Milledgeville. Grantland & Orme. 1822.

Prince, Oliver H., A Digest of the Laws of the State of Georgia...Now in Force, Which Have Been Passed in This State, Previous to the Session of the General Assembly of December, 1837.... Second Edition. Athens. Oliver H. Prince. 1837.

Rand McNally Commercial Atlas and Marketing Guide. Seventy-First Edition (1940). New York, Chicago, and San Francisco. Rand McNally & Company. (c. 1940.)

Record Book, Town Lots in Columbus. (Manuscript in the office of the Secretary of State, Atlanta, Georgia.)

Records. (Manuscript proceedings of the mayor and council of the city of Columbus, in the city clerk's office.)

Regents of the University System of Georgia, Annual Report 1938; 1939.

Bibliography

Primary Sources

Reprint of Official Register of Land Lottery of Georgia, 1827. Martha Lou Houston, comp. Columbus, Ga. Martha Lou Houston. No date.

Rules of Superior Courts of Georgia, in Convention at Atlanta, Established by the Judges December 4, 1936. Atlanta. The Harrison Company. (c. 1937.)

Seventy-First Annual Report of the Public Schools, Columbus, Georgia, For the Year Ending August 1, 1936. (Columbus). Commercial Printers, Inc. No date.

State Highway Board of Georgia, Seventeenth Report (For the Fiscal Years Ending June 30, 1937, and June 30, 1938).

Southeastern Reporter, Cases Argued and Determined in the Courts of Georgia...(titles vary). 2 series. 206 vols. St. Paul, Minn. West Publishing Company. 1887-1940.

United States Bureau of the Census, Thirteenth Census of the United States...1910, II, Population. Washington. Government Printing Office. 1913.

United States Bureau of the Census, Fifteenth Census of the United States: 1930, Population, Volume III, Part I. Washington. Government Printing Office. 1931.

United States Bureau of the Census, Population of the State of Georgia —Final Figures: 1940 (release of January 10, 1941).

United States Bureau of the Census, Biennial Census of Manufactures, 1937, Part I. Washington. U. S. Government Printing Office. 1939.

United States Bureau of Soils, Soil Survey of Muscogee County, Georgia, by S. W. Phillips and A. T. Sweet (Advance Sheets—Field Operations of the Bureau of Soils, 1922). Washington. Government Printing Office. 1926.

United States Census Office, Ninth Census (1870), I, The Statistics of the Population of the United States.... Washington. Government Printing Office. 1872.

United States Census Office, Eleventh Census: 1890, Report on Population

Bibliography
Primary Sources

of the United States..., Part I. Washington. Government Printing Office. 1892.

United States Code Annotated. The Code of the Laws of the United States in Force December 7, 1925, As Enacted by Congress June 28 and Approved June 30, 1936.... Title 28, #71-100. St. Paul, Minn. West Publishing Company. Northport, N. Y. Edward Thompson Company. 1927.

United States, Constitution of the.

Watkins, Robert, and George Watkins, A Digest of the Laws of the State of Georgia. From Its First Establishment as a British Province Down to the Year 1798, Inclusive, and the Principal Acts of 1799.... Philadelphia. R. Aitken. 1800.

II. Diaries, Memoirs, and Accounts of Travelers

Buckingham, James Silk, The Slave States of America. 2 vols. London and Paris. Fisher, Son, & Co. (1842.)

Burrus, George J., "Columbus As It Was During War 1861-1865." Undated newspaper clipping.

"Correspondence of Thomas Reade Rootes Cobb, 1860-1862, The," in Publications of the Southern History Association, XI, No. 3 (May, 1907), pp. 147-185.

Featherstonhaugh, G. W., Excursion through the Slave States, from Washington on the Potomac to the Frontier of Mexico; with sketches of popular manners and geological notices. New York. Harper & Brothers. 1844.

Foster, Lillian, Wayside Glimpses, North and South. New York. Rudd & Carleton. 1860.

Hall, Basil, Forty Etchings from Sketches Made with the Camera Lucida in North America, in 1827 and 1828. Edinburgh. R. N. Cadell & Co. London. Simpkin & Marshall, and Moon, Boys & Graves. 1829.

Hall, Basil, Travels in North America in the Years 1827 and 1828. 3 vols. Edinburgh. Cadell & Co. London. Simpkin & Marshall. 1829.

Bibliography
Secondary Works

Howard, Robert M., Reminiscences. Columbus, Ga. Gilbert Printing Co. 1912.

Lyell, Charles, A Second Visit to the United States of North America. 2 vols. New York. Harper & Brothers. London. John Murray. 1849.

Scott, Winfield, Memoirs of Lieut.—General Scott, LL.D. Written by Himself. 2 vols. New York. Sheldon & Company. 1864.

III. Newspapers and Periodicals

Atlanta Journal, September 13, 1940.

Columbus Ledger. February 22, 1925. Columbus-Fort Benning Edition.

The Soil of the South. 6 vols. Columbus, Ga. January 1851-December 1856.
(Note: This periodical merged with the American Cotton Planter in January 1857.)

Southern Sentinel (Columbus). 1851.

IV. Map

Phelan, A. J. F., Plan of the City of Columbus, Georgia. New York. No date.
(Note: Copy framed in city engineer's office, Columbus. The map includes certified notes by Edward Lloyd Thomas, the surveyor of the town in 1828.)

Secondary Works

Avery, I. W., The History of the State of Georgia. From 1850 to 1881. ... New York. Brown & Derby. (c. 1881.)

Biographical Directory of the American Congress, 1774-1927. Washington. United States Government Printing Office. 1928.

Bibliography
Secondary Works

Calkins, Earnest Elmo, "St. Elmo, or, Named for a Best Seller," in The Saturday Review of Literature, December 16, 1939, pp. 3, 4, 14, 16, 17.

Coulter, E. Merton, "A Georgia Educational Movement During the Eighteen Hundred Fifties," in The Georgia Historical Quarterly, IX, No. 1 (March, 1925), pp. 1-33.

Coulter, E. Merton, A Short History of Georgia. Chapel Hill. The University of North Carolina Press. 1933.

Daniel, Roland B., Industrial Education in Columbus, Ga. (U. S. Bureau of Education Bulletin, 1913, No. 25.) Washington. Government Printing Office. 1913.

Derry, Joseph T., Georgia. (Volume IV of Confederate Military History, A Library of Confederate States History, in Twelve Volumes, Written by Distinguished Men of the South, and Edited by Gen. Clement A. Evans of Georgia.) Atlanta, Ga. Confederate Publishing Company. 1899.

Dictionary of American Biography. Allen Johnson and Dumas Malone, eds. 20 vols. and index. New York. Charles Scribner's. 1928-37.

Dudley, Frank J., 100 Years History of St. Luke M. E. Church, South, Columbus, Georgia, 1829-1929. Columbus. No date.

Gilbert, James J., A History of the First Presbyterian Church of Columbus, Georgia, during the first 100 years of its existence. Columbus, Ga. Gilbert Printing Company. 1930.

Goetchius, Henry R., "Columbus, Ga., and General Henry L. Benning," in The Georgia Historical Quarterly, III, No. 1 (March 1919), pp. 3-10.

Goff, John H., "The Steamboat Period in Georgia," in The Georgia Historical Quarterly, XII, No. 3 (September 1928), pp. 236-254.

History of the Baptist Denomination in Georgia: with Biographical Compendium and Portrait Gallery of Baptist Ministers and Other Georgia Baptists. Atlanta, Georgia. Jas. P. Harrison and Co. 1881.

Bibliography
Secondary Works

A Hisotry of the Origin of Memorial Day as Adopted by The Ladies' Memorial Association of Columbus, Georgia, and Presented to the Lizzie Rutherford Chapter of the Daughters of the Confederacy, Under whose Direction it is now Published. Columbus, Georgia. Thos. Gilbert. 1898.

Johnson, Amanda, Georgia As Colony and State. Atlanta, Ga. Press of Walter W. Brown Publishing Co. (c. 1938.)

Knight, Lucian Lamar, A Standard History of Georgia and Georgians. 6 vols. Chicago and New York. The Lewis Publishing Company. 1917.

Lanning, John Tate, The Diplomatic History of Georgia, A Study of the Epoch of Jenkins' Ear. Chapel Hill. The University of North Carolina Press. 1936.

Martin, John H., comp., Columbus, Geo., from Its Selection as a "Trading Town" in 1827 to Its Partial Destruction by Wilson's Raid in 1865. 2 parts. Columbus, Ga. Thomas Gilbert. 1874, 1875.

Phillips, Ulrich Bonnell, Georgia and State Rights. A Study of the Political History of Georgia from the Revolution to the Civil War, with Particular Regard to Federal Relations. Washington. Government Printing Office. 1902.

Shryock, Richard Harrison, Georgia and the Union in 1850. Durham, North Carolina. Duke University Press. (c. 1926.)

Smith, George G., The Life and Times of George Foster Pierce, D.D., LL.D., Bishop of the Methodist Episcopal Church, South, with His Sketch of Lovick Pierce, D.D., His Father. Sparta, Ga. Hancock Publishing Company. 1888.

Smith, George Gillman, The Story of Georgia and the Georgia People, 1732 to 1860. Macon, Ga. George G. Smith. 1900.

Smith, George G., The History of Georgia Methodism from 1786 to 1866. Atlanta, Ga. A. B. Caldwell. 1913.

Telfair, Nancy, A History of Columbus, Georgia, 1828-1928. Columbus, Georgia. The Historical Publishing Co. (c. 1929.)

Bibliography
Secondary Works

Thompson, C. Mildred, Reconstruction in Georgia, Economic, Social, Political, 1865-1872. (Volume LXIV, Number 1 of Columbia University Studies in History, Economics and Public Law.) New York. The Columbia University Press. London. P. S. King & Son, Ltd. 1915.

Van Dyne, Frederick, A Treatise on the Law of Naturalization of the United States. Washington. Frederick Van Dyne. 1907.

White, George, Historical Collections of Georgia.... New York. Pudney & Russell. 1854.

White, George, Statistics of the State of Georgia.... Savannah. W. Thorne Williams. 1849.

ROSTER OF OFFICIALS OF MUSCOGEE COUNTY

First Officials

Superior Court
Walter T. Colquitt, Judge (1826)
F. S. Cook, Clerk (1827)
A. B. Griffin, Clerk (1828)

Solicitor General
Samuel A. Bailey (1826)
John H. Watson (1828)

Inferior Court
Jonathan Blackman, Justice (1827)
Luther Black, Justice (1827)
Michael W. Perry, Justice (1827)
Henry Lowe, Justice (1827)
Wesley J. Frank, Justice (1827)
C. J. Adkins, Clerk (1827)

Edwin E. Bissell, Justice (1829)
James Hitchcock, Justice (1829)
B. A. Soresby, Justice (1829)
S. R. Andrews, Justice (1829)
W. P. Baker, Justice (1829)

Coroner
Thomas Moore (1827)
Joel B. Scott (1828)

Sheriff
James P. Portis (1827)
James C. Holland (1828)

Tax Receiver
James Johnson (1828)

Tax Collector
Arian Coaker (1829)

Treasurer
John Townsend (1828)

Surveyor
David Dean (1827)
J. E. Lamar (1828)

Roster of Officials of Muscogee
County - Present Officials

Present Officials

Board of Commissioners
of Roads and Revenues
L. R. Aldridge, Chairman
T. G. Reeves
L. P. Banks
R. H. Barnes, Clerk

Superior Court
George C. Palmer, Judge
Early H. Johnson, Clerk

Solicitor General
Hubert Calhoun

Jury Commissioners
J. H. Carter
J. Norman Biggers
M. M. Messer
E. Buford King
L. Y. Tolbert
J. Cohen Higgins

Ordinary
Henry H. Hunter

County Administrator
W. G. Love

City Court of Columbus
Thomas L. Bowden, Judge
Superior Court Clerk serves as Clerk
J. R. Thompson, Jr., Solicitor

County Probation Officer
Ralph M. Holleman

Municipal Court
Solon M. Davis, Judge
Claude B. Layfield, Clerk
Rufus C. Dennis, Marshal

Juvenile Court
Pauline M. Lamar, Judge
Katherine Howard, Clerk

County Attorney
Bentley H. Chappell

Coroner
H. M. Woodall

Sheriff
Arthur L. Poole

County Police
John W. Satterfield, Chief

Board of Tax Assessors
J. Gordon Biggers, Chairman
W. W. Moye
George M. Gamble

Tax Commissioner
John P. Turner

Disbursing Agent
R. H. Barnes, Clk. of Co. Comm.

County Registrars
Mrs. Emma B. Howard
W. C. Tucker
B. O. Brinson

Board of Education
A. W. Jenkins, President
W. H. Moon
E. L. Massey
J. B. Manry
F. E. Taft

Roster of Officials of Muscogee
County - Present Officials

Superintendent of Schools
J. Clinton Moon

County Board of Health
L. R. Aldridge, Chrm. Co. Comm.
J. Clinton Moon, Supt. of Schools
A. N. Dykes

City-County Health Officer
J. A. Thrash

Department of Public Welfare
Mrs. Evelyn Wilson, Director
Mrs. Frank C. David
E. C. Mayo
S. G. Simons
E. G. Blanton

Department of Public Welfare
(continued)
H. K. Park

Superintendent of Roads and
County Engineer
W. J. Long

County Surveyor
M. J. Blackmon, Jr.

Agricultural Agent
Felix L. Jenkins

Home Demonstration Agent
Mrs. Frank Gaines

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1. Inventory of the County Archives of Georgia, No. 25, Chatham County (Savannah). Savannah, Georgia, 1938.

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7. Inventory of Federal Archives in the States, Series II (The Federal Courts), No. 10 (Georgia). Atlanta, Georgia, 1940.

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