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**INVENTORY OF THE COUNTY ARCHIVES
OF TENNESSEE**

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**No. 75
RUTHERFORD COUNTY
MURFREESBORO**

**THE HISTORICAL RECORDS SURVEY
WORKS PROGRESS ADMINISTRATION
1938**

INVENTORY OF THE COUNTY ARCHIVES
OF TENNESSEE

Prepared by

The Historical Records Survey
Division of Women's and Professional Projects
Works Progress Administration

No. 75 RUTHERFORD COUNTY (MURFREESBORO)

.....

Nashville, Tennessee
The Historical Records Survey
March 1938

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Courtesy Murfreesboro Daily News-Journal

RUTHERFORD COUNTY COURTHOUSE

FOREWORD

The Inventory of County Archives of Tennessee is one of a number of bibliographies of historical materials prepared throughout the United States by workers on the Historical Records Survey of the Works Progress Administration. The publication herewith presented, an inventory of the archives of Rutherford County, is number 75 of the Tennessee series.

The Historical Records Survey 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carrying out this objective, the project was organized to compile inventories of historical materials, particularly the unpublished government documents and records which are basic in the administration of local government, and which provide invaluable data for students of political,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, business men 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 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, 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 was organized and has been directed by Luther H. Evans, and operates as a nation-wide project in the Division of Women's and Professional Projects, of which Mrs. Ellen S. Woodward, Assistant Administrator, is in charge.

HARRY L. HOPKINS
Administrator

PREFACE

Rutherford County, whose records are listed in the inventory, was entered by workers of The Historical Records Survey January 4, 1937. The field work was completed July 15, 1937.

As in many counties of Tennessee, Rutherford County's older records were in such condition that a great amount of preliminary cleaning and arranging was necessary before the actual task of inventorying them could be started. A large part of the inactive records had been piled for years in a vacant room on the third floor of the courthouse, vulnerable to the ravages of time, termites and dampness. The Survey's workers cleaned, labeled, assorted and arranged the records by bureaus, placing the unbound records in containers donated for that purpose. Proposals to replace the historic courthouse, that has stood since before the Civil War, and thus relieve the crowded conditions prevailing, have been rejected by the county's quarterly court.

The Survey makes no guarantee of absolute accuracy and perfection, but no pains have been spared to keep the margin of error at an irreducible minimum. The same records may assume different titles in different counties, and the tremendously wide variation in the systems of record keeping in the different counties may cause the user of the inventory to mistake apparent lack of uniformity for error. The fact that practically every bureau in the state is affected in some way by Tennessee's unique system of private acts, and the fact that modifications of a bureau's operations are made with amazing frequency have lessened the possibility of absolute accuracy in the bureau sketches.

The Survey believes that the arrangement of bureaus and entries, arrived at after a process of trial and error, is the most practicable and the least illogical possible in view of the extremely complex nature of some of the bureaus, particularly that illusive body, the county court.

The user of this inventory is urged to read the introductory sections--Historical Sketch of Rutherford County; Governmental Organization and Records System; Housing, Care and Accessibility of Records; Lists of Abbreviations; and Symbols and Explanatory Notes--before using the body of the inventory. The sketches preceding the bureau entries contain information on the present and historical nature of each bureau and list the records each bureau is required by law to keep and may also be of help in understanding the entries themselves. A system of cross referencing has been devised to connect similar and closely related records.

The records listed in this inventory are those that were available on July 15, 1937. The legal sections have been carried through the last session of the 1937 legislature. The number assigned this inventory, No. 75, merely indicates the alphabetical position of Rutherford among the counties of the state.

Preface

For their cooperation and patience which made this inventory possible, the Survey wishes to thank County Judge John D. Wiseman and other Rutherford County officials. The Survey is also indebted to Dr. Frank W. Prescott and Dr. Culver H. Smith, of the University of Chattanooga; Dr. A. F. Kuhlman and Dr. W. C. Binkley, of Vanderbilt University; and Mrs. John Trotwood Moore, Tennessee State Librarian and Archivist. The Survey in Rutherford County was under the direction of Mrs. Elizabeth W. Litchford. Mr. Madison Bratton supervised the preparation of the historical and legal sections, Miss Mary Alice Burke the editing of the entries, and Miss Vylva Holland the arrangement of material for publication.

Inquiries relating to the work of the Survey in Tennessee should be addressed to the State Director of The Historical Records Survey, Works Progress Administration, Nashville; and those relating to its national operations, to Dr. Luther H. Evans, National Director, 1734 New York Avenue, N. W., Washington.

T. MARSHALL JONES
Tennessee State Director
The Historical Records Survey

Nashville
March 28, 1938

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1. RUTHERFORD COUNTY HISTORICAL SKETCH

Rutherford County, in the exact geographical center of the state, is one of the central basin counties. The county was created out of Davidson and Williamson Counties by act of the legislature, October 25, 1803 (Philip Hamer, ed., Tennessee - A History, 1673-1932, I, New York, 1933, 245; Goodspeed's History of Tennessee with Sketches of Maury, Williamson, Rutherford, Wilson, Bedford and Marshall Counties, Nashville, 1886, 813, 814; C. C. Henderson, Story of Murfreesboro, Murfreesboro, 1929, 3), and was named in honor of General Griffith Rutherford, a renowned North Carolina Indian fighter and land-speculating friend of Governor John Sevier (Goodspeed, op. cit., 813; Henderson, op. cit., 3, 4; Tennessee, Economic and Social, pt. ii, the Counties, University of Tennessee Extension Series Record, VI, No. 3, September 1929, 9; Carl S. Driver, John Sevier - Pioneer of the Old Southwest, Chapel Hill, 1932, 18, 20, 110).

The county has an area of 614 square miles and a 1930 population of 32,286, about twenty-five per cent. of which is Negro (Tennessee Blue Book and Official Directory, 1936, Nashville, 1936, 158; Tennessee ... Counties, 20; Fifteenth Census of the U. S., Population, 1930, II, pt. ii, 888). The county is delimited on the north by Wilson County, on the west by Davidson and Williamson Counties, on the south by Bedford and Marshall Counties and on the east by Coffee and Cannon Counties. The county's altitude varies from 420 feet to 1120 feet, but by far the greater part is rolling lands of 500 to 600 feet (Tennessee ... Counties, 14).

The county, in the vicinity of Stone's River, was first visited by a white man around 1766. The area now comprising Rutherford County was occupied by the Indians until 1794, when the savages in Tennessee were subdued at Nickajack. The old war-trace between Nashville and present Chattanooga ran through the county (Goodspeed, op. cit., 811; Henderson, op. cit., 6, 8; A. P. Foster, Counties of Tennessee, Nashville, 1923, 81). The first settlers, arriving in the last years of the eighteenth century, were mainly of Virginia and North Carolina origin, those from Virginia coming into the region by way of the Ohio and Cumberland Rivers, and those from North Carolina by pack horse across the mountains (Goodspeed, op. cit., 811). Lands were surveyed and marked before 1790 (ibid.).

Created by the legislature in 1803, the county was organized in January of the following year (ibid., 813). The commissioners designated to choose a location for the county seat picked a spot on Stone's River, near lands owned by two of the commissioners, and called it Jefferson (ibid., 814). The need for a more central location immediately became apparent. The commissioners, after bitter debate, selected a site near Murfree Spring Branch and called it Cannonsburg, but almost immediately changed the name of the newly selected site to Murfreesborough, after a pioneer family (ibid., 815; Henderson, op. cit., 5).

Growing rapidly, Murfreesboro, as the name of the county seat came to be spelled, became one of the most important towns in Tennessee and from 1819 to 1826 was the state capital (Goodspeed, op. cit., 826).

Rutherford County Historical Sketch

(First entry, p. 32)

It was in Murfreesboro that young James K. Polk, later to become the eleventh president of the United States, attended school (ibid., 816). The late United States Senator Felix Grundy, probably Tennessee's greatest criminal lawyer, was admitted to the Rutherford County bar during the same period (ibid., 820).

Well timbered and cut through with numerous streams, the county, in the early period, had many water powered mills (ibid., 812). The Nashville, Murfreesboro and Shelbyville Turnpike across the county was completed in 1831 and was the occasion of much festivity (ibid., 816; Henderson, op. cit., 58), but was nothing to compare to the celebration that greeted the completion of the Nashville-Murfreesboro link of the Nashville and Chattanooga Railroad in 1851 (ibid.).

On the eve of the Civil War, Rutherford County had a total population of 27,918 of which about 16,000 was native white, 12,000 slave and the remainder free Negro and foreign born white (Eighth U. S. Census, 1860, 282). Interesting was the fact that the total population of the county had declined from an 1850 figure of 29,122, while the slave population had increased over a thousand during the decade before the war (ibid.; Seventh U. S. Census, 1850, 308).

In Tennessee's first secession referendum, Rutherford County voted against 1,539 to 1,003, but in the second there was an overwhelming vote for separation, 2,392 to seventy-three (J. S. Hurlburt, History of the Rebellion in Bradley County, East Tennessee, Indianapolis, 1866, 33). In view of the well-known irregularities that attended the second election, it is to be doubted that sentiment was quite so conclusive. During the war, Rutherford County was the scene of extensive activity, and one of the major battles of the war, that of Stone's River, was fought a few miles from Murfreesboro in December 1862 and January 1863. Murfreesboro was for months the headquarters of General Braxton Bragg and possession of the town was bitterly sought by the Union forces after the fall of Nashville (Robert S. Henry, Story of the Confederacy, New York, 1931, 222-24). The Stone's River National Cemetery and the Stone's River National Military Park, on U. S. Highway 41, occupy the site of battle.

Rutherford County has always been primarily an agrarian county, although in recent years there has been a definite trend toward widespread industrialization. Nearly 25,000 residents of the county live in rural areas (Fifteenth U. S. Census, Population, 1930, III, pt. ii, 895). There are today approximately 351,143 acres in farm land, broken down into 4,745 individual farms (U. S. Census of Agriculture, 1935, Tennessee Statistics by Counties, 12). Located in the fertile and rolling lands of Middle Tennessee, the county's principal agricultural products are corn, cotton, wheat, tobacco, small grains, hay and dairy products (ibid., 28; Tennessee ... Counties, 59-63). The county's extensive pasture lands and its limestone water have made it one of the state's best livestock counties (U. S. Census of Agriculture, Tennessee, 1935, 20; Tennessee ... Counties, 70-73).

Rutherford County Historical Sketch

(First entry, p. 32)

While about one-half of Rutherford County's farmers are tenants, they are concentrated on about one-third of the farm area of the county. About twenty per cent. of the farms in the county are mortgaged (Tennessee ... Counties, 82-86).

Among the ninety-five counties of the state, Rutherford ranks approximately sixth in value of all farm properties, seventeenth in farm land values, eleventh in cash income, tenth in purchasing power, twelfth in banking resources, eighty-second in owner occupancy of farms, thirtieth in value of manufactured products and twenty-eighth in crop values (*ibid.*, 36 et seq.). The total value of farm lands and buildings is \$11,564,597 (U. S. Census of Agriculture, Tennessee, 1935, 12). The assessed valuation of all property, according to the 1930 census, is \$19,339,252 (Tennessee Blue Book, 1936, 158).

In total population, the county has shown almost imperceptible changes. Since 1880 there has been a slight but steady decrease every decade in total figures, the decrease in the colored population exceeding the steady increase in the white population. The all-time high in population was reached in 1880, with a total figure of 36,741, of which 20,248 was white, 16,478 Negro and 157 foreign born (Tenth U. S. Census, Population, 1880, pt. i, 51, 371, 442). In 1870 the division between white and colored had been practically even (Ninth U. S. Census, Population, 1870, 90). The 1930 population of 32,387 is composed of 24,502 whites, 7,741 Negroes, forty-two foreign born whites, and one Indian. More persons are directly engaged in industry than in agriculture (Fifteenth U. S. Census, Population, 1930, III, pt. ii, 888).

The county seat of Murfreesboro has a population of 7,793 (*ibid.*, 905). In Murfreesboro are the Middle Tennessee State Teachers College and the Tennessee Women's College. A town of wide streets and ivy covered homes, many of them of ante-bellum vintage, Murfreesboro is one of Tennessee's most attractive smaller cities.

The courthouse, standing in the center of the public square, was built in 1859 and remodeled in 1908. In the courthouse and elsewhere in Murfreesboro are several interesting documents dating from the earliest days of the state and recently discovered by the workers of the Historical Records Survey. Among them are numerous commissions and land grants certificates signed by the state's first governor, General John Sevier, and several commissions signed by Governors Andrew Johnson and James K. Polk, each later to be president of the United States, and Governors W. G. Brownlow, Newt Cannon and William Carroll. Also discovered was a land grant certificate to one David Dickinson, signed by President Martin Van Buren. Oldest document found is a certificate of a land grant in Davidson County to one Thomas Taylor, signed by R. C. Caswell, Governor of North Carolina, dated December 12, 1787. Many records in the courthouse were destroyed or damaged beyond repair by the Federal soldiers who reputedly used them for fuel after the occupation of Murfreesboro in January 1863.

Rutherford County Historical Sketch

(First entry, p. 32)

Other communities in the county include Fosterville, LaVergne, Christiana, Eagleville and Smyrna, the home of Sam Davis, Tennessee's great Confederate hero.

The county is well served by a network of good roads; U. S. Highways 41, 241 and 70A cross the county. The county is bisected by the main stem of the Nashville, Chattanooga and St. Louis Railroad.

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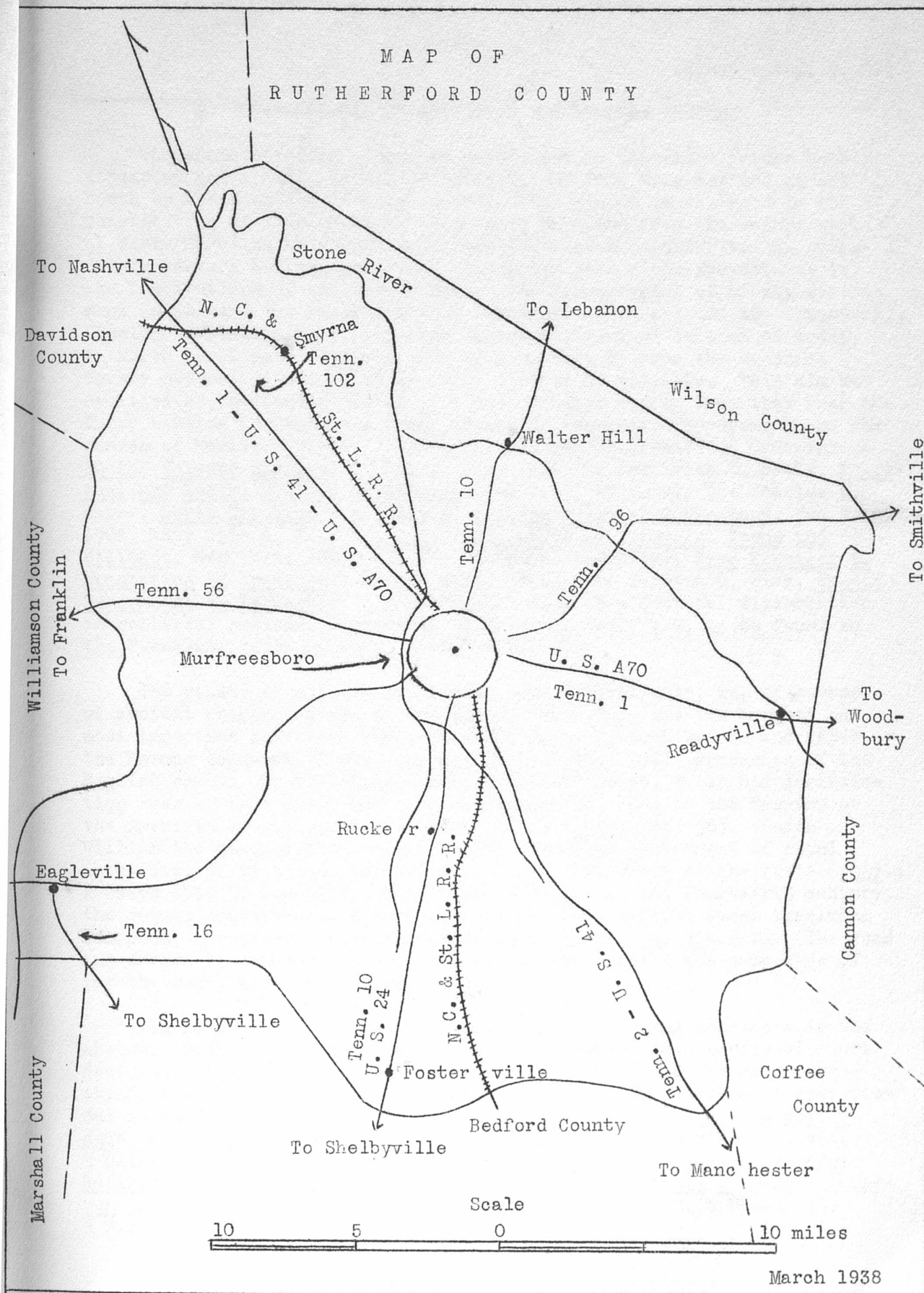
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MAP OF
RUTHERFORD COUNTY



2. GOVERNMENTAL ORGANIZATION AND RECORDS SYSTEM

The administration of county government in Tennessee, after nearly a century and a half, is accomplished by much the same devices as set forth by the founding fathers in 1796. The system as designed in the Constitution of 1796, was, in substance, borrowed from the parent state of North Carolina whose political institutions were described in seventeenth century English political theory and bore close resemblance to the institutions of ancient Britain. The organization of county government in England was evolved over a period of centuries and the framework, finally crystallized by 1663, was remarkably similar to that of today. In North Carolina deliberate efforts were made to make the colonial county resemble its English model as closely as possible. This aim was realized by the enactments of 1715 and statutes dating from that year are fully binding in Tennessee today (Frank W. Prescott, "Government and Finances of Hamilton County, Tennessee," in the University of Chattanooga Social Science Studies, I, No. 1, July 1934, 9; Frederick C. Dietz, Political and Social History of England, New York, 1932, 27, 28; Charles L. Raper, North Carolina - A Study in English Colonial Government, New York, 1904, 162; John A. Fairlie, Local Government in Counties, Towns and Villages, New York, 1906, 30, 35; Thomas P. Abernethy, From Frontier to Plantation in Tennessee, Chapel Hill, 1932, 136; Carlton C. Sims, County Government in Tennessee, a mimeographed copy of a doctoral dissertation in political science, University of Chicago, 1932, 2-9, to be found in the Tennessee State Library, at Nashville).

The county itself, an artificial geographical unit, is, of course, of ancient origin. Known as the shire, the county was the largest and most important political subdivision in England, both before and after the Norman Conquest (Dietz, op. cit., 27). The legal expression of the English county was the shire gemot, or county court, which had jurisdiction over certain civil and criminal cases and, much in the fashion of the American county court, witnessed wills (ibid., 27, 38). Under William the Conqueror the county court became an instrument of royal authority, as it became centuries later an instrument of the state (ibid.; 2 Cates 255; 16 Lea 535). Long after William, in the fourteenth century, the county court became a more integrated body, hearing cases involving felonies, trespasses, rioting and vagrancy (Sims, op. cit., 2). The road tax levied by the court after 1530 was almost exactly the same type of tax the court now levies (ibid., 3).

The legal nature of the Tennessee county is found somewhere in the shadowy limits of a "quasi-corporation." However, in a series of court decisions, the county has been described not only as a "quasi-corporation", but sometimes, for different purposes, as "an outright corporation" and as "a municipal corporation with limited powers" (State ex rel. v Anderson County, 8 Baxter 258; Beck v Puckett, 2 Shannon's Cases 495; 3 Cates 255; Maury County v Lewis County, 1 Swan 240; Maxey v Powers; Railroad Company v Wilson County, 5 Pickle 604; Turnpike Company v Davidson County, 14 Lea 75; 1 Sneed 637; 13 Pickle 697, 713; 1 Baxter 73; 5 Pickle 600, 601).

The eminent authority Frank W. Prescott has described the Tennessee county as a "subordinate political division, protected by general constitutional guarantees, but essentially an 'emanation of the state', that possesses no life, attributes, powers, duties, rights or privileges save those granted by state authority." He has described its functions as: "maintenance of peace and order; administration of justice; probate of wills and other special judicial matters; recording of land titles; keeping of vital statistics; construction and maintenance of roads and other public works; assessment and collection of taxes; promotion of education; creation and support of hospitals, charitable institutions and relief agencies; health and sanitation; and some minor activities of a purely local nature" (Prescott, Hamilton County, 9).

While numerous court decisions have declared the county "only an arm or instrument of the state to carry out its sovereign prerogative" and as such endowed with only such power as the legislature may deem wise and best to confer (16 Lea 535; 1 Sneed 681; 5 Pickle 600, 601; 1 Swan 240; 3 Cates 255), the amazing ease with which special legislation, applicable to a single county and usually jammed through in the closing hours of the legislative session, may be enacted and the wide discretion allowed the quarterly county court have nullified to a tremendous degree the purely subordinate character of the county. This situation has caused one observer to identify the Southern county in terms of the states, by calling the latter "loose federations of sovereign counties" (Frank W. Prescott, "County Finance in the South," in Arnold Foundation Studies in Public Affairs, VI, No. 1, 1937, 4). That the state exists for the benefit of the counties may be suspected from the tax figures for 1936. Of the \$30,072,182 in taxes collected by the State of Tennessee in 1936, \$12,101,421, or over forty per cent., went back to the counties in the form of state aid for county roads and schools (ibid., 5, citing Biennial Report, 1934-1936, of the Comptroller of the Treasury).

Adequate for the immediate needs of a frontier commonwealth, the organization of county government in Tennessee has become crystallized by reverence for tradition and widespread resistance to fundamental changes in the time-tried system. The Constitution of 1796, like the organic law today, the Constitution of 1870, was a conservative document, and the democratic trends in the state's intervening Constitution, the one of 1834, were more apparent than real.

Under the Constitution of 1796 practically all county officers were designated by the quarterly county court, and the justices of the peace, who severally constituted the court, were themselves appointed by the legislature and commissioned by the governor (Abernethy op. cit., 136; Prescott, Hamilton County, 9, 10; Philip M. Hamer, ed., Tennessee - A History, 1673-1932, I, New York, 1933, 176).

The Constitution of 1834, framed during the full bloom of the Jacksonian revolution, represented certain democratic trends towards decentralization (Prescott, Hamilton County, 10). Springing from the frontier ideal

that one man is as competent as the next, the 1834 document reflected the conviction that the residents of the county properly should elect their own officials and belonged beyond the reach of the state in matters that very personally affected the citizen. Justices and most of the other important officers were thereafter elected by popular vote (ibid.; Hamer, op. cit., 320). But the Constitution of 1834, after all, accomplished no fundamental reforms but contented itself with some changes in the electoral process and the shifting of some sovereignty from the capitol to the courthouse.

The Constitution of 1870, virtually impossible of amendment, as it was meant to be, represented a profound determination on the part of the reincarnated Democrats to prevent forever an unhappy recurrence of interference in local affairs and the appointing of obnoxious local officials by the central government at Nashville, as had happened during the Reconstruction regime (Prescott, Hamilton County, 10). Aside from its indirect but nonetheless iron-clad prohibition of an income tax and its also indirect but effective prohibition of amendments, the Constitution of 1870's other important provision considers the county organization-- "No county office created by the legislature shall be filled otherwise than by the people or the county court" (Const. of 1870, art. 11, sec. 17), the intention being the centralizing of appointive and other powers in the quarterly county court. In 1911, however, the supreme court of the state held that the legislature can legally transfer and modify the powers of the court except those conferred by the Constitution itself (Prescott, Hamilton County, 10, citing Prescott v Duncan, 18 Cates 106).

Historically there have been four definite developments in county organization since 1776: a change in emphasis from an appointive to an elective basis in selecting county officers in the Constitution of 1834; the drawing of a clearer line of demarcation between the administrative and judicial duties of the county court; a decline in the judicial powers of the county court and a corresponding rise in power of the circuit courts since 1809; and the emergence of a type of executive head in the person of the county judge or the chairman of the county court, this largely since the Civil War (Sims, op. cit., 16).

Of inestimable importance in the organization of county government in Tennessee is and has been the state's system of private or special legislation, already mentioned. As the ultimate seat of all sovereignty, the legislature of the state enacts several types of legislation: general, or applicable with equal force to every person or every county in the state; special or private, and applicable to certain individuals, such as the removal of minority or the exemption from certain general statutes; and special or private, and applicable to one or perhaps a handful of counties. It is this last type of legislation that has had such effect on the organization of county government in Tennessee. Special legislation for counties may assume two forms. The county may be named, or, if the enactment is clearly discriminatory and in violation of the Constitution, it may read to apply with equal force to all counties in a given population range. Of course, only one county usually finds itself within

the given population range and consequently affected by the statute that on its face is general. Occasionally even a population act is invalidated by the supreme court because of its patent discrimination. The reason more are not held unconstitutional is that their validity is not challenged before the courts. There are a few special acts on the statute books that have never been applicable to any county at all (Pr.A. 1919, ch. 522; 1923, ch. 634). Because special acts are passed so frequently the problems of counties growing in or out of population ranges do not often arise, and if they do, are ignored.

In a recent session, the legislature enacted 146 general laws and 933 private laws, and of the private laws 654 were applicable to separate or to only a few counties (Sims, op. cit., 38; Pr.A. 1929). The enactment of private statutes, of course, results in a great host of evils. The bills are voted perfunctorily--sometimes in groups of three's or four's--on request of the representative whose county is involved, and the system is naturally conducive to logrolling and back-scratching. A county official back home may find himself legislated out of office by an unfriendly legislator, such as happened to the Rutherford County judge in 1911 (Pr.A. 1911, ch. 213), apparently without knowing that such action was unconstitutional, or whole tiers of counties, merely on request of their representatives, may be exempted from statutes enacted in "the public welfare." Generally overlooked by the public but keenly realized by politicians is the fact that the boss of the county organization is not a duly elected county official but the person who has life and death authority over all non-constitutional county bureaus, the county's representative in the state legislature. By virtue of one or more of the 831 private acts of 1935, Loudon County's ice cream distributing business is regulated (Pr.A. 1935, ch. 469), rabbits and gray squirrels may be hunted in the general closed season in Washington County, "provided they are damaging crops" (ibid., ch. 646), and squirrels in Dyer County go without the full protection accorded squirrels in other counties (ibid., ch. 745). A practitioner of veterinary surgery of many years standing in one county may ply his trade legally and yet without complying with the requirements of law (ibid., ch. 703). Raccoons and 'possums migrating to Lauderdale County are wise to learn that the open season on them in that county is not the same as in adjacent Haywood County (ibid., ch. 802).

Far from all special acts are of this variety, however. Many are acts authorizing bond issues and creating and regulating bureaus in individual counties in the strict interest of the public welfare, but the great number of special acts clearly contributes to the confusion sometimes surrounding the administration of county government and represents the futility of a county trying to operate under a structure that is at points archaic and under general laws that are frequently unwisely drawn and hastily enacted.

The officers and bureaus constituting the county organization are discussed individually and in detail elsewhere in this book and only the framework need be mentioned briefly here.

At the present, as for generations past, the administration of county government revolves around the quarterly county court, composed of justices of the peace. The quarterly county court, in a word, is the county's legislative body and exercises some appointive powers. The quarterly county court, among its many duties, fixes the tax levy and the budget and is, as a result, the nerve center for the county organization (Territorial Acts, 1794, ch. 1, sec. 44; Const. of 1870, art. 7, sec. 1; art. 2, sec. 29; art. 10, sec. 4; art. 6, sec. 15; Raper, op. cit., 162; Prescott, Hamilton County, 9-11). In theory, the court, meeting in monthly instead of quarterly sessions is also the probate court (Territorial Acts, 1794, ch. 1, sec. 44; P.A. 1835-36, ch. 6, sec. 1; 1836-38, ch. 135; 1875, ch. 70), a point discussed at length elsewhere in this book. The members of the court, as justices of the peace, are minor judicial officers, hearing the vast majority of cases in the county, and are compensated entirely on a fee basis (P.A. 1817, ch. 86; 1857-58, ch. 56; 1825, ch. 36; 1831, ch. 4).

In three typical Tennessee counties--Rutherford, Cannon and Lincoln--an investigator found that the typical justice of the peace was fifty-five years old, married, a farmer, had held no other office and was taxed on property assessed at \$2,325 (Sims, op. cit., 55). In a few counties, notably Davidson, containing the city of Nashville, the justices have been stripped of their judicial powers and replaced with salaried judges (Pr.A. 1937, ch. 12).

If any officer can be termed the chief executive of the county, it is the county judge, or in the some few counties of the state having no county judge, the chairman of the county court. The financial and administrative head of the county, the typical county judge is a genial, expansive and realistic person of very definite abilities, sincerely interested in the welfare of the county and the happiness of his constituents.

Aside from the circuit court judge, the chancellor and the district attorney-general, who are state rather than county officers, there are seven constitutional officers and two constitutional groups in Rutherford and nearly all counties: the county court clerk, the clerk and master, the circuit court clerk, the trustee, the register, the sheriff, the coroner and the county's fifty-three justices of the peace and twenty-six, or less, constables (Sims, op. cit., 18). All are designated by popular vote except the clerk and master, who is appointed by the chancellor (Const. of 1870, art. 6, sec. 13), and the coroner, who is elected by the quarterly county court (ibid., art. 7, sec. 1). The quaint and useless constitutional office of ranger, supposed to be filled by the quarterly court (ibid., art. 6, sec. 1; P.A. 1835-36, ch. 2, sec. 4), is no longer filled in Rutherford County.

The statutory officers elected by popular vote are the county judge (P.A. 1855-56, ch. 253; Pr.A. 1931, ch. 253), the tax assessor (P.A. 1907, ch. 602, sec. 9, subsecs. 1, 3) and, by virtue of a private act, the superintendent of schools (Pr.A. 1917, ch. 96). The statutory officers and bodies designated by the quarterly county court are the three medical members of the board of health (P.A. 1885, ch. 95, sec. 1; 1923, ch. 7;

1935, 1st ex. ses., ch. 37, sec. 1); the board of education (P.A. 1925, ch. 115); the county physician (P.A. 1885, ch. 95, sec. 4; 1933, ch. 140; 1935, 1st ex. ses., ch. 37); the surveyor (P.A. 1835-36, ch. 2, sec. 4; *ibid.*, ch. 73, sec. 2); the workhouse commission (P.A. 1891, ch. 123; Pr.A. 1933, ch. 482, secs., 11, 12); the poor commission (P.A. 1826, ch. 56, sec. 2; 1879, ch. 102; 1889, ch. 150, Mod.); the county health officer (P.A. 1921, ch. 89, sec. 4; 1935, 1st ex. ses., ch. 37); and the agricultural extension committee (P.A. 1929, ch. 81). The jury commission is appointed by the circuit court judge (P.A. 1909, ch. 334); the superintendent of the workhouse by the workhouse commission (P.A. 1891, ch. 123, secs. 7, Mod., 8, 9; Pr.A. 1933, ch. 482, secs. 3, 4); the superintendent of the poor home by the poor commission (P.A. 1827, ch. 112, sec. 6); and the farm and home demonstration agents by the quarterly court's agricultural extension committee and the extension service of the University of Tennessee (P.A. 1929, ch. 81). Four members of the board of equalization are designated by the quarterly county court and one by the City of Murfreesboro (P.A. 1907, ch. 602, sec. 32).

Any attempt at grouping of the officers and bodies immediately presents serious difficulties because of the frequent duality of functions and a cloudily drawn line of demarcation between the various officers and bureaus. As is discussed at length elsewhere in this book, the county judge, the county court clerk and the county court each operates in several capacities. This may be true of other agencies to a lesser degree.

Mr. Carlton C. Sims, of Murfreesboro, who has gone into the matter of county government in Tennessee rather thoroughly, has broken down the officialdom of his typical Tennessee county into five groups: (1) Authority, (2) Law Enforcement, (3) Finance and Taxation, (4) Public Works and Institutions, and (5) Miscellaneous (Sims, *op. cit.*, 18).

Adapting his system of grouping to Rutherford County, the first group, that vested with county authority, includes the county judge, the quarterly county court and the county court clerk. Law enforcement includes the clerk and master and the circuit court clerk, mainly in their clerical capacities in their respective courts, the judges and, of course, the sheriff, the coroner, the county's twenty-six constables and the jury commission. In the finance and taxation group are again the quarterly county court, the county judge and the county court clerk, and also the trustee, the tax assessor and the board of equalization. Concerned with public works and institutions and direct public service are the workhouse commission, the superintendent of the workhouse, the poor commission, the superintendent of the poor home, the board of health and the county health officer, the county physician, the surveyor, the agricultural extension committee and the farm and home demonstration agents. Miscellaneous officers include one important one, the register. The bulk of record keeping is done by the county court clerk, the register, the trustee, the circuit court clerk, the clerk and master and the county judge.

The weaknesses of this arrangement of grouping, or any other, is readily apparent and, if nothing more, emphasizes the lack of integration

in the county organization. No arrangement can be absolute and only a very few generalizations on the framework of the county organization can be safely made without reservations. There are few clear lines of demarcation in functions, practically no line of authority from top to bottom of the county organization.

In a simple but still not absolute generalization, the legislative functions are vested in the quarterly county court; the executive department is found in the person of the county judge, his immediate assistants and any of those other officers with certain executive attributes; the judiciary may be identified as the various courts and their officers, with due regard to the judicial powers of the justices of the peace; taxation and the county's finances concern the quarterly court, the tax assessor, the trustee and various non-statutory committees and commissions; the registration officers include the register, the county court clerk and some minor officers; functions of a direct public service nature are performed by the highway, educational and health bodies; enforcement of the laws and the maintenance of peace and order fall almost entirely on the sheriff, although the constables and the coroner are police and peace officers.

County revenue is derived from several sources, but mainly from taxes on property, polls and privileges. Of these three, property is by far the most important because the amount is greater and because the state's cut on property taxes is far smaller than its share of poll and privilege taxes. Property is assessed by the tax assessor, and taxes on it and polls are collected by the trustee and those on privileges by the county court clerk. Appropriations are made by the quarterly county court to the various bureaus in a manner outlined by law. Money is usually expended by the various bureaus on warrants drawn on the trustee by the proper officers against ear-marked funds and countersigned by the county judge.

In spite of the amazing frequency with which the organization and administration of county government in Tennessee is altered from county to county by special legislation, the great framework that is embedded in constitutional and statutory granite falls with equal and devastating force on each of Tennessee's ninety-five counties. Special acts do not represent reform; they are devices prompted by expediency.

Weaknesses not chargeable to the system include the long ballot, illogical tenure, too many officers, too many boards and commissions, overlapping of functions, too many justices of the peace, the sympathy vote, poor financing, low and inequitable salaries, loose purchasing in the absence of a centralized purchasing agency, careless signing of contracts, the tendency of public interest to center on elections and personalities, ignorance of the law on the part of a few officers and, above all, far too many counties (Sims, op. cit., 35). Only in Shelby County, containing the city of Memphis, has any substantial reformation within the law been made in the organization of county government, and this was accomplished, strangely enough, by America's most efficient and probably most realistic political machine. There, while the usual officers and

political institutions have been retained as required by the Constitution, the really important business of the county is transacted by a board of county commissioners (Pr.A. 1911, ch. 237; 1925, ch. 157; 1933, ch. 375; 1935, ch. 408). Today Shelby County has one of the lowest tax rates in the state (Tennessee Blue Book and Official Directory, 1936, Nashville, 1936, 158), and is reputed to be the state's best run county. Knox County's new commission is of such recent creation (Pr.A. 1937, ch. 183) and has been involved in so much litigation that a calm appraisal of its merits has not been forthcoming, and charges that the motives that gave it birth were not the purest have made it, like the king's men, suspect. Moore County's commission dates from 1935 (Pr.A. 1935, ch. 4), and Marion County's commission, created in 1937 (Pr.A. 1937, ch. 188), is currently involved in a local political guerrilla war.

In the six hundred mile expanse from Bristol to Memphis, county government in Tennessee is administered in a variety of ways--honestly and dishonestly, efficiently and criminally inefficiently. The quarterly county court of Lincoln County, for example, enjoys a reputation of high ability, while in a certain rural Cumberland Plateau county a citizen went through college and medical school many miles away while serving both as superintendent of education and deputy clerk and master of the county in which he had at one time maintained residence (Sims, op. cit., 108, 109). While justices of the peace in one large Tennessee county were being indicted for stuffing a ballot box, Shelby County was pointing with pride to the fact that not one cent had been stolen under the new regime. Unusual was finding the courthouse in a small mountain county locked, barred and deserted at 10:00 a. m. (ibid., 106). The fact that twenty-four county trustees in Tennessee were rumored short in bonding circles at one time (ibid., 124) may have indicated more carelessness than any widespread defalcations. During the past biennium shortages in local units in Tennessee amounting to \$337,515 were brought to light (Prescott, County Finance in the South, 28, citing Tennessee Taxpayers' Association's Report on County, City and Town Government, 1937, 38). The actual figure is a matter of conjecture.

Sims, in his survey of ten counties typifying as well as possible the topographical and economic variations that characterize Tennessee, reached sixty-one officials. The typical official, he found, was a forty-four years old farmer serving his first term as a public official had property assessed at \$2,500 and was a regular party man (Sims, op. cit., 109-11). In some of the smaller counties the sympathy vote is often a decisive factor in elections (ibid., 113). A classic is the story of a candidate in a Middle Tennessee county whose advertisements in the paper consisted of a picture of his wife and five children--"six good reasons why I should be elected" (ibid.).

There are ninety-five counties in Tennessee, representing the widest conceivable topographical, economic, social and political variations. They vary in population from 3,516 in rural Van Buren County to 306,482 in urban Shelby (Tennessee Blue Book, 1936, 157-159), and vary

in area from 106 square miles in Trousdale to 801 in Shelby (Tennessee, Economic and Social, pt. ii, the Counties, University of Tennessee Extension Series Record, VI, No. 3, September, 1929, 20).

The average Tennessee county has a population of 25,661 and an area of 438 square miles (Sims, op. cit., 144). Politically the counties and regions of the state vary from the rock-ribbed Republicanism of most East Tennessee counties to the fervent Democracy of Middle and West Tennessee. There are, however, some fairly safely Democratic counties in East Tennessee, such as Sullivan, Polk and Hamilton and some of the western highland rim and plateau counties, such as Carroll, Hardin and Wayne, are generally safely Republican (Tennessee Blue Book, 1936, 119-21). There are four overwhelmingly urban counties, Shelby, Davidson, Hamilton and Knox, a few others with cities of considerable size, and the rest bearing the definite stamp of the soil. Rutherford County, the subject of this inventory, has an area of 614 square miles (Tennessee ... Counties, 20) and a 1930 population of 32,286 (Tennessee Blue Book, 1936, 158; Fifteenth Census of the U. S., Population, 1930, II, pt. ii, 888). Like the rest of that fair land of Middle Tennessee, the county is overwhelmingly Democratic.

The Constitution of 1796 set the minimum area of a county at 625 square miles, the Constitution of 1834 at 350 and the Constitution of 1870 at 275, with numerous exceptions allowed (Sims, op. cit., 143). Aided by the Constitution and public indifference, the counties and the vested interests within them have jealously guarded their prerogatives. The Constitution of 1870 guarantees the territorial integrity of all counties by inference and of some counties by specific provisions (Const. of 1870, art. 10, sec. 4). Heroic efforts to consolidate counties have met with success in only one instance, the annexation of rural and impoverished James County by urban and prosperous Hamilton County in 1919 (Pr.A. 1919, ch. 695; Chattanooga Times, December 12-17, 1919; Prescott, County Finance in the South, 9). Efforts to consolidate counties in the constitutional convention of 1870 were effectively defeated when it was shown consolidation would work untold hardships on citizens who would have to travel great distances to the county seat, "oft times imperilling their lives by swimming swollen streams which they must cross under subpoena." The citizen, the damning resolution read, should be permitted to get home by dark "to cut wood for his shivering children and feed his famished stock" (C. C. Allred, "County Consolidation", in Progressive Farmer, Kentucky-Tennessee edition, July 1931).

The keeping and preserving of county records in Tennessee are characterized by almost incredibly wide variations from county to county, and the laws regulating the keeping and especially the preserving of records have usually been incidental. The laws regulating the keeping of records have resulted in a system that has been created in piecemeal fashion by the enactment of literally thousands of statutes through a period of over two hundred years. The regulation of the keeping of records has, of course, originated in the same sources that have evolved

public law in Tennessee-colonial North Carolina, the state of North Carolina, territorial Tennessee and the state of Tennessee. Statutes enacted in each of these regimes are all valid, within reasonable limits, in Tennessee today.

The system of record keeping within a single office or bureau has been built by the same process that characterizes the whole system. The county court clerk, for example, takes bonds from personal representatives of deceased persons under a colonial enactment of 1715 (Acts of N. C., 1715, ch. 48, sec. 4) and records pawnbrokers' bonds under a public act of 1937 (P.A. 1937, ch. 185, secs. 1-3). Between these two dates there have been enacted statutes requiring the county court clerk to keep seventy or eighty additional records. During the same period, the office in some counties, recognizing that the minimum necessary to operate the office efficiently is much more than the minimum required by law, has kept many more. The legal minimum, in violation of the law, is not kept in some few counties.

The statutes regulating the keeping of records, although found in widely separated compilations of legislative acts, are also found in the compiled codes of the state, but it is not unusual for an officer to profess ignorance of his duty to keep a certain record. However, the wide-spread failure, in some quarters, to keep records can be legitimately excused on the grounds that the requirement is obsolete or unreasonable. Naturally, a criminal court clerk, or in Rutherford County the circuit court clerk, for example, can not reasonably be expected to keep a direct and reverse index of all causes in his court as the law requires of all clerks of court (P.A. 1893, ch. 66, sec. 1), since all criminal actions are prosecuted in the name of the state. Moreover, several records required by law may be kept in the same volumes under misleading titles or entered together from day to day without clear designation.

Methods of keeping records vary from county to county and from year to year. The titles and appearance of such records, too, vary considerable. A fair example is found in the county court records. Usually the minutes of the quarterly court are entered along with the proceedings of the probate or monthly county court without proper designation of the two. It was years before many registers of deeds started keeping various types of registrations separately.

Heavy sufferers from neglect are original papers, such as reports of officers to the county judge and the reports of bureaus to the quarterly court, which have been, or should have been, transcribed in bound volumes. These original papers are in some instances destroyed, or, at least better, dropped into boxes or wrapped and tied with a string and labeled "miscellaneous."

Trial papers, particularly in chancery court, where the fact is more unfortunate, are not orderly filed as a rule. Trial papers in chancery of the last twenty-five or thirty years are frequently sought by

solicitors and finding them sometimes involves days of searching. Equally unfortunate is the lack of proper indices in a few counties to dockets, minute books and other important records.

There is a tendency, happily in only a very few counties, for officers to regard their public records as "personal" or "private." In fairness, however, it should be said that this situation is not caused by any desire to cover up, but from a sincere failure to realize that the records are the property of the state and public (P.A. 1801, ch. 6, sec. 46). The same can be said of the failure of some few officers to deliver their records to their successors, as required by law. With some justice, perhaps, an officer derelict in delivering his records to his successor may claim he needs the records as protection from him.

Although the state itself is the agency to demand and insist that all county records be kept and preserved, only in the matter of financial records does the state take an active interest. Financial records of the county are, on occasion, examined by state auditors, but it is these very records, after they have ceased to be current, that disappear with the greatest readiness. Non-financial records have plainly fared better in Tennessee.

That the loss and destruction of county records in Tennessee has been great is undeniable. In some counties records made while present Tennessee was still a part of North Carolina have been preserved. In others, only the most recent ones survive. They have been destroyed by fire, dampness, termites and invading armies, and, in some isolated instances, deliberately and criminally destroyed.

Courthouses, inevitably, burn sooner or later and courthouse fires have accounted for many lost records. But fire, war or carelessness have, strangely, spared the records of one office more often than any other--those of the register, or register of deeds, as he is known elsewhere; it is quickly realized that the destruction of the register's records is an irreparable loss and results in great confusion over land titles.

One or two courthouses have been deliberately burned. A story is told that at a fairly recent courthouse fire in Tennessee one citizen, rushing out of the blazing structure with an armful of papers, was met at the door and compelled, at gun point, to return the records to the office. The courthouse fire at Chattanooga in 1910 and the one at Shelbyville in 1934 were examples of fires not of the regulation variety and a great amount of records were salvaged in spite of almost total destruction of the buildings.

County records now suffer and have suffered from serious overcrowding. At least two counties of the state solved this problem by staging bon fires. No legal action was taken.

Through the efforts of the Tennessee Historical Records Survey, the interest of county officials in preserving county records has been aroused, once they have realized their historical and intrinsic value. Some counties have built shelving and brought their records up from damp basements and down from dusty attics. Counties are now building fireproof baults and although the number is not large, there is reason to hope that the wholesale and criminal destruction and neglect of public records will at least be lessened in the future.

Rutherford County's records, like those of all counties, have suffered heavily through the mere processes of time. They have not been adequately housed, and there is reason to believe that many were lost or destroyed on the several occasions they have been moved. Local legend describes the burning of many as fuel by Rosecrans' army in 1863.

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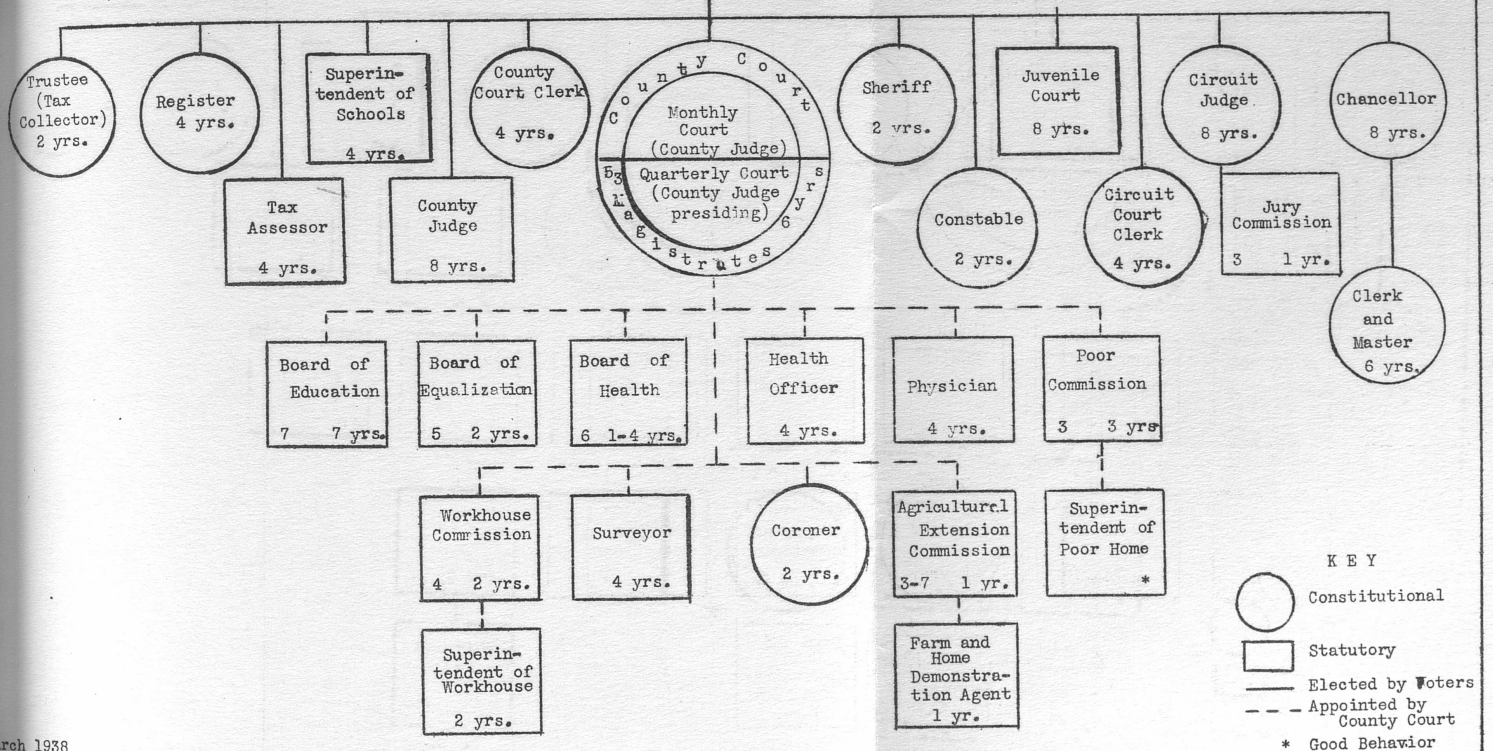
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RUTHERFORD COUNTY GOVERNMENT

ELECTORATE



3. HOUSING, CARE AND ACCESSIBILITY OF RECORDS

The Rutherford County courthouse is in the center of the public square of Murfreesboro, between Church and Maple Streets.

The first courthouse, built in 1812, was on the site of the present courthouse and was destroyed by fire. The second was built in 1822. The present building was erected in 1859. In 1863, when Federal soldiers occupied the courthouse, some damage was done to the interior. The building was remodeled in 1908. The building is of red brick and, although there are no fireproof vaults, the building itself is considered fireproof. A rectangular building with colonial porches, it measures $67\frac{1}{2} \times 97\frac{1}{2}$ 46, allowing 301,185 cubic feet of space.

There are eight offices located on the ground floor, namely, those of the county judge, the county court clerk, the county agent, the highway department, the home demonstration agent, the superintendent of schools, the register and the trustee. The offices of the clerk and master and the circuit court clerk are on the second floor and the soil erosion and resettlement divisions of the county agent's office occupy two rooms on the third floor. The county surveyor's office and the old records room are also on the third floor.

The county agent, the home demonstration agent and the county highway department all occupy a single office. This room is $36\frac{1}{2} \times 14 \times 16$. Both the floor and the walls are in poor condition. The ventilation is fair and there is a small amount of soot and dust. There are 165 feet of well constructed wooden files which measure $32\frac{1}{2} \times 26 \times 16$, taking care of 50 per cent. of the records belonging to these bureaus. The three desks and six tables and chairs furnish good accommodations for users and, although the present equipment is adequate, additional space is needed.

The county trustee's office measures $18\frac{1}{2} \times 15\frac{1}{2} \times 16$. The atmospheric and ventilation conditions are good. On the east and west walls there are 49 feet of shelving, constructed of both steel and wood. On the shelves are 51 feet of bound volumes and 9 feet of unbound material. The equipment is adequate but additional space is needed. Thirty-four per cent. of the records of this bureau is kept here.

The office of the county court clerk is $11 \times 32\frac{1}{2} \times 16$. Along the west wall there are 246 feet of steel shelves on rollers. Of this amount, 165 feet contain bound volumes. The room is crowded and there is need for additional space. About 80 per cent. of the records belonging to this office is kept here.

The register's office measures $15 \times 21 \times 16$. The ventilation and atmospheric conditions are good. On the north, east and south walls there is a total of 328 feet of steel shelving. There are 340 feet of bound volumes and 10 feet of unbound material. There are four

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tables, two desks and a sufficient number of chairs to provide adequate accommodations for users. About 95 per cent of this bureau's records is kept here. There is need for at least 6 feet of additional shelving.

The county judge's office measures 22x21x16. The room is well ventilated and the atmospheric conditions are good. On the north and west walls there are 101 feet of steel and wood shelving which contain 45 feet of bound volumes and 27 feet of unbound material. There are two desks, one table and six chairs, furnishing adequate accommodations for users. Ninety-nine per cent. of the records of this office is kept here and approximately twice the present space and equipment are needed.

The office of the county superintendent of schools measures 21x22x16. The ventilation is fair but there is some dust and soot. There are 24 feet of shelving on the east and west walls and 70 feet on the north and south walls. In addition, there are 4 cabinets and 54 pigeon holes. There is sufficient equipment to provide adequate accommodations for users. About 25 per cent. of the records belonging to this office is kept here and no additional space is needed.

The office of the circuit court clerk, on the second floor, measures 21x21x16. The ventilation and atmospheric conditions are good. On the north, east and south walls there are 268 feet of well constructed steel and wood shelving, housing 268 feet of bound volumes and 182 feet of unbound material. Although there are accommodations for users, considerably more space is needed. Eighty per cent. of the records belonging to this office is housed in this room.

The office of the clerk and master is also on the second floor and consists of the main room and the annex. The main room measures 16x21x14, the annex 14x21x14. The ventilation and atmospheric conditions are good. Along the east and south walls there are 230 feet of bound volumes and 354 feet of unbound material. The accommodations for users are sufficient. Ninety-nine per cent. of this bureau's records is kept here, and there is need for additional space and equipment.

The office of the county surveyor is the northeast room on the third floor, and measures 20x20x16. The ventilation and atmospheric conditions are good and there is sufficient equipment to lend adequate accommodations to users. All the records of this bureau are kept here.

The records room on the third floor, measuring 20x22x15, contains records from practically all offices. There are 28 feet of shelving, and a long table used as a substitute for shelving. There are 950 feet of bound volumes and 234 feet of unbound material. If the room were equipped with shelving and filing cases it would provide adequate accommodations for the records it now houses and for the overflow from the other offices. The percentages of the various bureaus' records

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kept here are as follows: county court clerk, 20 per cent.; register, one per cent.; circuit court clerk, 20 per cent.; clerk and master, one per cent.; and board of education, 66 per cent.

County Jail

As required by statute, the office of the sheriff is in the county jail. The jail, built in 1887, is of brick and reinforced concrete and consists of the sheriff's residence and prisoners' quarters. The prisoners' quarters measure 50x30x30, and the residence 60x16x40, giving a total of 82,200 cubic feet of space. Although the residence is not fireproof, the prisoners' quarters are 100 per cent. so. The ventilation and atmospheric conditions are good. The sheriff's office, in the building, measures 17x12x12. On the north side of the office there are 3 feet of shelving and 10½ feet of bound volumes and 4 feet of unbound material. There are four chairs and a desk that provide adequate accommodations for users. All of the records of the incumbent sheriff are kept here and no additional space is needed.

County Poor Farm

The administration building of the county poor farm is a stucco and wood colonial cottage, built in 1919. Measuring 36x52x25, it contains 46,800 cubic feet of space. The previous building was burned in 1919 and the present building is about 50 per cent. fireproof. The records are housed in the living room which is 21x13½x10. The ventilation and atmospheric conditions are good. There is no shelving and the bound volumes are on a desk. There is room for expansion and some shelving is needed. All of the records of the poor farm are kept here and the accommodations for users are adequate.

Health Department

The health unit is housed in a brown brick structure at Church and Lytle Streets. Built in 1931, it measures 40x110x30. There are 88,000 cubic feet of space in this 90 per cent. fireproof building. The records are housed in the main office, the offset to the main office and the secretary's office, all of which are on the first floor; the sanitation office on the second floor and the storage room on the basement floor. The main office, measuring 17x13x10, is somewhat crowded but in other respects is in excellent condition. This room houses 107 feet of unbound records. The offset of the main office, measuring 8½x5½x9, is used as a filing room and is in good condition in all respects.

The secretary's office measures 15½x9½x10 and has an offset room measuring 9x6x10. The general condition of this office is excellent. There is no shelving as this office houses only 56 feet of unbound material. Although the room is not crowded, there is no room for expansion.

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(First entry, p. 32)

The sanitation office, on the second floor, measures 17x18x11 and, as a whole, is in good condition. On the east wall there are 13 feet of wooden bookcases with glass doors. There is sufficient room for expansion and the accommodations for users are adequate.

The basement storage room measures 44x23x11. The ceiling is of corrugated sheet iron and the ventilation is poor. On the north and east walls there are 70 feet of shelving for 51½ feet of unbound material. There are adequate accommodations for users, as well as ample space for any necessary expansion.

4. ABBREVIATIONS, SYMBOLS AND EXPLANATORY NOTES

Abbreviations

AAA	Agriculture Adjustment Administration
alph.	alphabetical or alphabetically
approx.	approximate or approximately
arr.	arranged
art.	article
aver.	average
bldg.	building
bsmt.	basement
ch., chs.	chapter, chapters
chron.	chronological or chronologically
cir. ct. clk.	circuit court clerk
clk. & m.	clerk and master
co. agent	county agent
co. ct. clk.	county court clerk
co. j.	county judge
co. jail	county jail
co. surveyor	county surveyor
Const.	Constitution
ed.	editor
ex.	extra
FERA	Federal Emergency Relief Administration
hdw.	handwritten
health dept.	health department
mi.	mile
Mod.	Modified
N. C.	North Carolina
no.	number, numbered or numbering
num.	numerical or numerically
p., pp.	page, pages
P.A.	Public Acts of Tennessee
Pr.A.	Private Acts of Tennessee
ptd.	printed
rm.	room
sec., secs.	section, sections
ses.	session
st.	street

Abbreviations, Symbols and Explanatory Notes

(First entry p. 32)

subsec., subsecs.	subsection, subsections
supt.	superintendent
Survey	Historical Records Survey
T. B.	tuberculosis
Tenn.	Tennessee
U. S.	United States
vol., vols.	volume, volumes
yr., yrs.	year, years

Symbols

x	by
--	placed after a year means from that year to present date
'	feet
"	inches

Explanatory Notes

Throughout this book the arrangement of entries, each representing a record, is by bureaus and by subjects within each bureau. The bureaus themselves are arranged in related groups, the judicial, the public service, for example. Within each bureau related entries are grouped together under subject headings and frequently under sub-headings.

In the individual entries the titles may be interpreted in the following manner: the actual title of a record is in upper case letters, but if the title is vague or misleading, an assigned title, in lower case, is in parentheses directly following the actual title. If a record has no title and it has been necessary to assign one, this assigned title is in upper case letters and enclosed in parentheses.

Since the vast majority of the records of this county is housed in the courthouse, only the name of the office in which a record is found is given.

If all the records of a bureau are found in the office bearing that title, the location reference has been omitted. Exception has been made in one or two instances where the entries for a bureau were few.

In the title line, of the individual entries, an attempt has been made to account for missing records. In several instances it has been difficult to determine the period of years the record was actually kept and if no statement is given it will be understood that further information concerning the record is not available.

Figures or letters in parentheses, following the number of volumes, file boxes, or other type of container, indicate the labeling of a record.

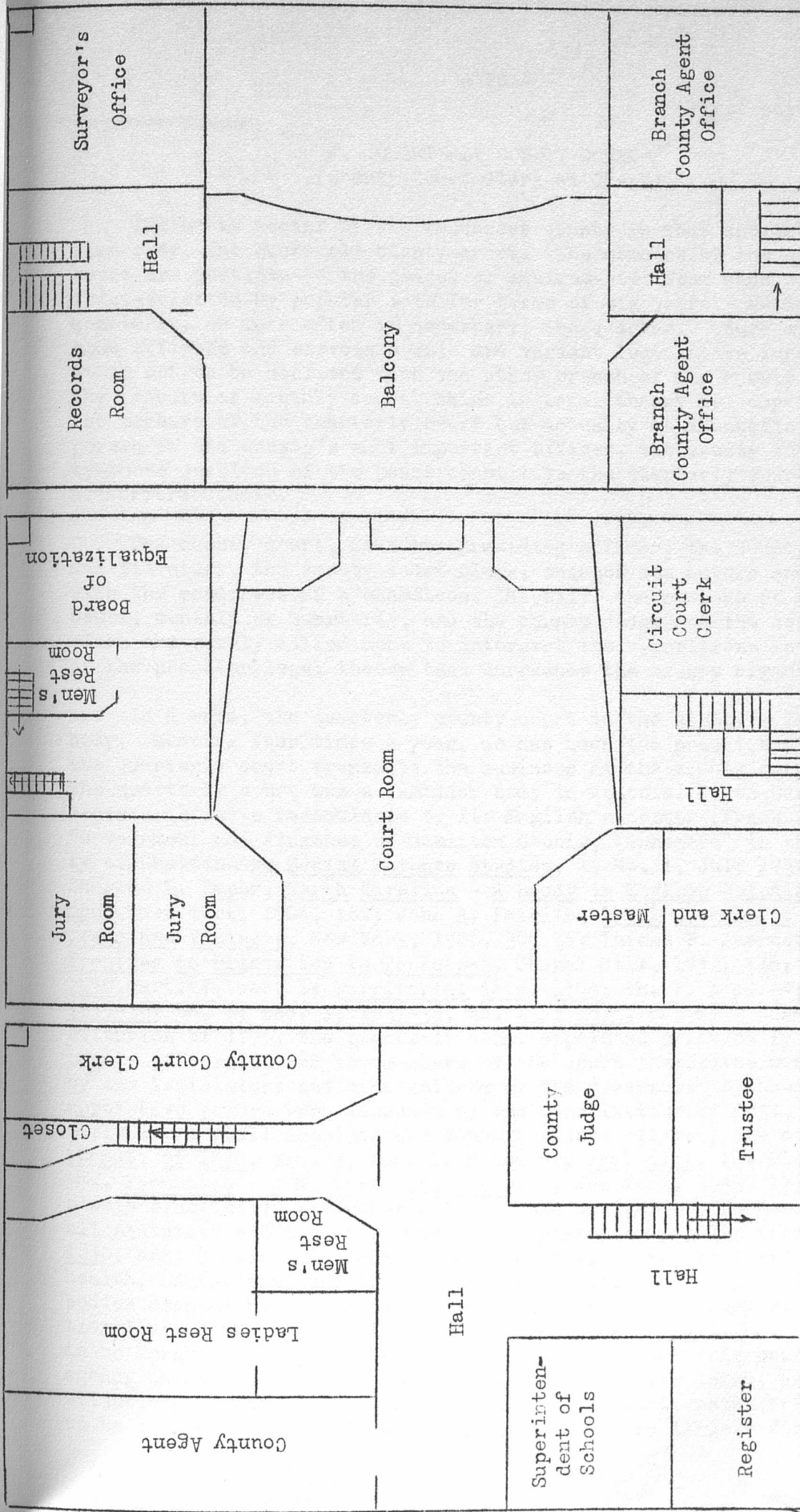
Abbreviations, Symbols and Explanatory Notes (First entry, p. 32)

Unless the index is self-contained, an entry for the index immediately follows its record entry. Cross references are given for exceptions to this rule.

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

Unless otherwise specified, the record is in good condition.

The sketches preceding the bureaus have not been indexed in detail since each of these sections contains essentially the same type of information. The sketches include information on the present nature and the historical development of the office or bureau, its powers and duties as regulated by law, methods of election, tenure of office and relation to other offices.



First Floor

Second Floor

Third Floor

Scale 1/16" = 1 foot

RUTHERFORD COUNTY COURTHOUSE

I. QUARTERLY COUNTY COURT
(County Court Clerk as Clerk)

The nerve center of the Tennessee county is that ancient legislative body, the quarterly county court. The members of the quarterly court are justices of the peace, or squires--two from each civil district--elected by popular vote for terms of six years. Meeting quarterly, or more often if necessary, the quarterly court appoints some officers and exercises wide and variant legislative functions. It is not to be confused with the other branch of the county court, the probate or monthly court, which in legal theory is composed of the members of the quarterly court but actually is identified in the person of the county's most important officer, the county judge. Fifty-three justices of the peace constitute the quarterly court of Rutherford County.

The county court, like its presiding officer, the county judge, and its clerk, the county court clerk, changes its nature and coloring with the readiness of a chameleon. Happily, the members of the county court, monthly or quarterly, and the county judge and the county court clerk are rarely called upon to interpret their positions in the light of the peculiar legal theory that surrounds the county organization.

In a word, the quarterly county court is the county's legislative body. Meeting four times a year, as has been the practice since 1746, the quarterly court transacts the business of the county corporation. The quarterly court was a familiar body in colonial North Carolina and bears a definite resemblance to its English ancestor (Frank W. Prescott, "Government and Finances of Hamilton County, Tennessee" in the University of Chattanooga Social Science Studies, I, No. 1, July 1934, 9; Charles L. Raper, North Carolina - A Study in English Colonial Government, New York, 1904, 162; John A. Fairlie, Local Government in Counties, Towns and Villages, New York, 1906, 30, 35; Thomas P. Abernethy, From Frontier to Plantation in Tennessee, Chapel Hill, 1932, 136; Const. of 1870, art. 7, sec. 1; Territorial Acts, 1794, ch. 1, sec. 44; P.A. 1835-36, ch. 6, sec. 1; 1837-38, ch. 135; 1875, ch. 63). Under the Constitution of 1796, the quarterly court appointed practically all the county officials, and the members of the court themselves were elected by the legislature and commissioned by the governor. Although its appointive powers were lessened by the Constitution of 1834, the quarterly court still appoints one constitutional officer, the coroner (Const. of 1870, art. 7, sec. 1; Prescott, loc. cit., 10; Philip Hamer, ed., Tennessee - A History, 1673-1932, I, New York, 1933, 176), and elects practically all other officers and designates the membership of all statutory bodies not filled or designated by popular vote (Const. of 1870, art. 7, sec. 1), such as the surveyor, county physician, board of health, educational and highway bodies and all other minor offices and bodies created by public or private enactments. The ranger, a constitutional officer, is a quarterly court appointee (ibid.), but this office is no longer filled in Rutherford County. The quarterly court is the agency through which the county corporation has its being, and the constitutional checks and the restraints on the court, which are supposed to be framed by the legislature of the state, are largely fictitious.

Quarterly County Court

(First entry, p. 32)

In addition to its appointive powers and duties, the quarterly court fixes the tax levy, adopts a budget, appropriates money for general "county purposes," such as for schools, roads, hospitals and almshouses, construction and maintenance of public buildings and institutions; approves official bonds, corrects errors in tax lists and, at its discretion, exempts the aged and infirmed from payment of poll and road commutation taxes (Prescott, loc. cit., 11; P.A. 1845-46, ch. 97; 1851-52, ch. 171; 1829, ch. 99, sec. 1; 1809, September ses., ch. 81; 1837-38, ch. 135, sec. 2; 1827, ch. 49, sec. 15; 1815, ch. 63, sec. 6; 1841-42, ch. 101; 1875, ch. 63, sec. 6; 1827, ch. 4; 1895, ex. ses., ch. 4, secs. 2, 14; 1909, ch. 479, sec. 2; 1915, ch. 101, sec. 2; 1907, ch. 573, secs. 1, 2; 1869-70, ch. 81, sec. 9, Mod.). Supposedly, the state has fixed a limit at which the quarterly court may set the tax rate, but the exceptions allowed are so numerous and so important that for all practicable purposes there are no restraints placed on the court so long as it remains within the bounds of very elastic restrictions (P.A. 1915, ch. 101, sec. 2; 1909, ch. 479, sec. 2).

Presiding officer of the quarterly court, in Rutherford County, is the county judge, an officer with as variant and unrelated duties as the component parts of the county court and as the county court clerk. In counties not having a county judge, the presiding officer of the quarterly court is the chairman of the county court, elected by and from the membership of the court. The present office of county judge in Rutherford County was created in 1931 (Pr.A. 1931, ch. 353), and prior to that time, with the exception of two short intervals when there was a county judge, the presiding officer of the quarterly court was the chairman of the county court (P.A. 1855-56, ch. 253; 1857-58, ch. 5; 1909, ch. 577; Pr.A. 1911, ch. 219; 1931, chs. 57, 352, 353). As presiding officer of the quarterly court, the county judge's duties are relatively simple, as far as the statutory requirements are concerned. He is required to preside over the quarterly session of the court and to call it into special session if necessary (P.A. 1857-58, ch. 38, sec. 4). In another capacity, he receives reports from county officials, but in his capacity as presiding officer of the quarterly court he makes a semi-annual report showing a great variety of things to the court (P.A. 1855-56, ch. 253, sec. 8; 1857-58, ch. 38, sec. 8). Of course, in practice his duties as presiding officer of such a volatile body as the quarterly court may and usually do involve the necessity of doing a large number of things disregarded by the statutes.

His duties as a judicial officer are discussed in the chapter entitled Probate or Monthly Court, and his duties as administrative and financial agent of the county in the chapter entitled County Judge. His duties as juvenile judge are discussed in the chapter entitled Juvenile Court. The clerk of the quarterly court is the county court clerk, whose duties as clerk of the quarterly court are performed in only one of the three guises he assumes. The county court clerk is also the clerk of the probate or monthly court, which is discussed elsewhere, and in effect is a registration and revenue agent of the state. As clerk of the quarterly court, he performs the broad duties normally expected of the

Quarterly County Court

(First entry, p. 32)

clerk of such a body (P.A. 1855-56, ch. 253, sec. 7). He is required to keep the minutes and other records of the court, such as the general reports of the county judge, the revenue reports of the clerk and master and justices of the peace; reports of the county trustee, sheriff, poor commission and other bodies (Territorial Acts, 1794, ch. 1, sec. 26; P.A. 1801, ch. 6, sec. 44; 1847-48, ch. 113). He is further required to spread on the records of the quarterly court every bond made payable to the quarterly court (P.A. 1847-48, ch. 113). He is required to list in a book provided for the purpose all appropriations and allowances made by the court on claims of jurors and officers for attendance or other claims chargeable against the county, setting forth the character, description and for what purpose made, including the date and amount of the allowance, and the book and page of the minutes where the order may be found (P.A. 1827, ch. 49, sec. 15); to issue orders or certificates to the parties entitled, and endorsed thereon, that have been registered in his office, and such endorsement is necessary to authorize the county judge to issue his warrant for the amount (*ibid.*); at the first meeting of the quarterly court each year to make out a balance sheet of revenue and disbursements of the county for the preceding year, giving the several sources of the revenue and items of disbursements plainly, and post the sheet on the outside wall of the courthouse (*ibid.*, sec. 27); to produce to the judge of the circuit court, each year, the bonds of all officers taken during such year by the quarterly court (P.A. 1843-44, ch. 103, sec. 11); to receive and preserve the journals of congress and statutes and other public documents entrusted to him by law and deliver the same to his successor (P.A. 1831, ch. 6; 1835-36, ch. 76, sec. 4); and to serve personal notice on members of the quarterly court when the county judge has issued a call for a special session if the newspapers are not likely to reach the members (P.A. 1889, ch. 257, secs. 2, 3).

The county court clerk's duties as clerk of the probate or monthly court are discussed in the chapter entitled Probate or Monthly Court and his duties as a state registration and revenue agent in the chapter entitled County Court Clerk, with the appropriate sub-heading.

In addition to the specific requirements affecting him as clerk of the quarterly court and of the probate or monthly court and as a state registration and revenue agent, he is also required to perform any duties and keep any records described in the statutes as affecting all clerks of courts, in so far as these requirements may be reasonably applicable to his office. In the main, however, these requirements are applicable only to clerks of judicial bodies and only slightly and incidentally affect the county court clerk in his capacity as clerk of the quarterly county court. These requirements are listed in the chapter entitled Circuit Court Clerk.

The county court clerk is elected by popular vote for a term of four years (Const. of 1834, art. 6, sec. 12).

Quarterly County Court - Minutes

(1-7)

Minutes

1. MINUTES: QUARTERLY MINUTES, 1804--. 46 vols. (labeling varies). A complete record of the quarterly sessions of the county court, containing reports of conditions of various departments and institutions of the county, resolutions and motions adopted. Also included are (Minutes of the Probate Court), entry 152. Chron. arr. For index see entry 2. Hdw. and typed. Aver. 600 pp. 18x11x2. 45 vols., 1804-10, 1813--., co. ct. clk's. office; 1 vol., 1811-12, records rm.

2. INDEX TO MINUTES: INDEX TO QUARTERLY MINUTES, 1804--. 10 vols. Index to minutes of the quarterly court, showing title of subject, record referred to and book and page number of recording. Also contains (Index to Minutes of Probate Court), entry 153. Chron. arr. and alph. thereunder by titles and subjects. Hdw. and typed. Aver. 250 pp. 14x8 $\frac{1}{2}$ x1 $\frac{1}{2}$. 2 vols., 1804-42, records rm.; 8 vols., 1843--., co. ct. clk's. office.

3. MINUTES QUARTERLY COURT, 1920--. 11 file boxes. Original minutes of the quarterly meetings of the county court and a description of the proceedings thereof. Included are (Original Minutes of the Probate Court), entry 154. Chron. arr. No index. Hdw. and typed. 13x11x5. Co. ct. clk's. office.

4. ORIGINAL PAPERS, 1860--. 50 file boxes. Matters of official business transacted by the quarterly court. These papers are later recorded in bound volumes, entry 1. Included are probate court's (Original Papers), entry 155. Chron. arr. For index see entry 5. Hdw. and typed. 13x11x5. Co. ct. clk's. office.

5. INDEX TO FILE BOXES, 1804--. 1 vol. This is an index to the original papers that have been recorded in the minutes of the quarterly court, showing the title and nature of papers and the number of the file box where deposited. Index serves entry 4. Also contains probate court's (Index to Original Papers), entry 156. Alph. arr. by names of individuals and subjects. Hdw. and typed. 300 pp. 12x8x3. Co. ct. clk's. office.

Accounts and Fees

General Funds (See also entries 25-30)

6. APPROPRIATION DOCKET, 1879-1933. 3 vols. Discontinued. Record of appropriations requested, showing names of interested parties, purpose of request, date, amount requested and amount allowed. Chron. arr. No index. Hdw. and typed. Aver. 300 pp. 16x12x2. Co. ct. clk's. office.

7. CASH BOOK, 1811--. 12 vols. Records missing 1836-82, 1886-99. Summary of all cash reports, showing total collections from each fund, deposits and withdrawals from banks, miscellaneous funds, state funds,

Quarterly County Court - Warrants

(8-14)

net totals and grand totals for all funds and daily report of all fees collected. Chron. arr. No index. Hdw. Aver. 405 pp. 18 $\frac{1}{2}$ x11 $\frac{1}{2}$ x1. 6 vols., 1811-1923, records rm.; 6 vols., 1924-- , co. ct. clk's. office.

8. RECEIPTS (Fees), 1900-- . 8 vols.

Receipts for all funds received, showing amount received, date, name of person collected from and distribution of receipts. Num. arr. by receipt no. No index. Hdw. Aver. 200 pp. 14x9x2. Co. ct. clk's. office.

9. OFFICER'S RECORD OF FEES, 1898-1910. 1 vol. Discontinued.

Record shows names of plaintiff and defendant, nature of the case, itemized account of fees received and date. Chron. arr. No index. Hdw. 300 pp. 17x15x3. Co. ct. clk's. office.

10. COST DOCKET, 1918-- . 2 vols.

Record of payments to grand jury members, showing term of circuit court, list of officers and jurors serving, amount paid and date. Chron. arr. No index. Hdw. Aver. 238 pp. 14x8x1. Co. ct. clk's. office.

11. REGISTER OF COUNTY CLAIMS, 1856-85. 1 vol. Discontinued.

Detailed record of all claims made against the county, showing date, name of claimant, nature of claim, claim number and amount. Chron. arr. Alph. indexed by name of claimant. Hdw. 287 pp. 15x9x1. Records rm.

Warrants

12. REGISTER OF COUNTY WARRANTS, 1859-1932. 13 vols. Records missing 1931.

Record of payable warrants, composed of all claims payable from county budget funds, showing date of registration, registration number, date of issuance, to whom issued and for what purpose. Chron. arr. No index. Hdw. Aver. 400 pp. 14 $\frac{1}{2}$ x10x1 $\frac{1}{2}$. 12 vols., 1859-1930, records rm.; 1 vol., 1932, co. ct. clk's. office.

For subsequent records see entry 27.

13. COUNTY WARRANTS (Originals), 1903-30. 12 bundles. Records missing 1919-23.

Warrants show date, to whom payable, amount, highway and superintendent's order number and signatures of the county court clerk and chairman. Num. arr. by warrant no. No index. Hdw. on ptd. form. 5x3x3. Records rm.

For subsequent records see entry 29.

14. WARRANT STUBS, 1879-1931. 20 vols. Records missing 1883-97, 1899-1916.

Stubs show number of warrant, date, to whom payable, and on what account. Num. arr. by warrant no. No index. Hdw. Aver. 1000 stubs. 16x12x1. 18 vols., 1879-1931, records rm.; 2 vols., 1929-31, co. ct. clk's. office.

For subsequent records see entry 30.

Quarterly County Court - Bonds

(15-20)

15. CHECK STUBS, 1890-1929. 11 vols. Records missing 1892-94, 1896, 1900-1913, 1918-20, 1923-24, 1929-31. Discontinued.

Stubs show number, date, name of payee, for what purpose issued, balance brought forward, amount deposited, total amount of check and balance carried forward. Chron. arr. No index. Hdw. Aver. 357 stubs. 13x9 $\frac{1}{2}$ x $\frac{1}{2}$. Records rm.

Taxes

16. TAX DUPLICATES, 1874--. 48 vols. Records missing 1902, 1910, 1915-18, 1932-34.

Carbon copies of tax lists for use of the county court clerk, showing name of assessee, location and description of the property, assessed valuation, amount of tax due and date paid. Num. arr. by civil districts and chron. thereunder. No index. Hdw. and typed. Aver. 600 pp. 17x13 $\frac{1}{2}$ x2. 47 vols., 1874-1931, records rm.; 1 vol., 1935--, co. ct. clk's. office.

17. TAX DEEDS, 1899-1911. 1 vol.

Deeds to property sold for taxes, showing name of purchaser, date of execution of deed, number of civil district, location and description of property, acreage, items of cost, amount paid, total due on date of sale, clerk's fee, acknowledgment and remarks. Chron. arr. No index. Hdw. 200 pp. 16x11x1. Records rm.

Miscellaneous

18. SINKING FUND (Lodger), 1898-1929. 1 vol.

Ledger accounts of funds allocated to the sinking fund, showing date, amount of fees collected, amount allocated to sinking fund, balance, debits, credits and totals. Chron. arr. Alph. indexed by name of account. Hdw. 400 pp. 16x10x2. Co. ct. clk's. office.

19. AUDIT REPORT OF RUTHERFORD COUNTY, 1911--. 4 vols.

Statement of revenue collected, showing month, year, county and school taxes, gross revenue, total collections, amount due trustee and amount paid. Chron. arr. No index. Typed. Aver. 228 pp. 12 $\frac{1}{2}$ x10x1. 3 vols., 1911-26, records rm.; 1 vol., 1927--, co. ct. clk's. office.

Bonds

20. MAGISTRATES BONDS, 1872-1935. 4 vols.

Original \$500 bonds executed by magistrates to the county court clerk for proper performance of duties. Chron. arr. No index. Hdw. on ptd. form. Aver. 300 pp. 14x9 $\frac{1}{2}$ x2. 3 vols., 1872-1911, records rm.; 1 vol., 1912-35, co. ct. clk's. office.

For subsequent records see entry 24.

County Judge

(21-24)

21. ROAD COMMISSIONERS BONDS AND OATHS, 1881--. 3 vols. Bonds for years 1888-1923, not located.

Original bonds and oaths given by road commissioners and district road clerks to guarantee proper performance of duties. Chron. arr. Alph. indexed within each vol. by name of official taking the oath. Hdw. on ptd. form. Aver. 250 pp. 14x9 $\frac{1}{2}$ x1. 1 vol., 1881-87, records rm.; 2 vols., 1924--., co. ct. clk's. office.

22. CONSTABLES BONDS, 1888--. 2 vols.

Bonds and oaths executed by constables to guarantee proper performance of duties. Chron. arr. No index. Hdw. on ptd. form. Aver. 400 pp. 14x8x1 $\frac{1}{2}$. Co. ct. clk's. office.

23. NOTARY PUBLIC BOND, 1907--. 3 vols. (1-3).

Original bonds and oaths executed by notaries public to guarantee proper performance of duties. Chron. arr. Alph. indexed within each vol. by name of notary. Hdw. on ptd. form. Aver. 300 pp. 11x9x $\frac{1}{2}$. Co. ct. clk's. office.

For prior records see entry 24.

24. BONDS, 1804--. 17 bundles, 2 file boxes.

Original bonds and oaths of county officials executed to insure proper performance of duty. Chron. arr. No index. Hdw. on ptd. form. Bundles, 8x3x3 $\frac{1}{2}$; file boxes, 5x13x11. 17 bundles, 1804-1929, records rm.; 2 file boxes, 1926--., co. ct. clk's. office.

II. COUNTY JUDGE

(As Administrative and Financial Agent of the County)

The highly important office of county judge was created by statute rather than by constitutional provisions and is of recent creation in Rutherford County. It is not mandatory for counties to fill the office, although most have done so. In counties not having a county judge, his counterpart is the comparable but less responsible officer, the chairman of the county court, elected by and from the membership of the quarterly court for a term of one year. Such, except for two short intervals, was the identity of the administrative head of Rutherford County from 1836, when the office of the chairman was created (P.A. 1835-36, ch. 6, sec. 4), until 1931, when the chairman was replaced by a county judge (Pr.A. 1931, ch. 353). An act of 1909 creating the office of county judge (P.A. 1909, ch. 577) was repealed two years later (Pr.A. 1911, ch. 219) as a local, and incidentally, unconstitutional, political maneuver.

A general law of 1855-56 created the office of county judge in each county of the state (P.A. 1855-56, ch. 253), but this sweeping statute was repealed in the next session of the legislature (P.A. 1857-58, ch. 5). Since then county judgeships have been created for separate counties from time to time. The replacing of the chairman of the county court by a county judge in Rutherford County in 1931 automatically resulted in a more responsible county organization. As in practically all counties, the Rutherford County judge operates under the general law as modified by

County Judge

(Next entry 25, p. 37)

private acts.

Entirely aside from his duties as presiding officer of the quarterly county court, as judge of the monthly or probate court, and as judge of the juvenile court, discussed in the chapters entitled Quarterly County Court, Probate or Monthly County Court, and Juvenile Court, the county judge is the responsible executive head of the county. Unrelated to his duties in these courts, he is the administrative and financial agent of the county.

As accounting officer and general agent, the county judge acts as custodian of county property and as auditor of claims against the county and settles accounts with other county officers (P.A. 1855-56, ch. 253, sec. 8; 1857-58, ch. 38, sec. 8). In this capacity the county judge is required to draw warrants on the county trustee; to reduce to writing the testimony of witnesses in revenue hearings; to examine minutely and settle accounts of all officers receiving and collecting revenues and require them to make periodic statements; to make reports of such settlements and statements to the quarterly county court; to make duplicates of such settlements; to make out a list of persons engaged in privileges, on information from the tax assessor, and forward such lists to the comptroller of the state (P.A. 1879, ch. 162, sec. 2; 1907, ch. 602, sec. 45); and to audit all bills of cost (P.A. 1891, ex. ses., ch. 22, sec. 5).

In this administrative capacity, the county judge is further empowered and directed to employ counsel, if necessary; to demand the records of any clerk regarding county revenues; to summons witnesses to revenue hearings; to call collectors of county revenues to make settlements with him; to demand that the trustee make settlements with him; to keep, opposite each other, two sets of accounts, one set showing accounts chargeable against each collecting and receiving officer and the county trustee and, on the opposite sheet, an account of each item or credit to which each officer is entitled; to keep in an account book a complete record of receipts and disbursements; to transfer each year all balances to their respective accounts for the ensuing year, so that he may, when demand is made by the quarterly court, show plainly the condition of the county treasury; to demand of the county court clerk a statement showing the condition of all delinquent tax accounts in the hands of collectors; and to determine the amounts of unclaimed money in hands of clerks, and if such money remains unclaimed for two years, transfer it to the county treasury (Code of Tennessee, 1932, sec. 1059, subsecs. 1-10; P.A. 1879, ch. 76, sec. 3; 1907, ch. 602, sec. 45; 1855-56, ch. 253, sec. 8; 1857-58, ch. 38, sec. 8; 1845-46, ch. 32, sec. 1).

Important among the records kept by the county judge of Rutherford County are all reports to him, accounts of receipts and disbursements, both payable and receivable warrants, and all vouchers and invoices.

Because he is an inferior judge, the county judge is elected by popular vote for a term of eight years (Const. of 1870, art. 6, sec. 4;

County Judge - General Funds

(25-31)

State ex rel. v McKee, 8 Lea 24, 28). As an inferior judge his salary cannot be changed during his term, although as financial agent and accounting officer his compensation may be increased by the quarterly county court (8 Lea 24, 28).

General Funds
(See also entries 6-11)

25. LEDGER, 1931--. 1 vol.

Accounts with various departments of the county, showing name of department, date and name of department head receiving warrant. Amounts disbursed are itemized and totaled. Alph. arr. by departments and chron. thereunder. No index. Hdw. 448 pp. $15\frac{1}{2} \times 9\frac{1}{2} \times 1\frac{1}{2}$. Co. j's. office.

26. CHAIRMAN'S WARRANT BOOK, 1917--. 1 vol.

Book shows number of warrant, date, to whom issued, amount, purpose of payment and remarks. Chron. arr. and num. thereunder by warrant no. No index. Hdw. 150 pp. $17 \times 14 \times 1$. Co. j's. office.

27. REGISTER OF WARRANTS, 1932--. 2 vols.

Register shows name of claimant, on what account, date and number of warrant, total amount and date canceled. Chron. arr. No index. Hdw. Aver. 200 pp. $18 \times 11\frac{1}{2} \times 2$. Co. j's. office.

For prior records see entry 12.

28.

28. RECEIVABLE WARRANTS (Duplicates), 1932--. 3 vols. (Warrants no. 1-1503).

Duplicates of warrants issued, showing from what money is received, amount, purpose of payment, date and signature of county judge. Chron. arr. No index. Hdw. Aver. 140 pp. $12 \times 9\frac{1}{2} \times 1\frac{1}{2}$. Co. j's. office.

29. PAID WARRANTS, 1932--. 8 file boxes.

Original warrants, showing date, warrant number, amount of warrant, purpose of payment, name of payee and account chargeable. Chron. arr. and num. thereunder by warrant no. No index. Hdw. $12 \times 6 \times 27$. Co. j's. office.

For prior records see entry 13.

30. WARRANT STUBS, 1932--. 9 vols. (Warrants no. 1-6000).

Stubs show warrant number, date, to whom issued, purpose of payment and amount. Chron. arr. and num. thereunder by warrant no. No index. Hdw. Aver. 300 pp. $17 \times 13 \times 1$. Co. j's. office.

For prior records see entry 14.

Special Accounts

31. ROAD DISTRICT ACCOUNT, 1894-1923. 3 vols.

Record of money disbursed for work on county roads, showing date, name of payee, amount of warrant, warrant number and purpose of payment. Chron.

County Judge - Miscellaneous

(32-39)

arr. and num. thereunder by warrant no. No index. Hdw. Aver. 140 pp. 12x9x1 $\frac{1}{2}$. 2 vols., 1894-1922, records rm.; 1 vol., 1923, co. j's. office. For subsequent records see entry 374.

32. JOURNAL (Record of Elections), 1894--. 2 vols. Expense accounts of elections, showing title of election, civil district number, date, place of election, list of election officials, date payments made and receipt for payment. Chron. arr. No index. Hdw. Aver. 500 pp. 14x8x1 $\frac{1}{2}$. 1 vol., 1894-1922, records rm.; 1 vol., 1923--., co. j's. office.

33. UNCLAIMED FEES, 1896--. 1 vol. List of persons to whom fees are due, showing date reported, style of case, amount due, warrant number and date paid, if claimed. Chron. arr. Alph. indexed by name of claimant. Hdw. 300 pp. 16x10x $\frac{1}{2}$. Co. j's. office.

34. ORIGINAL PAPERS (BUSINESS CONNECTION WITH COUNTY DEPARTMENTS), 1932--. 4 file drawers. Bills pending, bills paid, circuit court settlements, supreme court costs, special accounts and other working papers. Chron. arr. No index. Hdw. 17x12x26. Co. j's. office.

35. CERTIFIED COURT COSTS, 1926--. 1 vol. Record of judgments against Rutherford County, showing date, style of case, verdict, amount and date of judgment and bill of costs. Chron. arr. No index. Hdw. 500 pp. 16x10 $\frac{1}{2}$ x2. Co. j's. office.

36. WORKHOUSE WARRANTS, 1934--. 1 vol. Record of warrants issued for maintenance of workhouse prisoners, showing date, name of payee, warrant number, amount and purpose of payment. Chron. arr. No index. Hdw. 300 pp. 14x10x1 $\frac{1}{2}$. Co. j's. office.

37. WORKHOUSE OFFICER'S COST, 1895--. 3 vols. Records missing 1910, 1918-32. Judge's account of prisoners, showing from which court convicted, date, name of prisoner, arresting officer, amount of fine, bill of costs, cash paid and amount to be paid in labor. Chron. arr. No index. Hdw. Aver. 400 pp. 16x10 $\frac{1}{2}$ x1 $\frac{1}{2}$. 2 vols., 1895-1917, records rm.; 1 vol., 1933--., co. j's. office.

Miscellaneous

38. JUSTICE OF THE PEACE REVENUE REPORT, 1932--. 1 vol. Report shows name of justice of the peace, names of plaintiff and defendant, case numbers, date amount of fines collected and per cent. of fees reverting to the county. Num. arr. by case no. No index. Typed. 300 pp. 11x9x2. Co. j's. office.

39. MISCELLANEOUS PAPERS, 1920--. 7 file boxes. Included are magistrates warrants, statements of revenue collected, subpoenas, duplicate receipts and jail accounts. Alph. arr. by subjects and chron. thereunder. No index. Hdw. and typed on ptd. form. 5x4x13. Co. j's. office.

III. COUNTY COURT CLERK
(As a State Registration and Revenue Agent)

Aside from his duties and functions as clerk of the quarterly county court, and as clerk of the probate or monthly county court, that versatile official, the county court clerk, performs some very important duties not related to his duties as a court clerk. If a generalization can safely be made characterizing him in his capacity as an independent officer, it is that he is a registration and revenue agent of the state. He is required to make a veritable host of professional registrations and to issue a great variety of licenses and collect the fees and excises attached thereto, and to perform certain other duties of a miscellaneous nature.

Among his many duties in this capacity, the county court clerk is required to issue hunters' and fishermen's licenses and tags (P.A. 1923, ch. 102, sec. 1, Mod.); to issue all privilege licenses required of merchants, companies, firms, corporations, agents, traders and other persons, and to collect the taxes and fees attached thereto and deliver such moneys to the proper receiving office, under a penalty of heavy fines (P.A. 1907, ch. 602, secs. 29, 47); to issue distress warrants to the sheriff against persons presuming to sell goods without prescribed licenses, commanding that officer to sell the delinquents' goods and chattels, or if practicable, himself to sue in circuit or chancery courts (P.A. 1847-48, ch. 161, sec. 23; 1849-50, ch. 122, Mod.); to receive from the tax assessor lists of persons pursuing privileges and compare it with his list of persons paying the prescribed privilege fees (P.A. 1907, ch. 602, sec. 45); to report monthly to the state board of equalization and to the state superintendent of taxation, the names of all persons granted privilege licenses the preceding month (P.A. 1919, ch. 1, sec. 5; 1921, ch. 113, sec. 3); to issue citations against known violators of the privilege license laws (P.A. 1907, ch. 602, sec. 30, subsec. 5); with the trustee, to hear appeals in privilege assessment cases (P.A. 1919, ch. 1, sec. 11); to receive reports of auctioneers and commission agents, and to issue distress warrants in these cases if necessary (P.A. 1907, ch. 602, sec. 27, subsec. 2, sec. 28); to make an aggregate statement from tax books showing value and acreage of all town lots and other property assessed in the county, and forward such a list to the state superintendent of taxation each year (*ibid.*, sec. 43); to keep a record, in a well-bound book, of the full description of all articles sold on artisans' liens (P.A. 1870, ch. 112, sec. 2); to receive assessment lists from the state railroad and public utilities commission (P.A. 1916, ch. 3, sec. 12; 1921, ch. 39); to keep records involved in the process of forming municipal corporations (P.A. 1875, ch. 92, sec. 2; 1877, ch. 121, sec. 6, Mod.); to keep, in a well-bound book, the oaths of the tax assessor, his deputies and members of the board of equalization (P.A. 1907, ch. 602, sec. 36); to keep the tax assessor's bond under penalty of conviction of misdemeanor (*ibid.*, sec. 10); if called upon, to transmit to the state board of equalization the oaths of the members of the county board (*ibid.*, sec. 35); to receive license fees of employment agencies and transmit such to the comptroller of the state, so that the state department of labor may issue the agency the certificate required by law (P.A. 1917, ch. 78, sec. 1; 1923, ch. 7); to receive

County Court Clerk

(Next entry 40, p. 41)

complaints against tobacco warehousemen by planters and growers (P.A. 1870, ch. 65, sec. 17); to register, in a well-bound book, in alphabetical order, all births, with name, sex, color, names of parents, place of birth and date (P.A. 1925, ch. 86, sec. 1); to register, in a well-bound book, in alphabetical order, all deaths, showing name, age, color, sex, place of death, place of birth and cause of death (*ibid.*, sec. 2); to receive reports of registrars of vital statistics (*ibid.*, sec. 3); to register, in a well-bound book, the names of the parties and the date of issuance of marriage licenses, and to copy immediately the return of the proper functionary who solemnized the rites of matrimony, with the date thereof, and to file and retain the licenses and return thereof in his office (P.A. 1815, ch. 47; 1837-38, ch. 118, sec. 2); to record chiropractic licenses (P.A. 1923, ch. 9, sec. 9); to record, in a well-bound book, dentists' certificates of registration issued by the state dental board (P.A. 1913, 1st ex. ses., ch. 39, sec. 5; 1919, ch. 38, sec. 2, Mod.; 1935, ch. 129, sec. 7); to record optometry licenses, certificates or permits, in a well-bound book, and each year mail a copy of such book to the state board of optometry and to the state registrar of professions and trades, and also to transmit to these same destinations notices of deaths and removals (P.A. 1915, ch. 85, sec. 8; 1935, ch. 129, sec. 7); to record osteopathy certificates (P.A. 1905, ch. 255, sec. 5); to record veterinary certificates presented for registration (P.A. 1905, ch. 76, secs. 11, 12); to issue licenses to loan sharks upon the latter's compliance with the law (P.A. 1925, ch. 153, sec. 1, Mod.); to receive pawnbrokers' petitions for licenses and to issue pawnbrokers' licenses after satisfactory bond has been given and all other requirements of law have been met (P.A. 1937, ch. 185, secs. 1-3); to record nurses' certificates and to issue and retain a copy of nurses' licenses (P.A. 1915, ch. 38, secs. 4, 5); to record all certificates of licenses issued by state board of medical examiners and keep a list of the same (P.A. 1901, ch. 78, secs. 12, 13, Mod.); to keep road commissioners' certificates of election returned by sheriff (P.A. 1891, ch. 1, sec. 7); to record powers of attorney conferred on clerk by fidelity companies (P.A. 1895, ch. 113, sec. 2, Mod.); to keep copies of grants of authority issued to fidelity companies by the state commissioner of insurance and banking (P.A. 1895, ch. 113, sec. 3, Mod.); to keep inheritance tax receipt duplicates (P.A. 1929, ex. ses., ch. 29, subdiv. 4); to keep loan sharks' bonds (P.A. 1929, ch. 153, sec. 3, Mod.); to record cattle marks and brands (Acts of N. C., 1741, ch. 8, sec. 6); to keep merchants' bonds (P.A. 1907, ch. 602, sec. 27); to keep duplicates of original and renewed partnership licenses (P.A. 1879, ch. 132, secs. 1-3); to keep merchants' sworn statements of amount of capital invested (P.A. 1907, ch. 602, sec. 26, subsec. 1); to receive and retain auctioneers' and commission agents' statements of aggregate sales (*ibid.*, subsec. 2); to receive and retain merchants' statements of capital trade in the absence of a stock of goods (*ibid.*, subsec. 3); to receive taxpayers' objections to sworn statements (*ibid.*, subsec. 4, Mod.); to keep receipts for unpaid privilege licenses and bonds delivered to county attorney for action (*ibid.*, sec. 28); to retain a detailed account of taxes collected and settlements with the comptroller (P.A. 1879, ch. 79,

County Court Clerk - Licenses

(40-43)

sec. 5); to issue licenses to real estate agents and salesmen and to watch for the death or insolvency of sureties (P.A. 1929, ch. 65, sec. 1); to record real estate agents' and salesmen's licenses issued (P.A. 1929, ch. 65, sec. 7); to record timber brands (P.A. 1901, ch. 54, sec. 2); to keep a cash book (P.A. 1897, ch. 26); to keep an account of all unclaimed money (P.A. 1845-46, ch. 32, secs. 2, 4); to take registration applications from motor vehicle owners and to issue licenses on the payment of the proper fees (P.A. 1919, ch. 149, sec. 15; 1923, ch. 10, sec. 108; 1935, ch. 55, sec. 1); to issue certificates of transfer of motor vehicles and record the same (P.A. 1919, ch. 149, sec. 23; 1935, ch. 55, sec. 7); and to keep a register of all licensed motor vehicles (P.A. 1919, ch. 149, sec. 20).

The county court clerk is elected by popular vote for four years (Const. of 1870, art. 6, sec. 12) and, in Rutherford County, is compensated on a fee basis.

Licenses

(See also entries 55-58)

40. REVENUE DOCKET (State Tax Record), 1828--. 7 vols.

Monthly report of revenue collected by county court clerk for the state from operators of lunch rooms and other sources, showing amount of state tax and date received. Chron. arr. No index. Hdw. and typed. Aver. 467 pp. 18x11x2. 2 vols., 1828-1900, records rm.; 5 vols., 1901--, co. ct. clk's. office.

Automobile

41. LEDGERS (Automobile Record), 1905--. 8 vols. Records missing 1919-30.

Record of automobile, taxi and truck licenses issued, showing name and address of license holder, registration number, serial motor number, rated horsepower and amount paid. Alph. arr. by name of owner and chron. thereunder. No index. Hdw. Aver. 212 pp. 16x11x1. 2 vols., 1905-18, records rm.; 6 vols., 1931--, co. ct. clk's. office.

42. AUTO TRANSFER REPORT, 1921--. 69 vols. Records missing 1922, 1933.

Report shows date, license number, make of car, serial motor number, type of car and names of parties to the transfer. Chron. arr. No index. Typed. Aver. 50 pp. 17x14x $\frac{1}{2}$. Records rm.

Privilege

43. PRIVILEGE LICENSE, 1842--. 21 vols. Records missing 1849-70, 1916, 1920-34.

Record of privilege licenses issued, showing date, amount paid, name of person to whom issued, type of privilege and date of expiration. Chron.

County Court Clerk - Miscellaneous

(44-50)

arr. No index. Hdw. Aver. 50 pp. $14 \times 8\frac{1}{2} \times \frac{1}{4}$. 1 vol., 1842-48, 2 vols., 1912-19, records rm.; 18 vols., 1871-- , co. ct. clk's. office

44. PRIVILEGE LICENSES (Duplicates), 1842--. 104 vols. Records missing 1849-90.

Duplicates of licenses issued, showing name of person to whom issued, type of privilege, date of expiration, amount of state and county fees and date issued. Chron. arr. No index. Hdw. on ptd. form. Aver. 50 pp. $14 \times 8\frac{1}{2} \times \frac{1}{4}$. Records rm.

45. LICENSE EXPIRATION RECORD (Privilege License), 1913--. 2 vols. Records missing 1916-32.

Shows name of person to whom license is issued, type of business engaged in and date of license expiration. Alph. arr. by name of firm. No index. Hdw. Aver. 280 pp. $16 \times 10\frac{1}{2} \times 1$. 1 vol., 1913-15, records rm.; 1 vol., 1933-- , co. ct. clk's. office.

Miscellaneous

46. TIPPLER'S LICENSE, 1899-1903. 1 vol.

Stubs of licenses issued to retail liquor dealers, showing name and location of business, total amount paid for license and fees and date of expiration. Chron. arr. No index. Hdw. 180 pp. $11 \times 8 \times 1$. Records rm.

47. HUNTING AND FISHING LICENSES, 1915--. 10 vols. Records missing 1920-23, 1930-32.

Monthly report of hunting and fishing licenses issued, showing total amount of fees collected and amount due the state; also a record of fines collected, showing name, amount of fine and date collected. Chron. arr. No index. Typed. Aver. 60 pp. $11 \times 10\frac{1}{2} \times \frac{1}{4}$. 6 vol., 1915-29, records rm.; 4 vols., 1933-- , co. ct. clk's. office.

48. MERCHANTS' BONDS, 1832--. 11 vols. Records missing 1849-71.

Bonds executed by merchant and security, showing type of business engaged in, date, amount invested, oath and signatures of clerk and merchant. Chron. arr. Alph. indexed within each vol. by name of merchant. Hdw. Aver. 378 pp. $13 \times 8 \times 1$. 10 vols., 1832-48, 1872-1920, records rm.; 1 vol., 1921-- , co. ct. clk's. office.

49. BEVERAGE BOND (Beer License), 1933--. 1 vol.

Original bonds and oaths of beverage dealers, showing name of dealer, surety, amount of bond and date executed. Alph. tab arr. by name of dealer. No index. Hdw. 200 pp. $14 \times 8 \times \frac{1}{2}$. Co. ct. clk's. office.

50. LIQUOR DEALER'S BONDS, 1879-1903. 2 vols.

Original bonds made by tippler to the state, by which he binds himself to operate an orderly house and not adulterate spirituous liquors, showing name of tippler, date, amount of bond and name of surety. Chron. arr. No index. Hdw. Aver. 315 pp. $14 \times 8 \times 1$. Records rm.

Vital Statistics
(See also entries 356, 357)

Births

51. BIRTH RECORD, 1881--. 3 vols. No recordings 1913-24. Daily record of births, showing name of parents, date of birth, sex, color of child and name of attending physician or midwife. Chron. arr. No index. Hdw. and typed. Aver. 175 pp. 13x13x1 $\frac{1}{4}$. 1 vol., 1881-82, records rm.; 2 vols., 1883-1912, 1925--, co. ct. clk's. office.

52. REPORT OF BIRTHS, 1926--. 1 loose leaf holder, 4 rolls. Record of births by days and years, showing name and address of parents; sex, color and date of birth of child and name of attending physician or midwife. Chron. arr. No index. Hdw. Holder, 9x13x2; rolls, 9x3. Records rm.

Deaths

53. DEATH RECORD, 1881--. 3 vols. No recordings 1884-1908, 1913-23. Record shows name of deceased, age, color, sex, place and date of birth, and date and place of death. Chron. arr. No index. Hdw. and typed. Aver. 250 pp. 17x14x1. Co. ct. clk's. office.

54. REPORT OF DEATHS, 1926--. 1 loose leaf holder, 4 rolls. Report of deaths to the county court clerk, showing date of death, name, age, color, sex, cause of death, place of residence at time of death (county and civil district) and signature of person making the report. Chron. arr. No index. Hdw. Holder, 9x13x2; rolls, 9x3. Records rm.

Marriages

55. MARRIAGE RECORDS, 1804--. 26 vols. Title varies: Marriage Bonds; Marriage License; License Application. Record of marriage licenses issued, showing number of certificate, date issued, names and residences of contracting parties. Chron. arr. For index, 1804-1910, see entry 56; 1911--, alph. indexed within each vol. by names of contracting parties. Hdw. and typed. Aver. 300 pp. 15x10x2. 20 vols., 1808-98, 1921--, co. ct. clk's. office; 6 vols., 1899-1920, records rm.

56. INDEX TO MARRIAGE RECORDS, 1804-1910. 3 vols. Discontinued. Index to five volumes from 1804 to 1910, showing names of parties receiving marriage license and date issued. Index serves entry 55. Alph. tab arr. by names of contracting parties. Hdw. Aver. 467 pp. 16x10x1. Co. ct. clk's. office.

Register

(57-59)

57. MARRIAGE RECORDS, 1804--. 9 bundles, 61 file boxes. Records missing 1900-1928.

Original marriage license certificates, showing names of contracting parties, witnesses and person officiating; also marriage bonds made by parties applying for license, showing principals, surety and amount of bond. Chron. arr. No index. Hdw. on ptd. form. Bundles, 9x7x5; file boxes, 13x11x5. 9 bundles, 1804-99, records rm.; 61 file boxes, 1929--, co. ct. clk's. office.

Registrations

58. PHYSICIANS' REGISTER, 1907--. 1 vol.

Certificates of permanent license to practice, issued by the State Boards of Examiners to medical doctors, osteopaths, chiropractors, optometrists, dentists, veterinarians and trained nurses, showing date and place of examination and signatures of examiners and applicants. Chron. arr. Alph. indexed by names of individuals. Hdw. and typed. 320 pp. 16x10x1. Co. ct. clk's. office.

59. PEDIGREES, 1880-1916. 1 vol.

Registration of pedigreed animals, showing date, breed, sex, color of animal, and name of owner. Chron. arr. Alph. indexed by name of owner. Hdw. 300 pp. 16x10x2. Co. ct. clk's. office.

IV. REGISTER

The register, or register of deeds, is a constitutional officer (Const. of 1796, art. 6, sec. 1; 1870, art. 7, sec. 1), and prior to the Tennessee Constitution of 1796 functioned under a 1715 act of North Carolina (Acts of N. C., 1715, ch. 38, sec. 1). His original duty was to register wills, burials and marriages (ibid., sec. 3), and an act of 1784 authorized him to demand fees for recording legal instruments (Acts of N. C., 1715, ch. 38, sec. 2; 1784, ch. 7, sec. 4). First elected by popular vote (Acts of N. C., 1715, ch. 38, sec. 2) the register later, from 1777 (Acts of N. C., 1777, ch. 8, sec. 13) to the adoption of Tennessee's second constitution in 1834, was elected by the quarterly county court (Frank W. Prescott, "Government and Finances of Hamilton County, Tennessee," in University of Chattanooga Social Science Studies, I, No. 1, July 1934, 10). The register is now elected by popular vote and holds office for four years (Const. of 1870, art. 7, sec. 1).

The register is required by law to: enter in a well-bound book all deeds and instruments registered by him, indicating the particulars of each registration (P.A. 1841-42, ch. 12, sec. 3); certify the fact of registration upon each instrument recorded by him, showing time received and number of the book and page where it is noted (ibid., sec. 6); give certified copies of recorded instruments (P.A. 1879, ch. 65); register corrections in proper books (P.A. 1847-48, ch. 119, sec. 3); keep separate books for different types of registrations (P.A. 1867-68, ch. 62, sec. 1); index alphabetically, direct and reverse, all entries, showing names of grantor and grantee, kind of instrument, date of instrument

Register - Real Estate

(60)

and date of registration (P.A. 1925, ch. 89, sec. 1); and submit an annual report to the quarterly county court (P.A. 1805, ch. 65). The following writings may be registered in the register's office: all agreements and bonds for the conveyance of real or personal estate (P.A. 1831, ch. 90, sec. 1); all powers of attorney and appointments of agents (P.A. 1805, ch. 16, sec. 4; 1807, ch. 85, sec. 3; 1831, ch. 90, sec. 1; 1839-40, ch. 26, sec. 1); all revocations of powers of attorney (P.A. 1831, ch. 90, sec. 13); all deeds of absolute conveyance (Acts of N. C., 1715, ch. 38, sec. 5; 1756, ch. 6, sec. 2; P.A. 1797, ch. 43; 1805, ch. 16, sec. 2; 1807, ch. 85, secs. 3, 4; 1831, ch. 90, sec. 1; 1839-40, ch. 26, sec. 1); copies of deeds of conveyance, with certificates of probate, of lands being in different counties, certified by the register of the county where same has been first registered (P.A. 1875, ch. 124); deeds of gifts of any estate, real or personal (P.A. 1797, ch. 43; 1805, ch. 16, sec. 2; 1807, ch. 85, secs. 3, 4; 1831, ch. 90, sec. 1); all mortgages and deeds of trust of either real or personal property (P.A. 1797, ch. 43; 1805, ch. 16, sec. 2; 1807, ch. 85, secs. 3, 4; 1831, ch. 90, sec. 1); the acknowledgment of satisfaction and discharge of mortgage, trust and other liens, by an entry in the margin of the record thereof (P.A. 1833, ch. 253); all marriage settlements, contracts or agreements (Acts of N. C., 1785, ch. 12, sec. 1; P.A. 1831, ch. 90, sec. 1); deeds and mesne conveyances for the settlement of property, real or personal, in consideration of marriage (P.A. 1805, ch. 16, sec. 2); all other deeds of every description (P.A. 1839-40, ch. 26, sec. 1); transfers or assignments of plats and certificates of survey or locations of land (Code of Tennessee, 1932, sec. 7621, subsec. 13); all instruments in writing transferring or conveying any right of improvement, occupancy or preemption (P.A. 1805, ch. 72, sec. 5); leases for more than three years from the time of making the same (P.A. 1841-42, ch. 12, sec. 4); wills executed in other states devising lands in Tennessee (P.A. 1831, ch. 90, sec. 11; 1843-44, ch. 187, sec. 1); memoranda of judgments rendered in any county other than that in which the debtor resides (P.A. 1831, ch. 90, sec. 8); certified copies of decrees divesting the titles of land out of one person and vesting it in another (P.A. 1833, ch. 90, sec. 6); memoranda of judgments or decrees to bind equitable interests in land or personalty (P.A. 1832, ch. 11, sec. 3); and discharges from service of soldiers, seamen, marines and naval and army officers of the United States (P.A. 1919, ch. 128; 1925, ch. 148). Private domestic corporations doing business for profit are required to file their charters in the office of the register of the county in which the principal office is located (P.A. 1929, ch. 90, sec. 6).

Real Estate

(See also entries 181, 182)

60. DEEDS (Warranty), 1804--. 94 vols. Records missing 1809, 1836, 1839.

Recorded copies of warranty deeds, showing names of grantor and grantee, location and description of property, amount of money involved and terms

Register - Real Estate

(61-68)

of the contract. Also contains: Trust Deeds, 1804-67, entry 62; Chattel Mortgages, 1804-67, entry 70. Chron. arr. For index see entry 61. Hdw. and typed. Aver. 570 pp. 18x11x2 $\frac{1}{2}$.

61. GENERAL INDEX TO DEEDS (Warranty), 1804--. 17 vols. Index shows names of grantor and grantee, nature of instrument, date, civil district and book and page number of recording. Index serves entry 60. Alph. arr., direct and reverse. Hdw. and typed. Aver. 570 pp. 18x11x2.

62. TRUST DEEDS, 1868--. 77 vols. 1804-67 in Deeds, entry 60. Deeds conveying title to real estate to secure performance of contract, with power to sell in case of default, showing names of parties, terms of contract, location, description and valuation of property. Also contains: Trust Deeds on Farm Loans, 1923--, entry 64; Liens, 1868-1931, entry 65; Chattel Mortgages, 1868-1933, entry 70. Chron. arr. For index see entry 63. Hdw. and typed. Aver. 600 pp. 18x11x2.

63. GENERAL INDEX TO TRUST DEEDS, 1864--. 13 vols. No index for years, 1866-76, 1889-1904, 1909, 1911, 1917-18, 1926. Index shows names of grantor and grantee, nature of instrument, date and book and page number of recording. Index serves entry 62. Alph. arr., direct and reverse. Hdw. and typed. Aver. 570 pp. 18x11x2.

64. TRUST DEEDS (Federal Farm Loans), 1917-22. 1 vol. 1923-- in Trust Deeds, entry 62. Record of mortgages held by Federal Government on farms, showing name of borrower, amount of mortgage and location and description of the property. Alph. tab arr. by name of mortgagor, and chron. thereunder. No index. Hdw. and typed. 344 pp. 18x11x1 $\frac{1}{2}$.

65. LIEN BOOK, 1932--. 1 vol. 1868-1931 in Trust Deeds, entry 62. Record of liens on realty to secure loans, showing nature of lien, dates covered, terms of contract and amount involved. Chron. arr. Alph. indexed, direct and reverse. Hdw. and typed. 600 pp. 18 $\frac{1}{2}$ x11x2.

66. AFFIDAVIT RELEASES, 1932--. 1 vol. Sworn statements to effect release of notes, showing why the notes cannot be produced and a full explanation thereof. Chron. arr. Alph. indexed by name of holder of notes. Typed. 300 pp. 18 $\frac{1}{2}$ x10 $\frac{1}{2}$ x1 $\frac{1}{4}$.

67. RELEASES, 1918--. 3 vols. Record of releasements made as notes are paid, showing names of parties, dates, amount of fee and book and page number where original instrument is recorded. Chron. arr. No index. Hdw. 150 pp. 18x11x2.

68. OIL AND GAS RECORD, 1920--. 1 vol. Record of leases on property for mineral rights, showing names of contracting parties, location and description of property, dates covered and terms of the lease. Chron. arr. Alph. indexed, direct and reverse. Hdw. 490 pp. 18x11x1 $\frac{1}{2}$.

Circuit Court Clerk

(69-73)

69. ORIGINAL PAPERS, 1804--. 10 file boxes (lettered), 4 bundles. Original deeds of trust, deeds of conveyance, warranty deeds, chattel mortgages, leases and all other types of instruments which have been recorded and which remain uncalled for by the owner. Chron. arr. by date of recording. No index. Hdw. Boxes, 5x11x13; bundles, 5x3 $\frac{1}{2}$ x4.

Personal Property
(See also entry 69)

70. CHATTEL MORTGAGE RECORD, 1934--. 1 vol. 1804-67 in Deeds, entry 60; 1868-1933 in Trust Deeds, entry 62. Record shows name and address of borrower, date, list and description of chattels and terms of the contract. Alph. tab arr., direct and reverse. No index. Typed. 600 pp. 18x11x3.

Financial Records

71. NOTE BOOKS, 1874--. 7 vols. Records missing 1883-1912. Record of instruments received for recording, showing date of reception, names of grantor and grantee, nature of instrument and amount of fee. Chron. arr. No index. Hdw. Aver. 200 pp. 18x11 $\frac{1}{2}$ x1.

72. JUDGMENT RECORD, 1930--. 1 vol. Record of judgments rendered in civil suits, showing names of parties, statement and date of summons, amount due and signature of justice of the peace. Releases are indicated on margin of the record. Chron. arr. No index. Typed. 500 pp. 17x10x1 $\frac{1}{2}$.

Military Records

73. RECORD OF DISCHARGES, 1919--. 1 vol. Copies of honorable discharges from the army and navy, showing rank, record of service, date of discharge and physical condition at that time. Chron. arr. Alph. indexed by name of service man. Hdw. 344 pp. 18x11x1 $\frac{1}{2}$.

V. CIRCUIT COURT CLERK

The circuit court clerk is a constitutional officer (Const. of 1796, art. 5, sec. 10; 1834, art. 6, sec. 13; 1870, art. 6, sec. 13). Although the circuit court clerk as such was not mentioned in the Constitution of 1796, provision was made for the creating of such inferior courts as might be deemed necessary, thus establishing the authority for the creation of circuit courts and clerks in 1809. The forerunner of the circuit court was the superior court of law (Acts of N. C., 1777, ch. 2), and the circuit court in Tennessee today is strictly a court of law; jurisdiction in equity, held by the circuit court for a time after 1809, was soon lodged in chancery court, created in 1827 (P.A. 1809, ch. 49; 1811, ch. 72, sec. 4; 1827, ch. 79).

Circuit Court Clerk

(Next entry 74, p. 50)

Circuit courts were created in 1809 along with a supreme court of errors and appeals (P.A. 1809, ch. 49). At this time there were created five judicial districts, each district presided over by one judge (P.A. 1809, ch. 49, secs. 1, 2), who was empowered to appoint a clerk of the court (ibid., sec. 8).

From 1809 to 1834 the circuit court clerk was appointed by the circuit court judge and held office during good behavior (Const. of 1796, art. 5, sec. 3). The Constitution of 1834 provided that the clerk be elected by popular vote for six years (Const. of 1834, art. 6, sec. 13). The Constitution of 1870 changed the term of office to four years (Const. of 1870, art. 6, sec. 13). The judge of the Rutherford County circuit court is elected for eight years by the voters of the eighth judicial circuit (Const. of 1870, art. 6, sec. 4), which is composed of the counties of Rutherford, Bedford, Cannon and Marshall (Tennessee Blue Book and Official Directory, 1936, Nashville, 1936, 115). In the absence of a separate criminal court, the Rutherford County circuit court has criminal jurisdiction.

The clerk of the circuit court, in addition to the provisions affecting all clerks of courts, is required to keep the following records: the minutes of the court (Territorial Acts, 1794, ch. 1, sec. 26; P.A. 1801, ch. 6, sec. 44); an enrollment docket (ibid.; 1832, ch. 6, sec. 2); an execution docket (P.A. 1831, ch. 8, secs. 1, 2); a cross index to minutes and execution dockets (P.A. 1893, ch. 66, sec. 1); a judgment index (P.A. 1897, ch. 27); and cash books (P.A. 1897, ch. 26). He is required to make out and certify the jury lists, showing number of days served and amounts due for such service (P.A. 1827, ch. 49, sec. 18). His court papers must be conveniently filed, numbered and arranged for public use (P.A. 1801, ch. 6, sec. 46).

Under the provisions affecting all clerks of courts, each court clerk is required: to maintain residence in the county in which he holds office (P.A. 1805, ch. 1; 1832, ch. 7, sec. 2); to abstain, under normal circumstances, from the practice of law (P.A. 1817, ch. 51; 1826, ch. 14); not to act as security for process or upon bonds affecting suits in his court (ibid.); to sign all summons, writs, subpoenas, executions and processes issued from his court (Territorial Acts, 1794, ch. 1, sec. 9); not to change the style of any cause, or the papers involved, without permission of the chancellor or judge presiding, after the cause has been docketed (P.A. 1879, ch. 114); to keep an execution docket containing full information and details about disposal of causes (P.A. 1831, ch. 8, secs. 1, 2); to keep daily minutes to be bound in a book (Territorial Acts, 1794, ch. 1, sec. 26; P.A. 1801, ch. 6, sec. 44); to record, in well-bound books, within six months after the final determination of any suit or prosecution, such proceedings as he is required by law to enroll (P.A. 1801, ch. 6, sec. 44; 1832, ch. 6, sec. 2; Territorial Acts, 1794, ch. 1, sec. 26); to make and keep indices, direct and reverse, for all books and dockets required to be kept by him; to keep all papers, books, dockets and records belonging to the office, with care and security, the papers to be filed, arranged, numbered and labeled, so as to be of easy reference, the books, dockets and records properly lettered, and to allow parties to inspect the

Circuit Court Clerk

(Next entry 74, p. 50)

records free of charge (P.A. 1801, ch. 6, sec. 46); to attend court during session, with all papers belonging to the terms and to keep in the courthouse, during such session, the execution docket for the two preceding terms; to administer all oaths and affidavits in relation to causes or proceedings pending therein (P.A. 1805, ch. 1, secs. 1, 2); on application and payment of the legal fees, to make out and deliver to any person applying, a correct transcript, properly certified, of any paper or record in his office (P.A. 1837-38, ch. 165, sec. 4); to keep a cash book, as a public record, in which is entered, under each case, all sums of money received or disbursed, showing full details, indexed, direct and reverse, and kept open for inspection by the public at all times, under penalty of conviction for a misdemeanor (P.A. 1897, ch. 26); to keep a judgment index in which the name of each person, partnership, firm or corporation against whom a judgment or decree is rendered is entered under the proper alphabet or letter of such person, partnership, firm or corporation, giving the date, number of the cause and amount of judgment, each page of the index having five columns, showing name, date, number, cause and amount (*ibid.*, ch. 27); when applicable to an office, to keep an index to each book wherein any suit, decree, judgment, sale, mortgage, lien, deed, power of attorney or other record is kept, in which index the register or other public officer enters in alphabetical order, under the name of each party, every suit, judgment, decree, sale, deed, mortgage or other matter of record required by law, under penalty of fine and forfeiture of bond (P.A. 1871, ch. 85, sec. 1); to index and cross index each record of the minutes of the court and the execution dockets, showing in the direct index, in alphabetical order, the name or names of the plaintiffs or complainants, and against whom the suit is or was brought and, in the cross or reverse index the name or names of the respondents or defendants, in alphabetical order, and by whom the suit is brought (P.A. 1893, ch. 66, sec. 1), under penalty of fine of \$5.00 to \$25.00 (*ibid.*, sec. 3); when an appeal is taken by writ of error from the court, to make out and transmit, by mail, to the clerk of the appellate court, a transcript of the record, within forty days after the entry of the appeal and, if within forty days of the regular term of the appellate court, without delay (P.A. 1841-42, ch. 129, sec. 5, Mod.); to deliver upon application of the party entitled, his agent or attorney, without delay, any money or property in his hands, received by virtue of any decree, judgment or order of the court, or any judge thereof, or by virtue of his office (P.A. 1807, ch. 66, sec. 8); to submit to the court a complete report on sale of any property by order of the court (P.A. 1851-52, ch. 178, secs. 1, 2); to enter on the minutes any action or decree of the court (*ibid.*); and, under normal circumstances, to mark on subpoenas on whose instance issued (*ibid.*, sec. 2).

Any clerk of a court may: administer oaths and take affidavits, unless such authority is specifically confined to some other officer (P.A. 1849-50, ch. 103, sec. 2, Mod.); take depositions to be read as evidence (P.A. 1901, ch. 6, sec. 32); take probate of the attendance of witnesses, and issue tickets on civil and criminal causes, between commencement and decision (P.A. 1845-46, ch. 164, sec. 1); appoint

Circuit Court Clerk - Court Records

(74-75)

deputy clerks (Territorial Acts, 1794, ch. 1, sec. 72); receive the amount of any judgment rendered in court (P.A. 1807, ch. 66, sec. 8); and in certain specified instances act as a guardian of minors receiving a judgment or decree (P.A. 1899, ch. 177, Mod.).

The books of a court clerk may be examined by the district attorney-general, upon order of the court (Code of Tennessee, 1932, sec. 10072), and the report, when made, is filed in the register's office for public inspection (ibid., sec. 10074). Upon conviction of a misdemeanor in office, or of a felony, for non-residence in the county, failing to give security, failing to pay public moneys, incapacity, neglect of duty, misbehaving in office, or any other cause to which the penalty of removal from office is attached by law, any court clerk may be removed by the court (P.A. 1801, ch. 17). Immediately upon indictment for a misdemeanor or felony in office, a clerk is liable to suspension by the court (P.A. 1835-36, ch. 55, sec. 6). Any clerk who wilfully or corruptly fails to discharge his duties according to law, unless some penalty is expressly provided, may, on conviction, be fined up to \$250.00 and removed from office (P.A. 1801, ch. 17). Any clerk who wilfully or knowingly makes a false entry or who knowingly or wilfully makes out a false transcript with intent to affect the results of any cause, is guilty of a high misdemeanor, and, upon conviction, may be fined and imprisoned (Code of Tennessee, 1932, sec. 10081).

The statutes affecting all clerks of courts are directly applicable to the county court clerk (ibid., sec. 10082); the circuit court clerk (ibid., sec. 10093); the criminal court clerk if there is one (ibid.); the clerk and master, who is clerk of the chancery court (ibid., sec. 10099); the clerk of the juvenile court if there is one, and, in so far as the provisions affecting all clerks affect his office, the register.

Court Records
(See also entry 114)

Trial Papers

74. PAPERS FILED IN CIVIL CASES, JURY, NON-JURY, REFERENCE, 1830--,
83 file boxes, 121 bundles (no. varies).

Included are magistrates' warrants, bills, affidavits, attachments, pleas, subpoenas, summons, declarations, detainers, warrants, replevins and bills of costs. Chron. arr. No index. Hdw. and typed on ptd. form. File boxes, 5 $\frac{1}{2}$ x11 $\frac{1}{2}$ x13; bundles, 9x4x5. 121 bundles, 1830-1933, records rm.; 83 file boxes, 1900-- , cir. ct. clk's. office.

75. SUBPOENA FOR WITNESSES (Civil), 1919-- . 5 vols. Records
missing 1924-26, 1931-32.

Copies of summons to appear before the judge of the circuit court as witnesses in civil suits, showing name of person summoned, day and hour to appear, in whose behalf and signature of the clerk. Chron. arr. No index.

Circuit Court Clerk - Minutes

(76-81)

Hdw. Aver. 200 pp. 9x6x1. 2 vols., 1914-30, records rm.; 3 vols., 1933--, cir. ct. clk's. office.

76. RECORD BOOKS AND ENROLLMENT DOCKETS, 1820-76. 13 vols. (no. varies). Records missing 1824-44. Discontinued. Detailed record of all papers incident to legal action, showing term of court, parties involved, cause of action and final disposition of the case. Num. arr. by case no. Alph. indexed within each vol., direct and reverse. Hdw. Aver. 580 pp. 18x11x2. Cir. ct. clk's. office. For subsequent records see entry 74.

Minutes

77. GENERAL INDEX BOOK (Civil and Criminal), 1893--. 1 vol. Index shows names of parties and book and page number where case is recorded. This index serves entries 78, 79, 81. Alph. arr., direct and reverse. Hdw. 250 pp. 18x11x $\frac{1}{2}$. Cir. ct. clk's. office. For prior indexing see entries 80, 82, 83.

78. MINUTES (Civil and Criminal), 1919--. 15 vols. (14-29). Daily record of procedure in civil and criminal cases, showing term, day, month and year, motions, orders, judgments and record of all proceedings incident to action in this court. Chron. arr. For index see entry 77. Typed. Aver. 640 pp. 18x11x2 $\frac{1}{4}$. Cir. ct. clk's. office. For prior records see entries 79, 81.

79. MINUTES (Civil), 1845-1918. 13 vols. (1-13). Daily record of procedure in civil cases, showing term, day, month and year, motions, orders, judgments and record of all proceedings incident to action in this court. Contains: Criminal Minutes, 1845-64, entry 81. Chron. arr. 1845-66, alph. indexed within each vol., direct and reverse and by separate volume, entry 83; for index 1867-92, see entry 80; 1893--, see entry 77. Hdw. Aver. 640 pp. 18x11x2 $\frac{1}{4}$. Cir. ct. clk's. office.

For subsequent records see entry 78.

80. INDEX TO MINUTE BOOKS (Civil), 1867-92. 3 vols. (3, 5, 9). Records missing 1872. Index shows names of parties to suit and book and page number where case is recorded. Alph. arr., direct and reverse. Index serves entry 79. Hdw. Aver. 250 pp. 18x11x $\frac{1}{2}$. Cir. ct. clk's. office. For subsequent indexing see entry 77.

81. MINUTES (Criminal), 1865-1918. 14 vols. (1, 4-16). 1845-64 in Minutes, entry 79. Daily record of procedure in criminal cases, showing term, day, month and year, motions, orders, judgments and record of all proceedings incident to action in this court. Chron. arr. 1865-66, 1890-92, no index; for index 1867-89, see entry 82; for index 1893-1918, see entry 77. Hdw. Aver. 640 pp. 18x11x2 $\frac{1}{2}$. Cir. ct. clk's. office. For subsequent records see entry 78.

Circuit Court Clerk - Civil Dockets

(82-88)

82. INDEX TO MINUTES BOOKS (Criminal), 1867-89. 3 vols. (6-8).
Records missing 1875, 1889-92.

Index shows names of defendant and plaintiff, also book and page number where case is recorded. Alph. arr., direct and reverse. Index serves entry 81. Hdw. Aver. 175 pp. 18x12x2. Cir. ct. clk's. office.

For subsequent indexing see entry 77.

83. INDEX TO MINUTES, EXECUTION DOCKETS AND RECORDS BOOKS, 1845-59.
1 vol.

Index to civil minutes only, showing names of plaintiff and defendant and volume and page number of recording. Alph. arr., direct and reverse.

Index serves entry 79. Hdw. 400 pp. 18x11x2 $\frac{1}{2}$. Cir. ct. clk's. office.

For subsequent indexing see entries 77, 80, 82.

Civil Dockets

84. APPEARANCE DOCKET, 1833--. 4 vols.

Record of first appearance of all causes in court, showing date filed, names of attorneys, style of case, security and action taken. Chron. arr. Alph. indexed within each vol., direct and reverse. Hdw. Aver. 590 pp. 16x10x2. Cir. ct. clk's. office.

85. Civil Witness Docket, 1895--. 2 vols.

Docket shows term of court, style of case, name of county, names of witnesses in cases tried, days of service, miles traveled and other expense incurred. Chron. arr. Alph. indexed within each vol. by name of witness. Hdw. Aver. 400 pp. 16x9x1 $\frac{1}{2}$. Cir. ct. clk's. office.

86. JUDGE'S CIVIL TRIAL DOCKET, 1861--. 10 vols. Records missing 1866-68, 1880-86.

Record of civil cases in circuit court for the judge's use, showing term of court, number of case, attorneys, parties, action taken, charge, orders or rules of previous term and rules of present term. Chron. arr. No index. Hdw. Aver. 500 pp. 16x10x2. 6 vols., 1861-95, records rm.; 4 vols., 1896--., cir. ct. clk's. office.

87. CLERK'S CIVIL TRIAL DOCKET, 1866--. 8 vols. Records missing 1869-73, 1901-7, 1920-21.

Record of civil cases in circuit court for the clerk's use, showing date of filing, number of case, attorneys, parties, cause and clerk's notes. Chron. arr. No index. Hdw. Aver. 600 pp. 16x10x2. Cir. ct. clk's. office.

88. COUNTY DOCKET (Tax Cases), 1902--. 2 vols.

Shows docket number, names of plaintiff and defendant, state and county tax, school tax, remarks and quarterly report of circuit court clerk. Chron. arr. No index. Hdw. Aver. 300 pp. 12x8x2. Cir. ct. clk's. office.

Circuit Court Clerk - Criminal Trial Records

(89-96)

89. BAR CIVIL TRIAL DOCKET, 1869--. 12 vols. Records missing 1920-21.

Record of civil cases in circuit court for use of the bar, showing date, number of case, attorneys, parties, action, rules and orders. Chron. arr. No index. Hdw. Aver. 400 pp. 15x10 $\frac{1}{2}$ x2. 3 vols., 1869-86, 1891-95, records rm.; 9 vols., 1887-90, 1896--., cir. ct. clk's. office.

90. TRIAL DOCKET (Civil), 1874-1902. 4 vols.

Shows term of court, number and style of case, charge, returns and date. Chron. arr. and num. thereunder by case no. No index. Hdw. Aver. 400 pp. 16x10x2. Cir. ct. clk's. office.

For subsequent records see entries 86, 87, 89.

91. CIVIL EXECUTION DOCKET, 1841--. 17 vols. (no. varies).
Records missing 1844-55.

Detailed financial account of procedure in civil cases, showing names of plaintiff and defendant, case number, style of case, judgment, costs and receipts. 1841-92, alph. tab arr., direct and reverse; 1893--., chron. arr. 1841-92, no index; 1893--., separate index, entry 92. Hdw. Aver. 600 pp. 18x11x2 $\frac{1}{2}$. 16 vols., 1841-63, 1866--., cir. ct. clk's. office; 1 vol., 1864-65, records rm.

92. INDEX TO CIVIL EXECUTION DOCKET, 1893--. 1 vol.

A direct and reverse index, showing book and page number of recording. Index serves entry 91. Hdw. 600 pp. 18x11x2. Cir. ct. clk's. office.

93. CIVIL JUDGMENT DOCKET, 1820-22. 1 vol.

Record of civil cases and final disposition, showing style of case, amount sued for, justice's of the peace fee, stay, officer's name, execution and date issued. Chron. arr. No index. Hdw. 320 pp. 13 $\frac{1}{2}$ x8x1. Cir. ct. clk's. office.

94. BOUND OVER DOCKET, 1923--. 4 vols. (1-4).

Record of charges brought against parties and referred to the grand jury, showing case number, parties involved, charge, name of trial justice, witnesses summoned for the grand jury and appearance. Chron. arr. No index. Hdw. Aver. 240 pp. 16x10x1. Cir. ct. clk's. office.

95. ISSUE DOCKET, 1831-78. 5 vols.

Record of issues in circuit court, showing names of parties involved, attorneys, style of case and final disposition. Chron. arr. Alph. indexed within each vol. by name of plaintiff. Hdw. Aver. 500 pp. 16x10x2. Records rm.

Criminal Trial Records
(See also entries 110, 111, 113)

96. PAPERS FILED IN CRIMINAL CASES; FELONY AND MISDEMEANOR CASES, 1850--. 83 file boxes, 136 bundles (no. varies).

True bills, state warrants, subpoenas for witnesses, grand jury subpoenas,

Circuit Court Clerk - Criminal Dockets

(97-103)

bonds, indictments and returns. Chron. arr. No index. Hdw. and typed on ptd. form. File boxes, $5\frac{1}{2} \times 11 \times 15$; bundles, $9 \times 4 \times 5$. 136 bundles, 1850-1933, records rm.; 83 file boxes, 1900--., cir. ct. clk's. office.

97. SUBPOENA FOR WITNESSES (Criminal), 1914--. 22 vols. Records missing 1916-21, 1931-34.

Copies of summons to appear before judge of circuit court as witnesses in criminal cases, showing name of person summoned, day and hour to appear, in whose behalf and signature of clerk. Chron. arr. No index. Hdw. Aver. 200 pp. $9 \times 6 \times 1$. 19 vols., 1914-30, records rm.; 3 vols., 1935--., cir. ct. clk's. office.

Criminal Dockets

98. CRIMINAL WITNESS DOCKET, 1871--. 6 vols. (no. varies).

Docket shows term of court, style of case, name of county, names of witnesses, days of service, miles traveled and other expense incurred. Chron. arr. Alph. indexed within each vol. by name of witness. Hdw. Aver. 400 pp. $16 \times 9 \times 1\frac{1}{2}$. Cir. ct. clk's. office.

99. SUBPOENA DOCKET (Criminal), 1887-1900. 1 vol. Discontinued.

Register of subpoena for witnesses in state cases, showing names of parties, list of witnesses for state and defendant and date of issuance for subpoena. Chron. arr. No index. Hdw. 425 pp. $18 \times 12 \times 2$. Cir. ct. clk's. office.

100. RULE DOCKET (State Cases), 1923--. 3 vols. (1-3).

Shows style of case, offense charged, defendant's attorney, date indictment or presentment is returned and filed, date subpoena issued for state's witnesses and names of witnesses. Chron. arr. Alph. indexed within each vol. by name of defendant. Hdw. Aver. 586 pp. $18 \times 11 \times 2$. Cir. ct. clk's. office.

101. JUDGE'S CRIMINAL TRIAL DOCKET, 1862--. 13 vols. Records missing 1870-75.

Record of cases in criminal court, showing term, attorneys, parties, style of case, last orders, date filed and case number. Chron. arr. No index. Hdw. Aver. 500 pp. $14 \times 8\frac{1}{2} \times 1\frac{1}{2}$. 2 vols., 1862-69, records rm.; 11 vols., 1876--., cir. ct. clk's. office.

102. JUDGE'S STATE CRIMINAL DOCKET, 1862--. 10 vols. Records missing 1870-88.

Record of criminal cases in the circuit court for use of the judge, showing attorneys, parties involved, style of case, orders of previous term and present orders. Chron. arr. No index. Hdw. Aver. 300 pp. $15 \times 9 \times 2$. 2 vols., 1862-69, records rm.; 8 vols., 1889--. cir. ct. clk's. office.

103. TRIAL DOCKET (Criminal), 1880-1915. 2 vols. Records missing 1885-90.

Docket shows term of court, number and style of case, charge, returns and

Circuit Court Clerk - Juries

(104-110)

date. Chron. arr. and num. thereunder by case no. No index. Hdw. Aver. 400 pp. 16x10x2. Cir. ct. clk's. office.

For prior and subsequent records see entry 101.

104. CLERK'S STATE CRIMINAL DOCKET, 1897--. 8 vols.

Record of cases in criminal court for use of the clerk, showing attorneys, parties involved, charge, returns and remarks. Chron. arr. No index. Hdw. Aver. 300 pp. 15x9x2. Cir. ct. clk's. office.

105. ATTORNEY GENERAL'S CRIMINAL DOCKET, 1880--. 14 vols.

Records missing 1885-86, 1890, 1893-99.

Record of state cases for use of the attorney-general, showing term of court, number of case, parties involved, date filed, charges, return, orders of the court and remarks. Chron. arr. No index. Hdw. Aver. 250 pp. 11x7x1 $\frac{1}{4}$. 5 vols., 1880-92, records rm.; 9 vols., 1900--, cir. ct. clk's office.

106. CRIMINAL EXECUTION DOCKET, 1862--. 23 vols. (2, 6-27).

Detailed financial account of procedure in criminal cases, showing case number, style of case, judgment, costs and receipts. Alph. arr. by name of defendant. 1862-92, no index; for index 1893--, see entry 107. Hdw. Aver. 600 pp. 18x11x2. Cir. ct. clk's. office.

107. INDEX TO CRIMINAL EXECUTION DOCKET, 1893--. 1 vol.

A direct and reverse index, showing book and page number of recording in Criminal Execution Docket, entry 106. Alph. arr. by names of plaintiff and defendant. Hdw. 600 pp. 18x11x2. Cir. ct. clk's. office.

108. CRIMINAL JUDGMENT DOCKET, 1869-1912. 4 vols. Records missing 1874-79.

Judgments on itemized bills of cost against Rutherford County in state cases, showing term of court, parties involved, style of case, charge, items of cost, amount and date allowed. Chron. arr. 1869-89, no index; 1890-1912, alph. indexed within each vol. by name of defendant. Hdw. Aver. 500 pp. 15x9x2. Records rm.

109. RETIRED DOCKET (Criminal), 1871-1922. 1 vol.

Docket shows name of defendant, offense charged, prosecutor, date indicted and date case is retired. Alph. tab arr. by name of defendant. No index. Hdw. 210 pp. 18x11x2. Cir. ct. clk's. office.

Juries

110. GRAND JURY RECORD, 1882--. 21 vols. Records missing 1906-12.

Notes taken by grand jury in examination of witnesses, showing number and style of case, statement of witness, name of witness, signature and date. Chron. arr. No index. Hdw. Aver. 115 pp. 12x7x $\frac{1}{2}$. 17 vols., 1882-1922, records rm.; 4 vols., 1923--, cir. ct. clk's. office.

Circuit Court Clerk - Financial Records

(111-118)

111. GRAND JURY WITNESS TICKETS, 1910--. 5 vols. Records missing 1917-23.

Record of claims of witnesses for service in trials, showing name of claimant, date, claim (days served and miles traveled for attendance as witnesses) and signature of jury foreman. Chron. arr. No index. Hdw. Aver. 250 pp. 12x8 $\frac{1}{2}$ x1 $\frac{1}{4}$. Cir. ct. clk's. office.

112. JURY LISTS, 1826-41. 1 vol.

Jury lists selected by members of county court from which jury members are drawn, showing number, name, civil district number, by whom proposed, term served regular, term served special and remarks. Alph. arr. by name of juror. No index. Hdw. Aver. 300 pp. 16x10x1. Records rm.

For subsequent records see entry 191.

113. CLERK'S JURY DOCKET (Criminal), 1902--. 7 vols.

List of jury members for use of clerk, showing date of term, style of case, charge or cause of action, names of jurors serving for each case, number of days served and officer in charge. Chron. arr. No index. Hdw. Aver. 400 pp. 16 $\frac{1}{2}$ x7x2. Cir. ct. clk's. office.

Financial Records

(See also entries 91, 93, 106)

114. RECORD OF FEES COLLECTED, 1898--. 3 vols.

Record of receipts and disbursements, showing date, from whom received, on what account, amount of fee, to whom paid, date and style of case. Chron. arr. No index. Hdw. Aver. 240 pp. 15 $\frac{1}{2}$ x10x1. Cir. ct. clk's. office.

115. CERTIFIED COURT COSTS, 1912--. 2 vols.

Record of judgments against Rutherford County, showing date, name of claimant, amount paid, to whom paid, clerk's fee, officer's costs and names of grand jury witnesses. Alph. tab arr., direct and reverse. No index. Hdw. Aver. 496 pp. 18x11x2. Cir. ct. clk's. office.

116. CHECKS, 1916-33. 14 bundles.

Original canceled checks, showing name of bank, town, state, date, to whom payable, amount and signature of clerk. Chron. arr. No index. Hdw. on ptd. form. 8x3x3. Records rm.

117. RECEIPTS (Duplicates), 1909--. 6 vols. Records missing 1912-15, 1921-22, 1932-34.

Duplicates of receipts for payment of fines and costs, showing receipt number, from whom received, amount of costs, fine, signature of circuit court clerk and trustee. Num. arr. by receipt no. No index. Hdw. Aver. 200 pp. 9x16x1. Cir. ct. clk's. office.

118. RECORD OF TAX SALES, 1895-1920. 12 vols.

Record shows against whom tax is assessed, location and description of property, amount of tax and penalties, advertisement for sale, cost of redemption, redemption receipts and remarks. Chron. arr. Alph. indexed

Clerk and Master

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within each vol. by name of property owner. Hdw. Aver. 326 pp. 16x9 $\frac{1}{2}$ x1. 1 vol., 1899, records rm.; 11 vols., 1895-1920, cir. ct. clk's. office.

Naturalization

119. RECORD OF DECLARATION AND INTENTION, 1921-24. 1 vol. Discontinued. Subsequent records kept by Federal Court. Declaration of intention to become a citizen of the United States, showing state, county, court, name and description of applicant, birthplace and date of immigration, from what country, arrival at what port in the United States, date, statement of intention and signature. Chron. arr. No index. Hdw. 100 pp. 14x8x $\frac{1}{2}$. Records rm.

VI. CLERK AND MASTER (CHANCERY COURT)

The clerk and master is a constitutional officer (Const. of 1834, art. 6, sec. 13), and functions as a master in chancery and as clerk of the chancery court. Prior to the establishing of separate chancery divisions in the state, jurisdiction in equity was lodged first by the North Carolina legislature in the superior courts of law and such courts were thereafter called superior courts of law and equity (Acts of N. C., 1782, ch. 11, secs. 2, 4). Subsequent legislation made specific reference to parts of the area now comprising Tennessee (Acts of N. C., 1785, ch. 47).

After the admitting of Tennessee to the Union in 1796, the legislature affirmed the three superior courts of law and equity which had been set up in the territory and empowered the judge of each to hear causes in any other (P.A. 1796, ch. 1). This court was abolished in 1809, and equity jurisdiction was lodged in the newly created circuit courts (P.A. 1809, ch. 49). In 1811 original jurisdiction in equity was transferred from the circuit courts to the supreme court of errors and appeals, also created in 1809 (P.A. 1811, ch. 72, sec. 4; 1809, ch. 49). In 1813 part of the circuit court's jurisdiction was restored when it was given concurrent jurisdiction in equity with the supreme court of errors and appeals (P.A. 1813, ch. 78). An act of 1822 provided that individual judges of the supreme court of errors and appeals should sit as judges of courts of equity, one in each of the five circuits, and to have only original jurisdiction (Joshua W. Caldwell, Bench and Bar of Tennessee, Nashville, 1885, 163-165).

Chancery court, as a separate and distinct branch of the judiciary, was created in 1827 (P.A. 1827, ch. 79). There were two chancery divisions and the chancellor for each had state-wide jurisdiction (ibid., ch. 79). Chancery court was first convened in Rutherford County in 1836, at Murfreesboro (P.A. 1835, ch. 3, sec. 4). Originally elected by the legislature and commissioned by the governor (P.A. 1835, ch. 4, sec. 2), the chancellor is now elected by the voters of his division for a term of eight years (Const. of 1870, art. 6, sec. 4). Since 1827, chancery

Clerk and Master

(Next entry 120, p. 59)

divisions have been increased or decreased in bounds at the discretion of the legislature (P.A. 1831, ch. 217, sec. 4; 1835, ch. 4, sec. 2; Caldwell, op. cit., 163-165). Rutherford and seven other counties now comprise the fifth chancery division (Tennessee Blue Book and Official Directory, 1936, Nashville, 1936, 113).

One of the few states still retaining such a distinct court of pure equity, Tennessee has witnessed the development of two distinct judicial systems, the circuit courts, or courts of law, on one hand and the chancery courts, or courts of equity on the other, and inevitably two bodies of the law have developed along parallel lines. Any confusion resulting from the conflict of the two courts is generally overshadowed by the high reputation of each, and the desire of litigants and solicitors to entrust equitable actions to the expert care of the chancellors.

The clerk and master, a constitutional officer, is appointed for a term of six years by the chancellor of the division in which the county is located (Const. of 1834, and 1870, art. 6, sec. 13).

In addition to meeting requirements and performing the duties of all clerks of courts, the clerk and master is required to keep a rule docket, in which are entered the names of plaintiffs, defendants and solicitors and other salient details (P.A. 1801, ch. 6, sec. 44); to enter in a well-bound book all depositions taken (ibid., sec. 46); and to administer oaths and perform all duties of masters in chancery unless restrained by law (Acts of N. C., 1789, ch. 57, sec. 6). If necessary, he may adjourn court in the absence of the chancellor (P.A. 1831, ch. 50, sec. 1). He is required to issue all original, mesne and final process from the court; to make orders of publication for defendants; to grant decrees pro confesso for want of answer; to hear exceptions to bills, answers and reports, subject at all times to the control, direction and supervision of the chancellor (P.A. 1835-36, ch. 20, sec. 3); to post and give due notice to interested solicitors of any decree of mandates from any appellate court and copy same in rule docket or minute book (P.A. 1901, ch. 10, sec. 2); and when directed by the chancellor, to take bond and security from the receiver or the complainant (P.A. 1833, ch. 47, sec. 1). The clerk and master may, at his office, receive and enter on the rules the suggestion and proof of party's death, and order and issue the necessary process to revive (P.A. 1845-46, ch. 122, sec. 9); and open causes for proof, on good cause shown, after they have been set for hearing, in the same way the chancellor might do (ibid., sec. 8). With certain exceptions, he is required to set all causes at issue for hearing and transfer them to the trial docket (P.A. 1853-54, ch. 55, sec. 2). As a clerk of a court, the clerk and master is required to perform the duties and keep the records required of all clerks of courts in so far as reasonably applicable to him. These requirements are listed in the chapter entitled Circuit Court Clerk.

Clerk and Master - Court Records

(120-125)

Court Records
(See also entry 150)

Trial Papers

120. ENROLLED CASES, 1866-94. 14 vols. (no. varies).
Discontinued.

Record of original bills, answers, pleas, amended bills, petitions and cross bills, showing names of complainant and respondent, signatures of solicitors and securities and date of filing. Chron. arr. Alph. indexed within each vol. by name of complainant. Hdw. Aver. 580 pp. 18x11x2. Clk. & m's. office.

121. PAPERS FILED IN CHANCERY COURT (Trial Papers), 1845--.
302 file boxes.

Original bills, answers, exhibits, depositions, orders, decrees, cross bills, pleas, demurrers, processes and all papers incident to action in this court. Chron. arr. For index see entry 123. Hdw. and typed. 11x5x13. Clk. & m's. office.

122. CURRENT BILLS (Trial Papers), 1935--. 4 file boxes.
Papers filed in cases awaiting disposition and those that are to be called for trial at the next term of court. Alph. arr. by name of complainant. For index see entry 123. Hdw. and typed. 9x12x24. Clk. & m's. office.

123. INDEX TO FILES, 1845--. 2 vols.
An alphabetical index to the original trial papers incident to chancery litigation, showing names of complainants and respondents, style of case, and location of container where papers are filed. Index serves Papers Filed in Chancery Court, entry 121 and Current Bills, entry 122. Alph. arr., direct and reverse. Hdw. Aver. 600 pp. 10x12x2. Clk. & m's. office.

Minutes

124. MINUTES, 1845--. 39 vols. (lettering varies).
Record of orders, interlocutory and final decrees and reports, showing names of parties litigant, date and signature of the chancellor. Also contains Delinquent Tax Minutes, 1845-1932, entry 125. Chron. arr. Alph. indexed within each vol. by name of complainant. Hdw. and typed. Aver. 580 pp. 18x11x2. Clk. & m's. office.

125. DELINQUENT TAX MINUTE BOOK, 1933--. 1 vol. 1845-1932 in
Minutes, entry 124.
Shows style of suit, date, amount paid, number of acres, civil district and names of attorneys. Chron. arr. Alph. indexed by name of delinquent. Typed. 358 pp. 18x12x1. Clk. & m's. office.

Clerk and Master - Bonds

(126-132)

126. ACCOUNTS OF INSOLVENT ESTATES, 1872--. 1 vol.

Account shows date filed, case number, names of creditors, amount of claim, date due, amount and date of credits, balance due, interest and total. Num. arr. by case no. No index. Hdw. 300 pp. 16x11x2. Clk. & m's. office.

127. CERTIFIED LIST OF TAX SUITS, 1884-1904. 1 vol.

Record of suits brought to recover delinquent taxes, showing style of case, to whom assessed, description of property, amount of delinquent tax, interest, penalties and costs due and total amount due. Chron. arr. Alph. indexed by name of property owner. Hdw. 640 pp. 18x12x2 $\frac{1}{2}$. Clk. & m's. office.

Bonds

128. ATTACHMENT AND INJUNCTION BONDS, 1871--. 4 vols.

Original bonds, showing principal, security, bond holder, amount, date, signatures and provisions of the bond. Chron. arr. Alph. indexed within each vol. by name of principal. Hdw. Aver. 500 pp. 14x8x2. Clk. & m's. office.

129. ADMINISTRATOR'S AND EXECUTOR'S BOND, 1875-1933. 1 vol.

Records missing 1880-86, 1888-1909, 1911-13, 1915-20 and 1922-31.

Bonds show names of security and principal, penalties provided, name of deceased whose estate is to be administered and signature of clerk and master. Chron. arr. No index. Hdw. 300 pp. 14x9 $\frac{1}{2}$ x3. Clk. & m's. office.

For subsequent records see entries 186, 187.

Dockets

130. TRIAL DOCKET, CHANCELLOR, 1876-1920. 9 vols. Records missing 1902-6, 1913. Discontinued.

Chancellor's record of cases tried, showing term, solicitors, case number, names of parties litigant, date and remarks. Chron. arr. Alph. indexed within each vol. by name of complainant. Hdw. and typed. Aver. 286 pp. 15 $\frac{1}{2}$ x10x1. Clk. & m's. office.

131. TRIAL DOCKETS, CLERK AND MASTER, 1864--. 18 vols.

Record of cases brought before chancery court, showing term, date, number and style of case, names of solicitors, date of filing, nature of case and remarks. Chron. arr. Alph. indexed within each vol. by name of complainant. Hdw. and typed. Aver. 200 pp. 15x10x1. 3 vols., 1864-74, records rm.; 15 vols., 1875--, clk. & m's. office.

132. TRIAL DOCKET, BAR, 1875-1918. 4 vols. Records missing 1878-1911. Discontinued.

Record of cases for use of the bar, showing term of court, name of solicitor, number and style of case, date filed, nature of suit and

Clerk and Master - Dockets

(133-139)

remarks. Chron. arr. Alph. indexed within each vol. by name of complainant. Hdw. Aver. 300 pp. 16x11x1. 2 vols., 1875-77, 1912-15, records rm.; 2 vols., 1916-18, clk. & m's. office.

133. RULE DOCKET; SUPPLEMENT TO RULE DOCKET, 1864--. 25 vols. (lettering varies).

Record of all papers incident to action in chancery court from initial proceedings to final disposition, showing names of attorneys, parties litigant, process issued, date filed, returns and rules. Alph. tab arr. by name of complainant. No index. Hdw. Aver. 500 pp. 18x11x2. 1 vol., 1867-71, records rm.; 24 vols., 1864-66, 1872-- , clk. & m's. office.

134. RULE DOCKET FOR TAX CASES, 1911-12. 1 vol.

Record of delinquent tax cases, showing names of attorneys, date, style of case, description of property, date filed and returns. Chron. arr. Alph. indexed by name of respondent. Hdw. 300 pp. 18x11x1½. Clk. & m's. office.

For other tax records see entries 124, 125.

135. HEARING DOCKET, 1915--. 1 vol.

Docket shows case number, style of case, attorneys, nature of action, date of filing, orders of the court and the volume and page of minute book referred to. Chron. arr. Alph. indexed by name of complainant. Hdw. and typed. 400 pp. 16x9x2. Clk. & m's. office.

136. RETIRED DOCKET, 1924-32. 2 vols. (no. by cases).

Docket shows names of parties litigant, attorneys, nature of action brought and date case retired. Chron. arr. No index. Typed. Aver. 300 pp. 14½x9½x6. Clk. & m's. office.

137. JUDGMENTS, 1899--. 1 vol.

Shows name, date, case number, nature of action and judgment. Alph. tab arr. by name of complainant. No index. Hdw. 240 pp. 18x11x1. Clk. & m's. office.

138. EXECUTION DOCKET, 1870--. 12 vols. (lettering varies).

Records missing 1896-1916.

Docket records judgments and bills of cost in chancery court, showing names of parties litigant, date, style of case, amount involved and returns. Also contains record of tax cases, 1911-- , entry 139. Chron. arr. Alph. indexed within each vol. by name of complainant. Hdw. Aver. 600 pp. 18x11x2½. Clk. & m's. office.

139. TAX EXECUTION DOCKET, 1896-1910. 2 vols. 1911-- in Execution Docket, entry 138.

Record of tax suits, showing amount of assessment, description of property, amount of tax due, accrued costs and rules and orders of the court. Chron. arr. Alph. indexed within each vol. by names of respondent. Hdw. Aver. 370 pp. 18x11x1½. Clk. & m's. office.

Clerk and Master - Financial Records

(140-146)

Financial Records

(See also entries 126, 138, 139)

140. CASH BOOK (CLERK AND COST), 1897--. 11 vols. (labeling varies).

Record of funds collected for litigants from sales of land and other sources, showing amount collected, date of collection, to whom paid, on what account, style of case and check number. Chron. arr. Alph. tab arr. by name of client. No index. Hdw. Aver. 400 pp. 16x11x1 $\frac{1}{2}$. Clk. & m's. office.

141. DELINQUENT TAXES; RECORD OF DELINQUENT TAXES PAID, 1892--. 5 vols. Records missing 1897-1919.

Trustee's report of taxes due on realty, showing civil districts, year, name of delinquent owner, description of property, amount due, fees, costs and by whom paid or redeemed. Chron. arr. No index. Hdw. Aver. 600 pp. 17x14x2. Clk. & m's. office.

142. JOURNAL, 1866-78. 1 vol. Discontinued.

Financial record of cases in chancery court, showing costs in each case, number and style of case, date, itemized account of expense and date of payment. Chron. arr. No index. Hdw. 540 pp. 14x7 $\frac{1}{2}$ x2. Clk. & m's. office.

For subsequent records see entry 140.

143. LEDGER, 1890-93. 1 vol.

Record of accounts, showing name of account with itemized notation of payments and other transactions. Chron. arr. Alph. indexed by name of account. Hdw. 260 pp. 14x8x1. Clk. & m's. office.

For subsequent records see entry 140.

144. CHECK STUBS, 1927--. 3 vols.

Stubs show date, check number, names of parties litigant, receipt number, cash book in which entry is made, purpose of payment and amount. Chron. arr. and num. thereunder by stub no. No index. Hdw. Aver. 50 pp. 4x6x $\frac{1}{2}$. Clk. & m's. office.

145. RECEIPT BOOKS (Local and Foreign), 1922--. 9 vols. (labeling varies).

Receipts show state, town, date, amount, minute book and page of recording and names of parties litigant. Num. arr. by receipt no. No index. Hdw. on ptd. form. Aver. 135 pp. 11x9x2. Clk. & m's. office.

146. RECEIPTS FOR COSTS AND FUNDS (Duplicates), 1922--. 10 vols. (labeling varies).

Shows names of persons making payment, amount paid and date of payment. Chron. arr. No index. Hdw. on ptd. form. Aver. 300 pp. 14x9 $\frac{1}{2}$ x3. Clk. & m's. office.

Probate or Monthly County Court

(147-151)

147. RECEIPTS FOR BACK TAXES (Duplicates), 1915--. 14 vols.
Records missing 1916-21.

Receipts show amount paid, date, from whom received, description of property, date and signature of clerk and master. Chron. arr. No index. Hdw. on ptd. form. Aver. 100 pp. 9x6 $\frac{1}{4}$. Clk. & m's. office.

148. MISCELLANEOUS PAPERS, 1930--. 1 stack.

Returned original checks, bank statements and receipted bills. Chron. arr. No index. Hdw. and typed. Aver. 5x4x6. Clk. & m's. office.

Miscellaneous

149. RECEIPTS FOR FILES, 1916--. 3 vols.

Record of papers borrowed from files, showing number and style of case, date taken from files, date returned and signature of attorney borrowing. Chron. arr. No index. Hdw. Aver. 195 pp. 17 $\frac{1}{2}$ x11 $\frac{1}{2}$ x1. Clk. & m's. office.

150. CHANCERY COURT SALES, 1897--. 5 vols. Records missing 1903-7, 1916-22.

Newspaper clippings of sales advertisements pasted in volumes with remarks written on the margin, showing title of property, terms, minimum price and names of solicitor and clerk and master. Chron. arr. No index. Hdw. and ptd. Aver. 250 pp. 12x7x $\frac{1}{2}$. 2 vols., 1897-1915, records rm.; 3 vols., 1923--, clk. & m's. office.

151. CORRESPONDENCE FOR CLERK AND MASTER'S OFFICE, 1936--. 1 box.

General correspondence on all matters concerning the operation of this office. Chron. arr. No index. Hdw. and typed. 12x12x2. Clk. & m's. office.

VII. PROBATE OR MONTHLY COUNTY COURT
(County Court Clerk as Clerk)

The so-called monthly county court in Tennessee is as illusive a body as ever found its way into the law. Theoretically it is a judicial body composed of the same individuals who constitute the quarterly county court, meeting to expedite the settlement of probate and other judicial matters. The law describes it as one of the two branches of the county court (Territorial Acts, 1794, ch. 1, sec. 44; P.A. 1835-36, ch. 6, sec. 1; 1837-38, ch. 135; 1875, ch. 70), and requires that it be convened once a month (P.A. 1855-56, ch. 253, sec. 4), and also requires that it shall always be held open for the transaction of business (P.A. 1911, ch. 3, sec. 1, Mod.), and thus the term "monthly" is strictly a misnomer. Fortunately the term "probate", although it too is not entirely adequate, is becoming more generally used. Instances of the members of the county court meeting and resolving themselves into a judicial body are virtually unknown.

Probate or Monthly County Court

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The probate or monthly county court has jurisdiction in the following matters: probate of wills (P.A. 1835-36, ch. 6, sec. 2); granting of letters testamentary and of administration and the repeal and revocation thereof (ibid.); all controversies in relation to the right of executorship or of administration; the settlement of accounts of executors or administrators; the partition and distribution of the estates of decedents, and, for these purposes, the power to sell the real and personal property belonging to such estates, if necessary to make the partitioning or distribution, or if manifestly for the interest of the parties (P.A. 1849-50, ch. 185, sec. 1); the settlement of insolvent estates, and if necessary, the power to sell the real or personal property belonging thereto, at the instance of the personal representative or the creditors, (ibid.; 1873, ch. 64); the appointment and removal of guardians for minors and persons of unsound mind, and also controversies as to the right of guardians and the settlement of guardian accounts (P.A. 1849-50, ch. 27, sec. 1); the allotment of dower in lands (ibid., ch. 77, sec. 1); the partition, sale or division of land, if such lands be an estate of inheritance or for life or for years, and if the person being in possession thereof makes such demand (Acts of N. C., 1787, ch. 17, sec. 1; 1789, ch. 24; P.A. 1799, ch. 11, sec. 1; 1815, ch. 123, sec. 1; 1853-54, ch. 48, sec. 1); the changing of names and the legitimation and adoption of children (P.A. 1805, ch. 2, sec. 1; 1851-52, ch. 338, secs. 1, 2); the issuance of inquisitions of unsoundness of mind (P.A. 1797, ch. 41; 1851-52, ch. 163); the binding out of apprentices and of controversies between master and apprentice (P.A. 1815, ch. 115; 1853-54, ch. 53); lunacy (P.A. 1797, ch. 41, sec. 1; 1851-52, ch. 163, sec. 2); bastardy (Acts of N. C., 1741, ch. 14, sec. 11); estates of idiots, lunatics and other persons of unsound mind (P.A. 1797, ch. 41, sec. 1; 1851-52, ch. 163, sec. 2); and the appointment and removal of trustees and the investment of trust funds (P.A. 1831, ch. 107; 1853-54, ch. 74; 1855-56, ch. 113, sec. 11).

Under the law the monthly or probate court has concurrent jurisdiction with the chancery and the circuit courts in many of the above enumerated matters, particularly distribution, partition, trust funds, changes of names and legitimation, and with the chancery court alone in matters of lunacy and the estates of minors (Acts of N. C., 1762, ch. 5, secs. 3, 5; P.A. 1851-52, ch. 163, sec. 1; 1835-36, ch. 20, sec. 1; 1849-50, ch. 185, sec. 1; 1797, ch. 41).

In cases of concurrent jurisdiction, the probate court is vested with all the incidental powers belonging to or conferred by law upon the court with which its jurisdiction is concurrent, for the purpose of exercising and effectuating such jurisdiction (P.A. 1851-52, ch. 92). Rules of practice in chancery are followed in the probate court if a sum greater than \$50.00 is involved (P.A. 1887, ch. 141, sec. 2, Mod.). The probate court further has the power to issue writs of possession in all cases in which the chancery court has such power (ibid., sec. 3, Mod.). Jurisdiction is also conferred upon the monthly or probate court

Probate or Monthly County Court

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to enforce vendor's liens and foreclose mortgages upon all sums under \$50.00 and to enforce all liens on all sums under \$50.00 in such cases as the chancery court alone would have jurisdiction if the amount were more than \$50.00 (ibid., sec. 1; 1889, ch. 39, sec. 1). In spite of a rather cloudy line of demarcation of jurisdiction, the probate, chancery and circuit courts seem to avoid any conflict.

Actually, jurisdiction over probate and other enumerated matters by the county court assembled in session is a legal fiction. In counties having a county judge, as Rutherford County has, that officer has all the powers delegated to the so-called monthly or probate county court and in himself constitutes such a judicial body. In counties having a chairman of the county court and in the absence of a special probate court such as exists in a few counties, the chairman has all the judicial powers and duties identified with the county judge (P.A. 1855-56, ch. 253, sec. 4; 1875, ch. 70, secs. 1, 2, Mod.). The county judge definitely became such a judicial officer when the office was created in Tennessee and the old quorum court, the judicial branch of the county court, was abolished (ibid.). The act authorizing the creating of the office of county judge specifically clothed that officer with all the jurisdiction and powers that were vested in the abolished quorum court.

The county court, as a judicial body has undergone many changes in its history, but none at all in recent years. The county court's jurisdiction over jury trials was taken away over a century ago (P.A. 1835, ch. 6), and the quorum court, the judicial branch of the court consisting of three members of the county court, or justices of the peace, was abolished in 1855-56 (P.A. 1855-56, ch. 253; Shannon's Code of Tennessee, 1896, sec. 5992). Some few counties of the state, such as Hickman and Crockett, still call their probate or monthly courts "quorum courts" but this is merely a local usage. On the other hand, a few counties, such as Shelby and Dyer, have special probate courts, created by special acts and having separate judges. Of course, under the law, the members of the county court might declare themselves the probate court and hear judicial matters.

Apparently because the monthly county court is in reality the county judge, it has jurisdiction over the establishing and maintenance of levee and drainage districts (P.A. 1909, ch. 185, sec. 1, Mod.).

As judge of an inferior court, the county judge is elected for a term of eight years, by the voters of the county (Const. of 1870, art. 6, sec. 4). As an inferior judge his salary can not be changed during his term (8 Lea 24, 28).

The clerk of the probate or monthly county court is the county court clerk (P.A. 1855-56, ch. 253, sec. 7), already mentioned in the chapters entitled Quarterly County Court and County Court Clerk. As clerk of the monthly county court, the county court clerk is required to administer to every administrator or executor an oath to perform the

Probate or Monthly County Court

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will of the deceased or for the faithful performance of his duties; to take from every such representative a bond in double the value of the estate (Acts of N. C., 1715, ch. 48, sec. 5; P.A. 1841-42, ch. 177, sec. 4); to issue to such representative letters of administration or testamentary authorizing him to administer the estate of the deceased (Acts of N. C., 1715, ch. 48, sec. 5; P.A. 1813, ch. 120, sec. 4); to receive of every administrator or executor the inventory he may return of the decedent's estate and cause him to verify it by his oath and present it to the court (Acts of N. C., 1723, ch. 10, sec. 2; P.A. 1851-52, ch. 180, sec. 1); to record the inventory, if it be found regular by the court, in the book of inventories (ibid.); to receive from every personal representative his accounts of sales and present such to the court and record them if the court find them regular (ibid.); to take and state once a year, in vacation at his office, the accounts of every personal representative of any deceased person (P.A. 1837-38, ch. 125, secs. 1, 2); to compel such accounting party, by subpoena, to come before him once every year for the purpose of settling his accounts (ibid., sec. 2); to present to the court, in writing, the names of those personal representatives and guardians who refuse to answer the subpoena, or who fail to settle and also the names of minors in the county, of his knowledge, whose guardians are in default, and the sureties of whose guardians are dead, removed out of the state or become insolvent (P.A. 1831, ch. 29); to examine such accounting party when it seems necessary, touching his receipts and disbursements (P.A. 1837-38, ch. 125, sec. 4); to continue the settlement from time to time on cause shown by affidavit (ibid., sec. 3); to charge such party with all such sums as he has received or might have received by due diligence, and credit him with such disbursements as he supports by lawful vouchers and with reasonable compensation for his services (ibid., sec. 4); to report said account to the next probate court for confirmation or rejection (ibid., sec. 1); to record the said settlement when it is adjusted by the court (ibid., sec. 5); to serve every party resident in his county who is interested in said account with notice of taking such account (P.A. 1851-52, ch. 215, sec. 2); to record all refunding bonds lodged with him by any personal representative, taken from distributees, and file and preserve the originals in his office (Acts of N. C., 1789, ch. 23, sec. 3); to perform all the duties required of him in the administration of insolvent estates of deceased persons (P.A. 1851-52, ch. 283); to enter in particular books every guardian's first account of his ward's estate, received into his hands and possession, and each annual account of proceeds and disbursements after dates exhibited by such guardians (Acts of N. C., 1762, ch. 5, sec. 9); to take the probate or acknowledgment of all deeds and other instruments that are entitled to registration by law, and certify the same for registration and demand and receive the state tax thereon (P.A. 1833, ch. 92); and to record in well-bound books all letters testamentary and of administration, all guardian appointments and all settlements made by him with guardian and personal representatives (P.A. 1837-38, ch. 125, sec. 7).

Probate or Monthly County Court - Minutes

(152-157)

As mentioned before, the county court clerk is subject to the provisions affecting clerks of all courts as may be reasonably applicable to his office. These provisions are listed in the chapter entitled Circuit Court Clerk. His duties as clerk of the quarterly court are discussed in the chapter entitled Quarterly County Court, and as a registration and revenue agent of the state in the chapter entitled County Court Clerk.

Minutes

152. (MINUTES OF THE PROBATE COURT), 1804--. In Minutes of Quarterly Court, entry 1.

Record of the proceedings of the probate court, including the appointment of administrators and guardians, insanity hearings and the dispatch of all other matters of probate within the jurisdiction of this court.

153. (INDEX TO MINUTES OF THE PROBATE COURT), 1804--. In Index to Quarterly Minutes, entry 2.

Index shows title of subject, record referred to, and book and page number of recording.

154. (ORIGINAL MINUTES OF THE PROBATE COURT), 1920--. In Minutes Quarterly Court, entry 3.

Original minutes of the probate court and a description of the proceedings thereof.

155. (ORIGINAL PAPERS), 1860--. In Original Papers, entry 4.

Original papers incident to the proceedings of the probate court, such as settlements of guardians and administrators, accounts of insolvent estates and inventories of estates.

156. (INDEX TO ORIGINAL PAPERS), 1804--. In Index to File Boxes, entry 5.

Index to original papers recorded in the minutes of probate proceedings, showing the title of the paper and the file box number in which deposited.

Court Records

Dockets

157. RULE DOCKET, OR TRIAL DOCKET, 1807--. 12 vols. Records missing 1821-26, 1847-95.

List of all civil cases, showing date filed, date of issuance of summons, name and title of officer serving process, names of attorneys and date of trial. Chron. arr. No index. Hdw. and typed. Aver. 200 pp. 15x9xl. 8 vols., 1807-46, records rm.; 4 vols., 1896--, co. ct. clk's. office.

Probate or Monthly County Court - Wills

(158-165)

158. EXECUTION DOCKET, 1810--. 4 vols. (labeling varies).

Records missing 1814-49.

Docket shows final disposition of civil cases, including all receipts and disbursements in connection therewith. Chron. arr. Alph. indexed by name of complainant. Hdw. and typed. Aver. 373 pp. 15x9 $\frac{1}{2}$ x1 $\frac{1}{2}$. 1 vol., 1810-13, records rm.; 3 vols., 1850--, co. ct. clk's. office.

159. JUDGMENT DOCKET (Execution Docket), 1923--. 1 vol.

Docket shows parties to suit, judgment, costs, amount, date of payment, return and receipts. Chron. arr. Alph. indexed by name of complainant. Hdw. 400 pp. 18x11x4. Co. ct. clk's. office.

Wills

160. WILLS, 1804--. 10 file boxes.

Original wills executed and filed with the county court clerk for probating, showing proof of the testator, name of deceased, date executed and provisions. Chron. arr. No index. Hdw. and typed. 5x11x13. Co. ct. clk's. office.

161. WILLS, 1883--. 3 vols. (1-3).

Exact copies of wills, showing names of deviser, devisee and dates of probation. Chron. arr. For index see entry 162. Hdw. and typed. Aver. 500 pp. 15 $\frac{1}{2}$ x11x2.

For prior records see entry 160.

162. INDEX TO WILLS, 1883--. 1 vol.

Index shows name of deceased and book and page number of recording. Alph. arr. by name of deceased. Hdw. and typed. 467 pp. 14x8 $\frac{1}{2}$ x2. Co. ct. clk's. office.

Inventories

163. INVENTORY, 1810--. 5 bundles, 1 file box. Records partially missing 1810-1923.

Lists of all property, personal and real, of estates of deceased persons, with description and location of each. Chron. arr. No index. Hdw. and typed. Bundles, 3 $\frac{1}{2}$ x8 $\frac{1}{2}$ x3; file box, 5x11x13. 1810-1934, 5 bundles, records rm.; 1928--, 1 file box, co. ct. clk's. office.

164. INVENTORIES, 1883--. 2 vols.

An itemized list of all property, personal and real, of estates of deceased persons, with description and location of each. Chron. arr. For index see entry 165. Hdw. and typed. Vols. aver. 500 pp. 15 $\frac{1}{2}$ x11x2. Co. ct. clk's. office.

For prior records see entry 163.

165. INDEX TO INVENTORIES, 1883--. 1 vol.

Index shows name of deceased and volume and page number of recording. Alph. arr. by name of deceased. This index serves entry 164. Hdw. and typed. 300 pp. 14x8 $\frac{1}{2}$ x2. Co. ct. clk's. office.

Estates

166. DIRECT INHERITANCE TAX RECORD (Inventory), 1895-1924.
2 vols. Discontinued.

Complete record of direct inheritance, showing name of deceased, date of death, valuation of estate from a detailed inventory made by executor of the amount of money in banks, merchandise stock, household goods, real estate, stocks and debts. Chron. arr. No index. Hdw. 300 pp. 17x15x3. Co. ct. clk's. office.

167. INSOLVENT ESTATES, 1853--. 4 vols. (no. varies). Records missing 1887-99.

Record of insolvency of estates of deceased persons, prepared by administrators thereof, and the order of county court clerk for outstanding claims against estates to be filed and notation made. Chron. arr. Alph. indexed within each vol. by name of deceased. Hdw. Aver. 200 pp. 17x15x3. 1 vol., 1853-86, records rm.; 3 vols., 1900--, co. ct. clk's. office.

168. CLAIMS FILED AGAINST ESTATES, 1921-29. 1 vol. Discontinued. Claims entered against estates of deceased persons, showing date of filing, nature of claim, amount, fees charged and clerk's approval for payment. Chron. arr. Alph. indexed by name of deceased. Hdw. 226 pp. 16x11x2. Co. ct. clk's. office.

Settlements

169. CLERK AND COMMISSIONER'S CASH BOOK, 1915--. 2 vols. Financial record of clerk acting as referee in settlement of estates, showing date issued, from whom received, on what account, style of case and amount. Alph. tab arr. by name of payee or payor and chron. thereunder. No index. Hdw. Aver. 300 pp. 17x15x3. Co. ct. clk's. office.

170. SETTLEMENTS (Guardians and Administrators), 1883--.
9 vols. (1-9).

Record in detail of the settlements of guardians and administrators, with names of parties concerned, amounts involved and the nature of all transactions. Chron. arr. For index see entry 171. Hdw. and typed. Aver. 520 pp. 15x11x2. Co. ct. clk's. office.

For prior records see entry 172.

171. INDEX TO SETTLEMENTS, 1883--. 1 vol.

An alphabetical index to guardian and administrator settlements, showing book and page number of recording. Alph. arr. by name of minor or deceased. Hdw. and typed. 400 pp. 12x9x3. Co. ct. clk's. office.

172. SETTLEMENTS (Original Papers), 1815--. 16 bundles, 10 file boxes. Records missing 1818-19, 1822, 1824, 1895-98, 1907.

Widows' allowances of estates and settlements with the court by executors, administrators, guardians and others. Chron. arr. No index. Hdw. and

Probate or Monthly County Court - Lunacy

(173-179)

typed. Bundles, $8\frac{1}{2} \times 3\frac{1}{2} \times 5$; file boxes, $5 \times 11 \times 13$. 16 bundles, 1815-1935, records rm.; 10 file boxes, 1909-- , co. ct. clk's. office.

173. GUARDIANS' BONDS, GUARDIANS' BONDS AND LETTERS, 1861--.
4 vols. (1-4).

Original bonds and letters testamentary of guardians, showing names and addresses of guardian and ward, amount of bond and surety and dates of transactions and final settlement. Chron. arr. Alph. indexed within each vol. by name of minor. Hdw. on ptd. form. Aver. 470 pp. $14 \times 8\frac{1}{2} \times 2$. 1 vol., 1861-76, records rm.; 3 vols., 1877-- , co. ct. clk's. office.

174. GUARDIAN MINUTE BOOK, 1874-1910. 1 vol. Discontinued.
Shows names of guardian and minor, date of execution of bond and final settlement. Chron. arr. Alph. indexed by name of guardian. Hdw. on ptd. form. 300 pp. $16 \times 10 \times 2$. Co. ct. clk's. office.

For subsequent records see entries 172, 173.

175. RECORDS, 1804-82. 27 vols. (2-28). Discontinued. Title
varies: Wills; Settlements; Bonds; Widow's Allowances;
Sales Records; Inventories.

Record of official business transacted by probate court, including taking of bonds, probate of wills, sales of estates, and administering of estates by administrators, executors and guardians. Chron. arr. For index see entry 176. Hdw. Aver. 622 pp. $15\frac{1}{2} \times 11 \times 2$. Co. ct. clk's. office.

176. INDEX TO RECORDS (Wills, Inventories, Settlements, Sales
Records, Widow's Allowances), 1804-82. 3 vols. Discontinued.

Shows name, book and page number of recording. Index serves entry 175. Alph. arr. by names and subjects. Hdw. Aver. 360 pp. $14 \times 9 \times 1\frac{1}{2}$. Co. ct. clk's. office.

177. SALES RECORD, 1884-- . 3 vols. (1-3).

Lists of articles belonging to the estates of deceased persons, showing date, name of purchaser, price of article, and signature of administrator and executor. Chron. arr. For index see entry 178. Hdw. and typed. Aver. 640 pp. $18 \times 12\frac{1}{2} \times 3$. Co. ct. clk's. office.

For prior records see entry 175.

178. INDEX TO SALES RECORDS, 1884-- . 1 vol.

Index shows names of parties involved and volume and page number of recording. Index serves entry 177. Alph. arr. by names of parties. Hdw. 467 pp. $14 \times 8\frac{1}{2} \times 2$. Co. ct. clk's. office.

Lunacy

179. INSANITY RECORD, 1919-- . 1 vol.

Record of proceedings of the court in insanity cases, showing name and age of patients, physician's affidavit and final disposition of the case. Chron. arr. Alph. indexed by name of patient. Hdw. and typed. 335 pp. $16\frac{1}{2} \times 10\frac{1}{2} \times 1$. Co. ct. clk's. office.

For prior records see entry 180.

Probate or Monthly County Court - Real Estate

(180-185)

180. LUNACY PAPERS, 1909--. 1 file box.

A record of lunacy cases and commitment papers for same, showing name of patient, date of initial action, result of examination and name of physician. Chron. arr. No index. Hdw. and typed. 5x11x13. Co. ct. clk's. office.

Real Estate (See also entries 60-69)

181. PROBATE OF DEEDS, 1917--. 7 vols. (no. varies). Records missing 1919-21.

Record of real estate transfers, showing amount of sale, date of transaction, names of parties to transfer, description of property by metes and bounds and date recorded. Chron. arr. No index. Hdw. Aver. 200 pp. 12x8x1 $\frac{1}{2}$. 3 vols., 1917-26, records rm.; 4 vols., 1927--, co. ct. clk's. office.

For prior records see entry 182.

182. CONVEYANCES, 1845-1907. 5 vols. Records missing 1850-69, 1908-16.

Clerk's record of state probate fees collected on transfers of property, showing names of interested parties, date, description of property, value and amount of fee or tax. Chron. arr. No index. Hdw. Aver. 308 pp. 12x7 $\frac{1}{2}$ x1. Records rm.

For subsequent records see entry 181.

Enrollments

183. ENROLLED CASES (Enrollment Dockets), 1867-96. 6 vols. (1-6). Discontinued.

Copies of original trial papers incident to sale of property, showing names of plaintiff and defendant, style of case, date filed, amount involved and signatures of sheriff and clerk. Chron. arr. For index see entry 184. Hdw. Aver. 590 pp. 18 $\frac{1}{2}$ x10x2. Co. ct. clk's. office.

184. INDEX TO ENROLLMENT DOCKETS OR ENROLLED CASES, 1867-96. 1 vol. Discontinued.

Shows names of parties involved, case number and book and page number of recording. Index serves entry 183. Alph. arr., direct and reverse. Hdw. 200 pp. 16x9x2. Co. ct. clk's. office.

185. SUITS, 1804--. 20 bundles. Records missing 1834, 1837-38, 1842-47, 1851-52, 1854-55, 1858, 1861-64, 1870, 1877, 1888, 1890, 1892-97, 1906-29.

Trial papers for both civil and criminal cases prior to 1860. Subsequent to 1860 papers are those incident to such civil suits as land sales and division of property. Chron. arr. No index. Hdw. and typed. 6x3x5. Records rm.

Juvenile Court

(186-187)

Bonds (See also entry 173)

186. ADMINISTRATORS' BONDS, 1831--. 6 vols.

Original bonds of administrators for persons dying intestate, showing name of administrator, name of deceased, date, amount of bond and surety. Chron. arr. Alph. indexed within each vol. by name of administrator. Hdw. Aver. 200 pp. 14x9x2. 3 vols., 1831-1900, records rm.; 3 vols., 1901--, co. ct. clk's. office.

For prior records see entry 175.

187. EXECUTORS' BONDS, 1861--. 2 vols.

Original bonds of executors, showing name of person giving bond, surety, amount, date and name of deceased. Chron. arr. Alph. indexed within each vol. by name of executor. Hdw. Aver. 500 pp. 16x12x2. 1 vol., 1861-1906, records rm.; 1 vol., 1907--, co. ct. clk's. office.

For prior records see entry 175.

VIII. JUVENILE COURT

Although there had been prior legislation establishing juvenile courts in some counties of the state, the general law of 1911 was the first under which Rutherford County was able to qualify (P.A. 1911, ch. 58). Immediately upon enactment of the 1911 legislation, Rutherford established a juvenile court.

The 1911 law defines juveniles as persons of sixteen years or under and is designed to regulate and control the treatment, care, disposal, education, support and punishment of dependent, neglected, abandoned, homeless, underprivileged, misguided, misdirected, delinquent and incorrigible juveniles (ibid., sec. 1).

The act vests the county judge or chairman of the county court with original and exclusive jurisdiction in all juvenile cases, and in himself, under normal circumstances, constitutes the juvenile court (ibid., sec. 2); a jury may be impaneled on demand of any interested person (ibid.). The judge or chairman is required to open the court at all reasonable times. The county court clerk is ex-officio clerk of the court and under the act is required to keep a "juvenile docket" and a "juvenile record" (ibid., sec. 3).

A juvenile coming within the provisions of the act may be brought into court by a summons served upon parent, guardian or other responsible adult, usually after an affidavit has been sworn to by some interested person (ibid., secs. 4, 5). A juvenile thus detained can not be placed in contact with adult prisoners and may be given privilege of bail (ibid., sec. 5). The county judge or chairman is empowered to appoint probation officers and a salaried chief probation officer. It is the duty of the probation officer to bring the juvenile to court and there represent his or her interests, to make investigations and otherwise be of assistance to the court in determining the

Juvenile Court

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facts and making proper disposal (ibid., sec. 6).

The court is directed to commit to some suitable state institution, to some reputable citizen or to some bona fide association any child found to be dependent or neglected (ibid., sec. 7). Circumstances are supposed to determine the degree of severity with which a juvenile is dealt. The child may be allowed to remain at home and required to report to a probation officer, or be placed in a home, subject to visits by the officer, or, in an extreme case, placed in a suitable state, county or municipal institution for delinquent children (ibid., sec. 9). Any child determined guilty of committing a felony or misdemeanor and who gives no indication of reformation may be turned over to the proper courts for prosecution. Probable guilt of first or second degree murder or of rape immediately places the child under jurisdiction of the other courts and subject to the ordinary processes of law (ibid., sec. 9).

The act denies justices or police judges any jurisdiction whatever over juveniles, even to committing them to jail or a lock-up for a short time, except as modified by private statutes (ibid., secs. 10, 11). Probable guilt of parents, guardians or other legally responsible adults in contributing to neglect or dependency of a child without good cause is triable in circuit or criminal court (ibid., secs. 15, 16). The legislature specifically directed that the act be liberally construed (ibid., sec. 17).

A public act of 1917 ordered all juvenile delinquents convicted of offenses that are normally punishable by confinement in the penitentiary to be committed to the Tennessee Reform School for Boys, the name of which was changed to the State Training and Agricultural School, or to the Tennessee Vocational Reformatory for Girls, such commitment to be endorsed by the judge of the court hearing the case (P.A. 1917, ch. 41, secs. 1, 2; ibid., ch. 97, secs. 1, 2, 4).

In Rutherford, as in many counties, private enactments have altered the administering of juvenile justice. A private act of 1925 made certain exceptions to the act of 1911 applicable to Rutherford County (ibid., sec. 18; Pr.A. 1925, ch. 591, sec. 1). By this amendment the city recorder of the City of Murfreesboro, the Rutherford County seat, was made judge of the juvenile court of the county (Pr.A. 1925, ch. 591, sec. 1). The act was repealed in 1929 (Pr.A. 1929, ch. 102, sec. 1) and juvenile jurisdiction automatically reverted to the chairman of the county court.

When, in 1931, the chairman of the county court of Rutherford County was replaced by a county judge, the judge was specifically vested with all powers in juvenile cases previously conferred on county judges and chairmen of county courts under the general law (Pr.A. 1931, ch. 353, sec. 6a).

Jury Commission

(188-190)

188. JUVENILE RECORD (Minutes), 1932--. 1 vol.

Complete record of proceedings in juvenile cases, showing style of case, offense, name of delinquent, age, sex, date, case number, judge's orders and final disposition. Chron. arr. Alph. indexed, direct and reverse. Hdw. 250 pp. 16 $\frac{1}{2}$ x10x1. Co. j's. office.

For prior records see entries 189, 190.

189. TRIAL DOCKET, JUVENILE COURT, 1919-31. 1 vol.

Docket shows case number, date, attorney, name of minor, custodian of minor, date of hearing and judge's orders. Chron. arr. and num. thereunder by case no. No index. Hdw. 210 pp. 15 $\frac{1}{2}$ x10x1. Co. j's. office.

For subsequent records see entry 188.

190. JUVENILE COURT, 1910--. 2 file boxes.

Petitions to court charging children with delinquency, showing oath given, name of delinquent, names of petitioners and date of hearing. Chron. arr. No index. Hdw. 5x11x13. Co. ct. clk's. office.

IX. JURY COMMISSION

The Rutherford County jury commission was created in 1909 (P.A. 1909, ch. 334). Prior to then names were placed on the jury lists by the members of the quarterly county court.

The commission consists of three freeholders and householders appointed by the circuit court judge for terms of one year (ibid., sec. 1). Not more than two members may be of the same political party and none may be practicing attorneys or be interested in any case in court (ibid.). They are compensated on a per diem basis (ibid., sec. 15). The circuit court clerk, or the deputy clerk, serves as clerk of the commission (ibid., sec. 3).

Meeting in closed session, the commission makes a jury list biennially from tax books and similar sources (ibid., sec. 4). The clerk is required to record the jury lists in a permanent record book and to place each name on a separate slip of paper and deposit in the jury box for drawings for petit and grand juries (ibid.). Names are drawn from ten to fifteen days before the term of court and the list delivered to the presiding judge and to the clerk of the court. The latter is then required to issue to the sheriff a writ of venire facias, commanding him to summons for jury service the persons whose names are listed in the report (ibid., sec. 5). If the panel is exhausted before juries are made up, the presiding judge may order the commission or its clerk to open the box in open court and draw the sufficient number of names to complete the impaneling of the juries (ibid.), or the judge may order the box opened before the convening of court if he believes the list will be exhausted (ibid., sec. 7).

Justice of the Peace

(191)

191. JURY LISTS, 1909--. 2 vols.

Names of persons selected as being eligible for jury service. Prior to 1909 names were selected by justices of the peace and since then by board of jury commissioners. Lists show jury and district number, regular and special terms served and remarks. Alph. arr. by name of juror. No index. Hdw. Aver. 300 pp. 16x10x1. Cir. ct. clk's. office.

For prior records see entry 112.

X. JUSTICE OF THE PEACE

The office of justice of the peace is of ancient origin; the justice, squire or magistrate was a familiar figure in England and in colonial North Carolina (John A. Fairlie, Local Government in Counties, Towns and Villages, New York, 1906, 30). Tennessee's first constitution, the one of 1796, directed that justices of the peace be elected by the legislature and commissioned by the governor, as had been the practice in North Carolina (Philip Hamer, ed., Tennessee - A History, 1673-1932, I, New York, 1933, 176; Const. of 1796, art. 5, sec. 12).

The Constitution of 1796 provided that there be appointed from each captain's company's district two justices of the peace and three from the district including the county seat, all of the justices to be designated by the legislature (Const. of 1796, art. 5, sec. 12). The Constitution of 1834 abolished the captain's company district system in Tennessee and divided counties into civil districts and made justices elective by popular vote (Hamer, op. cit., 320; Frank W. Prescott, "Government and Finances of Hamilton County, Tennessee," in University of Chattanooga Social Science Studies, I, No. 1, July 1934, 10). The Constitution of 1870 limited the number of civil districts within a county to twenty-five, and directed that two justices be elected by the voters of their respective civil districts, with the district containing the county seat entitled to one additional justice (Const. of 1870, art. 5, sec. 15). A justice holds office for six years and his jurisdiction is countywide (ibid.). For his services as a minor judicial officer, he receives a great variety of fees (P.A. 1817, ch. 86; 1857-58, ch. 56; 1925, ch. 103; 1831, ch. 4). Rutherford County is divided into twenty-five civil districts, the constitutional maximum, and has fifty-three justices of the peace.

Severally, the justices comprise the quarterly county court, but this fact has no relation to their duties as minor judges.

Justices are authorized and empowered: to examine all persons arrested for crime (Acts of N. C., 1715, ch. 16, sec. 1); to issue warrants for prisoners escaped from jail (Acts of N. C., 1777, ch. 8, sec. 9); to summons a jury of inquest in cases of death by accident (P.A. 1825, ch. 36, sec. 4); to bind defendants over to court if guilty (P.A. 1817, ch. 100, sec. 1); to take bail in bailable offenses (P.A.

Justice of the Peace

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1831, ch. 4); and to hear causes that may be pending by appeal or otherwise (not exceeding \$50) and determine such causes upon the principles of equity, and render judgment in the same manner as courts of chancery (P.A. 1817, ch. 86, sec. 1; 1857-58, ch. 56, sec. 3).

Among the chief duties of the justice of the peace relative to the keeping of records are the following: to keep a judgment and execution docket (P.A. 1835-36, ch. 17, sec. 7); to preserve all papers in an orderly file (P.A. 1805, ch. 66, sec. 1); to transmit to the circuit court clerk all papers of a case in which an appeal has been taken (P.A. 1809, ch. 63, sec. 2; 1889, ch. 251); to return to the county court clerk within thirty days all marriage licenses under which he has solemnized matrimonial rites (P.A. 1815, ch. 47, sec. 1; 1879, ch. 98, sec. 2; 1889, ch. 134, sec. 2; 1915, ch. 109); to make a report of all revenue received, be it state, county or municipal, at the January term of the quarterly county court, such report to be entered on the minutes and a copy sent to the trustee (P.A. 1851-52, ch. 159, sec. 2); at the January term to show a transcript of his docket (P.A. 1849-50, ch. 247, sec. 4); to keep safely any statutes or public documents officially received by him, under penalty of fine (P.A. 1837-38, ch. 149, sec. 1); and to deliver official books to his successor when vacating office (P.A. 1835-36, ch. 17, secs. 14, 15).

The records entitled civil cases, civil dockets, state cases, civil warrants and state warrants for justices of the peace of Rutherford County show the same information in every case. The following is a description of contents that is valid for all civil cases and civil dockets: names of parties to suit, date of trial, amount of judgment, stayer, if any; return of officer, witnesses claiming fees, witness receipts and itemization of all costs.

Record of state cases shows names of plaintiff and defendant, date of trial, judgment of the court, return of officer, witnesses claiming fees, costs, including arrest; affidavit, warrant, judgment, docketing, mittimus, bond, subpoenas, witnesses, continuances and officer's return.

Civil warrants are warrants for action involving sums under \$500, such as execution warrants, detainers, garnishments and replevins, showing names of plaintiff and defendant, date, justice of the peace, serving officer and itemization of costs.

State warrants for criminal action show date issued, name of justice of the peace, offense charged, defendant's name, bill of costs, including affidavit; warrant, docketing, judgment, transportation, fine, arrest, turnkey fees and witness fees.

All dockets are chronologically arranged. Civil cases and civil dockets are alphabetically indexed within each volume by name of plaintiff and state cases are alphabetically indexed by name of defendant.

Justice of the Peace - Civil Cases

(192-204)

The civil papers and criminal warrants are arranged chronologically and are not indexed. All volumes are handwritten. Unless otherwise noted, each volume contains 120 pages and measures $16 \times 10\frac{1}{2} \times 1\frac{1}{2}$.

Civil Cases

Murfreesboro

192. CIVIL CASES (Cloe Bond), 1936--. 1 vol.
Home of Cloe Bond, RFD #2, Murfreesboro, Tennessee.

193. CIVIL CASES (L. T. Brown), 1936--. 1 vol. (cases no. 1-50).
Harrison Building, West Main Street, Murfreesboro, Tennessee.

194. CIVIL CASES (A. L. Carnahan), 1936--. 1 vol. (no. by cases).
313 West Main St., Murfreesboro, Tennessee.

195. CIVIL CASES (M. M. Henry), 1863-82. 1 vol.
Records rm.

196. CIVIL CASES (W. J. Overall), 1882-96. 1 vol.
Home A. A. Toblet, RFD #6, Murfreesboro, Tennessee.

197. CIVIL CASES (J. E. Stockard), 1920--. 6 vols.
Barton Block Building, Murfreesboro, Tennessee.

198. CIVIL CASES (Sam E. Vaughn), 1936--. 1 vol. (cases no. 1-74).
307 West Main St., Murfreesboro, Tennessee.

Eagleville

199. CIVIL CASES (A. W. Bailey, A. P. Elmore, J. B. Taylor),
1898--. 2 vols. (no. by cases).
Store J. B. Taylor, Eagleville, Tennessee.

200. CIVIL CASES (G. W. Burns), 1931--. 1 vol. (dated).
150 pp. Home G. W. Burns, Eagleville, Tennessee.

201. CIVIL CASES (A. P. Elmore), 1929--. 1 vol. (cases no. 1-30)
Home A. P. Elmore, Eagleville, Tennessee.

202. CIVIL CASES (J. R. Jackson), 1914--. 1 vol.
Home J. R. Jackson, Eagleville, Tennessee.

203. CIVIL CASES (J. W. Nance, F. M. Carlton), 1888-1901. 1 vol.
Home G. W. Burns, Eagleville, Tennessee.

204. CIVIL CASES (J. T. Wilson, J. P. Leather), 1902-14.
1 vol. (no. by cases).
Home G. W. Burns, Eagleville, Tennessee.

Justice of the Peace - Civil Dockets

(205-214)

205. CIVIL CASES (T. R. Witus, J. T. Wilson), 1915-30. 1 vol.
(no. by cases).

Home G. W. Burns, Eagleville, Tennessee.

Smyrna

206. CIVIL CASES (W. D. Carter), 1932--. 1 vol.

Home W. D. Carter, RFD #2, Smyrna, Tennessee.

207. CIVIL CASES (Knox Ridley), 1925-32. 1 vol.

Home W. D. Carter, RFD #2, Smyrna, Tennessee.

Christiana

208. CIVIL CASES (J. D. Sims, J. W. Anderson, H. A. Parson),
1913--. 1 vol.

Home J. D. Sims, Christiana, Tennessee.

209. CIVIL CASES (J. H. P. Smith, J. G. Miller, W. J. Miller),
1915--. 1 vol.

Home W. J. Miller, Christiana, Tennessee.

Rockvale

210. CIVIL CASES (B. B. Taylor), 1918--. 2 vols. (no. varies).

Home B. B. Taylor, Rockvale, Tennessee.

211. CIVIL CASES (Kimbrow Witherspoon), 1889-1917. 1 vol.

Home B. B. Taylor, Rockvale, Tennessee.

Milton

212. CIVIL CASES (C. M. Sneed), 1918--. 1 vol.

Home C. M. Sneed, Milton, Tennessee.

Lascassas

213. CIVIL CASES (Alex Bell), 1932--. 1 vol.

Home Alex Bell, Lascassas, Tennessee.

Civil Dockets

Murfreesboro

214. CIVIL DOCKET (G. F. Cranor), 1932--. 1 vol.

Office L. T. Brown, Harrison Building, West Main Street, Murfreesboro,

Justice of the Peace - Civil Papers

(215-223)

Tennessee.

215. CIVIL DOCKET (Watt Hicks), 1907--. 12 vols.
Office Sam E. Vaughn, 307 West Main St., Murfreesboro, Tennessee.

Civil Papers
(See also entry 264)

Murfreesboro

216. CIVIL WARRANTS (L. T. Brown), 1936--. 1 bundle.
8x3 $\frac{1}{2}$ x2. Harrison Bldg., West Main St., Murfreesboro, Tennessee.

217. CIVIL WARRANTS (A. L. Carnahan), 1936--. 1 bundle.
8x3 $\frac{1}{2}$ x $\frac{1}{4}$. Office A. L. Carnahan, 313 West Main St., Murfreesboro, Tennessee.

218. CIVIL WARRANTS (J. E. Stockard), 1934--. 4 bundles.
8x3 $\frac{1}{2}$ x1. Barton Block Bldg., Murfreesboro, Tennessee.

219. CIVIL WARRANTS (Sam E. Vaughn), 1936--. 1 bundle.
8x3 $\frac{1}{2}$ x2. Office Sam E. Vaughn, 307 West Main St., Murfreesboro, Tennessee.

Eagleville

220. CIVIL WARRANTS (J. B. Taylor), 1925--. 1 bundle.
8x3 $\frac{1}{2}$ x3. Store J. B. Taylor, Eagleville, Tennessee.

Smyrna

221. CIVIL WARRANTS (W. D. Carter), 1934--. 4 bundles.
8x3 $\frac{1}{2}$ x $\frac{1}{2}$. Home W. D. Carter, RFD #2, Smyrna, Tennessee.

Milton

222. CIVIL WARRANTS (C. M. Sneed), 1918--. 1 bundle.
8x3 $\frac{1}{2}$ x1 $\frac{1}{2}$. Home C. M. Sneed, Milton, Tennessee.

Lascassas

223. CIVIL WARRANTS (Alex Bell), 1931--. 4 bundles.
8x3 $\frac{1}{2}$ x $\frac{1}{2}$. Home Alex Bell, Lascassas, Tennessee.

Justice of the Peace - State Cases

(224-236)

State Cases

Murfreesboro

224. STATE CASES (T. M. Baker), 1916-23. 1 vol.
400 pp. 12x8x2. Records rm.
225. STATE CASES (Cloe Bond), 1936--. 1 vol.
Home Cloe Bond, RFD #2, Murfreesboro, Tennessee.
226. STATE CASES (L. T. Brown), 1936--. 1 vol. (cases no. 1-348).
Harrison Bldg., West Main St., Murfreesboro, Tennessee.
227. STATE CASES (A. L. Carnahan), 1936--. 1 vol. (cases no. 1-211).
20x14x1½. Office A. L. Carnahan, 313 West Main St., Murfreesboro, Tennessee.
228. STATE CASES (G. F. Cranor), 1932--. 1 vol.
20x14x1½. Office L. T. Brown, Harrison Bldg., West Main St., Murfreesboro, Tennessee.
229. STATE CASES (C. N. Haynes), 1919-27. 1 vol.
20x14x1½. Office L. T. Brown, Harrison Bldg., West Main St., Murfreesboro, Tennessee.
230. STATE CASES (Watt Hicks), 1933-35. 6 vols.
20x14x1½. Co. j's. office.
231. STATE CASES (T. M. King), 1903-6. 1 vol. (cases no. 1-584)
99 pp. 11½x7½x1. Records rm.
232. STATE CASES (W. J. Overall), 1882-92. 1 vol.
Home A. A. Toblet, RFD #6, Murfreesboro, Tennessee.
233. STATE CASES (J. E. Stockard), 1920--. 4 vols.
Barton Block Bldg., Murfreesboro, Tennessee.
234. STATE CASES (Sam E. Vaughn), 1936--. 1 vol. (cases no. 1-618).
20x14x1½. Office Sam E. Vaughn, 307 West Main St., Murfreesboro, Tennessee.

Eagleville

235. STATE CASES (W. A. Bailey, A. P. Elmore), 1898-1911. 1 vol.
20x14x1½. Store J. B. Taylor, Eagleville, Tennessee.
236. STATE CASES (G. W. Burns), 1930--. 1 vol. (dated).
150 pp. 18x13x2. Home G. W. Burns, Eagleville, Tennessee.

Justice of the Peace - Smyrna

(237-248)

237. STATE CASES (F. M. Carlton, J. W. Nance), 1889-1901.
1 vol.
Home G. W. Burns, Eagleville, Tennessee.
238. STATE CASES (A. P. Elmore), 1929--. 1 vol. (cases no.
1-42).
20x14x1 $\frac{1}{2}$. Home A. P. Elmore, Eagleville, Tennessee.
239. STATE CASES (J. R. Jackson), 1914--. 1 vol.
Home J. R. Jackson, Eagleville, Tennessee.
240. STATE CASES (J. B. Leather, J. T. Wilson), 1902-14. 1 vol.
Home G. W. Burns, Eagleville, Tennessee.
241. STATE CASES (J. B. Taylor), 1912--. 1 vol.
20x14x1 $\frac{1}{2}$. Store J. B. Taylor, Eagleville, Tennessee.
242. STATE CASES (J. R. Witus, J. T. Wilson), 1915-29. 1 vol.
Home G. W. Burns, Eagleville, Tennessee.

Smyrna

243. STATE CASES (W. D. Carter), 1932--. 1 vol.
Home W. D. Carter, RFD #2, Smyrna, Tennessee.
244. STATE CASES (Knox Ridley), 1925-32. 1 vol.
Home W. D. Carter, RFD #2, Smyrna, Tennessee.

Rockvale

245. STATE CASES (B. B. Taylor), 1918--. 2 vols.
Home B. B. Taylor, Rockvale, Tennessee.
246. STATE CASES (Kimbrow Witherspoon), 1889-1917. 1 vol.
Home B. B. Taylor, Rockvale, Tennessee.

Milton

247. STATE CASES (C. M. Sneed), 1918--. 1 vol.
Home C. M. Sneed, Milton, Tennessee.

Lascassas

248. STATE CASES (Alex Bell), 1932--. 3 vols.
20x10 $\frac{1}{2}$ x1 $\frac{1}{2}$. Home Alex Bell, Lascassas, Tennessee.

State Warrants

Murfreesboro

249. STATE WARRANTS (L. T. Brown), 1936--. 2 bundles.
8x3 $\frac{1}{2}$ x4. Harrison Bldg., West Main St., Murfreesboro, Tennessee.

250. STATE WARRANTS (A. L. Carnahan), 1936--. 2 bundles.
8x3 $\frac{1}{2}$ x $\frac{1}{2}$. Office A. L. Carnahan, 313 West Main St., Murfreesboro, Tennessee.

251. STATE WARRANTS (J. E. Stockard), 1934--. 12 bundles.
8x3 $\frac{1}{2}$ x1. Barton Block Bldg., Murfreesboro, Tennessee.

252. STATE WARRANTS (Sam E. Vaughn), 1936--. 5 bundles.
8x3 $\frac{1}{2}$ x3 $\frac{1}{2}$. Office Sam E. Vaughn, 307 West Main St., Murfreesboro, Tennessee.

Eagleville

253. STATE WARRANTS (J. B. Taylor), 1932--. 1 bundle.
8x3 $\frac{1}{2}$ x3. Store J. B. Taylor, Eagleville, Tennessee.

Smyrna

254. STATE WARRANTS (W. D. Carter), 1935--. 1 bundle.
8x3 $\frac{1}{2}$ x $\frac{1}{2}$. Home W. D. Carter, RFD #2, Smyrna, Tennessee.

Milton

255. STATE WARRANTS (C. M. Sneed), 1918--. 1 bundle.
8x3 $\frac{1}{2}$ x1 $\frac{1}{2}$. Home C. M. Sneed, Milton, Tennessee.

Lascassas

256. STATE WARRANTS (Alex Bell), 1933--. 4 bundles.
8x3 $\frac{1}{2}$ x $\frac{1}{2}$. Home Alex Bell, Lascassas, Tennessee.

State and Civil Cases

Milton

257. STATE AND CIVIL CASES (H. M. Jennings, E. A. Mathers, G. W. Okley, W. B. Byrn), 1901--. 1 vol.
150 pp. 18x12x2. Home H. M. Jennings, Milton, Tennessee.

Justice of the Peace - Miscellaneous

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258. STATE AND CIVIL CASES (J. E. McDonald, W. B. Byrn, J. H. Cook, Sam Vaughn, W. M. Byrn, E. A. Mathers, C. E. Robinson), 1871--. 1 vol.
150 pp. 18x12x2. Home J. E. McDonald, Milton Pike, between Lascassas and Milton, Tennessee.

Christiana

259. STATE AND CIVIL CASES (Quinton Summers), 1928--. 1 vol.
Home Quinton Summers, Christiana, Tennessee.

Readyville

260. STATE AND CIVIL CASES (F. L. Tolbert, Luther Hayes, J. L. Burks), 1908--. 1 vol.
Home F. L. Tolbert, Readyville, Tennessee.

LaVergne

261. STATE AND CIVIL CASES (E. W. Waldron), 1913--. 1 vol.
Home E. W. Waldron, LaVergne, Tennessee.

Eagleville

262. CIVIL AND CRIMINAL CASES (J. S. Edwards and W. A. Bailey), 1870-97. 1 vol.
150 pp. 18x13x2. Store J. B. Taylor, Eagleville, Tennessee.

Miscellaneous

263. LEDGER (A. L. Carnahan), 1936--. 1 vol.
Shows date, name, charge and amount of fine paid. Chron. arr. No index. Hdw. 100 pp. 6x4x $\frac{1}{2}$. Office A. L. Carnahan, West Main St., Murfreesboro, Tennessee.

264. MAGISTRATES WARRANTS, CIVIL, 1861-1905. 37 bundles.
Warrants filed by various magistrates upon retirement, showing names of parties to suit, date of trial, amount of judgment, stayer, if any; return of officer, witnesses claiming fees, witness receipts and costs in full itemized. Alph. arr. by name of magistrate. No index. Hdw. 8x3 $\frac{1}{2}$ x6. Harrison Bldg., West Main St., Murfreesboro, Tennessee.

265. RECEIPT BOOK (Fines and Payments) (A. L. Carnahan), 1936--. 1 vol.
Record of fines which could not be paid at time of trial and defendant was allowed by the magistrate to pay by the week, showing date, from

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whom received, account applied to, amount paid and balance due.
Chron. arr. No index. Hdw. 100 pp. 12x8x1. Office A. L. Carnahan,
West Main St., Murfreesboro, Tennessee.

XI. SHERIFF

The ten or twelve hundred years old office of sheriff had its roots in Saxon England (Frederic A. Ogg, European Governments and Politics, New York, 1934, 20, 21; Frederick C. Dietz, Political and Social History of England, New York, 1932, 27). Known first as the shire-reeve, the sheriff, originally a locally elected official, became, notably after the Norman Conquest, a royally appointed agent who collected the king's revenues, made arrests in the king's name and maintained the king's peace and order (*ibid.*). Perhaps the most important local officer in England after the conquest, he, as the king's all powerful agent, was a decisive factor in cementing the power and prestige of the crown (*ibid.*), and William made him president of the county or shire court (Dietz, *op. cit.*, 38). Although there has been a tremendous decline in the importance of the office, even in recent years, the sheriff is still charged with maintaining peace and order in the name of the state. Prior to the first Constitution of 1796, the sheriff functioned under authority of North Carolina. The sheriff in Tennessee is a constitutional officer (Const. of 1796, art. 6, sec. 1), and is elected by popular vote for a period of two years (*ibid.*, sec. 1).

Following are the most important provisions concerning the records of this office: the sheriff is paid by voucher for interstate travel (P.A. 1901, ch. 96, sec. 1; 1905, ch. 447); accounts for boarding of prisoners charged with state crimes are sworn to and submitted to the comptroller of the state for payment (P.A. 1887, ch. 242, sec. 1); accounts for board of county prisoners are submitted to county judge monthly for payment (P.A. 1870-71, ch. 7, secs. 1, 3); bond of sheriff is filed with county court clerk and spread on the minutes of the quarterly court (P.A. 1839-40, ch. 63, sec. 5); the sheriff delivers to his successor all books, papers and attached property and takes a receipt for same (Code of Tennessee, 1932, sec. 705); the sheriff is custodian of the county jail and all prisoners confined therein (P.A. 1897, ch. 66); the mittimus or process by which any prisoner is committed or discharged is filed by the sheriff or jailer (Code of Tennessee, 1932, sec. 11985).

Docket

266. JAIL REGISTER, (Jail Docket), 1902--. 8 vols. Records missing 1905-20, 1931-32.

Docket shows name and description of prisoner, offense charged, name of prosecutor, process of commitment and date and process of discharge. Chron. arr. No index. Hdw. Aver. 300 pp. 16x12x2½. 1 vol., 1902-4, records rm.; 7 vols., 1921--, co. jail, sheriff's office.

Coroner

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Record of Prisoners

267. LEDGER, (City and Federal Prisoners), 1929--. 2 vols. Record of city and Federal prisoners committed to jail, showing name and physical description of prisoner, date and process of commitment, disposition of prisoner and date. Chron. arr. No index. Hdw. Aver. 200 pp. 14x8 $\frac{1}{2}$ x1. Co. jail, sheriff's office.

268. JAIL MITTIMUS, 1932--. 1 bag, 1 bundle. Commitments to jail, showing name of person committed, offense charged, name of prosecutor, amount of bail, date and signature of justice of the peace or clerk of the circuit court. Chron. arr. No index. Hdw. Bag, 24x12x12; bundle, 8x3x4. Co. jail, sheriff's office.

269. FEDERAL COMMITMENTS, 1932--. 2 bundles. Shows Federal district number, name of prisoner, offense, length of sentence, names of judge, clerk and deputy clerk. Chron. arr. No index. Typed. 9x4x8. Co. jail, sheriff's office.

XIII. CORONER

The coroner is a constitutional officer (Const. of 1796, art. 6, sec. 1), and may be traced back to the ancient royal agent, "the crowner," whose chief duty consisted of keeping the pleas of the king's court (English Statutes, 1149) and maintaining the rights of the property of the crown (Oxford English Dictionary).

The office existed under the North Carolina and territorial law, and was incorporated in the first Tennessee Constitution (Const. of 1796, art. 6, sec. 1).

The chief function of the coroner is to conduct inquests into unexplained deaths and determine the cause thereof. In the absence, imprisonment, incompetence or death of the sheriff, he assumes the duties of the sheriff (Acts of N. C., 1779, Oct. ses., ch. 5, sec. 2), and for that reason the office is eagerly sought. He is elected by the quarterly county court for a term of two years (Const. of 1870, art. 7, sec. 1; P.A. 1845-46, ch. 88). For each inquest he may demand a fee of \$5.00 (Code of Tennessee, 1932, secs. 10711, 10712).

XIII. CONSTABLE

The ancient office of constable is firmly embedded in the constitution and the statutes. Established in England for centuries, the constable was provided for in colonial enactments (Acts of N. C., 1741, ch. 5, sec. 6). North Carolina law declared him a conservator of the peace and conferred upon him the broad powers held by the constable under the common law (ibid., sec. 3). He was, at the same time, hold accountable for failure to serve process if directed by a justice of the peace

Tax Assessor

(Next entry 270, p. 87)

(ibid., sec. 8).

In Tennessee counties, there is one constable from each civil district, except the district containing the county seat, which elects two (Const. of 1870, art. 6, sec. 15; P.A. 1851-52, ch. 139, sec. 1). Rutherford County, with twenty-five civil districts, may elect twenty-six such conservators of the peace. The constable is elected by the voters of his district for a term of two years (ibid.).

Upon entering office, he is required to make bond to the state to insure faithful discharge of duties and prompt payment to proper sources of money collected by him (Acts of N. C., 1786, ch. 14, sec. 8; P.A. 1824, ch. 10, sec. 1; 1837-38, ch. 152; 1839-40, ch. 63, sec. 2). He is required to take oath to keep the peace of the state to the best of his power; that he will arrest all such persons as go in his sight armed offensively or who commit any riot, affray, or other breach of peace; that he will use his best endeavor, on complaint made, to apprehend all felons, rioters, or persons riotously assembled; and, if such persons flee or make resistance, he will pursue, and make hue and cry, according to law; that he will faithfully, and without delay, execute and return all lawful process to him directed; and that he will well and truly, according to his power and ability, do and execute all other duties of his office (Acts of N. C., 1741, ch. 5, sec. 2).

The constable may in absence or incompetence of the sheriff or the coroner, execute process of any court (P.A. 1807, ch. 104, sec. 13). When appointed to wait upon the grand jury, the constable may execute and return all processes for enforcing attendance of witnesses (P.A. 1857-58, ch. 29). He may be required to collect delinquent taxes, if directed, or make due returns (P.A. 1885, ch. 120, sec. 4). He may execute writs of replevin, in the manner the sheriff is required to do (P.A. 1851-52, ch. 32, sec. 3), and execute writs of habeas corpus (Code of Tennessee, 1932, sec. 9681).

For services performed the constable receives fees set forth by law (Shannon's Code of Tennessee, 1896, sec. 6409; Code of Tennessee, 1932, sec. 10707). These services include serving process, levying attachments, collecting money, summoning witnesses and many others (ibid.). His fees may vary, theoretically, from five cents for mileage for guards conveying prisoners to \$30.00 for hanging a condemned criminal (ibid.). He is not required to keep any records.

XIV. TAX ASSESSOR

The office of county tax assessor, as known today, is the result of a long historical development. Under North Carolina, territorial and early Tennessee laws, a justice for each captain's district received once a year from each resident of his district a statement of the resident's taxable property and turned it over to the quarterly county court for recording (Scott's Laws of Tenn. and N. C., 1794, ch. 1).

Tax Assessor

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The Constitution of 1834 divided each county into civil districts instead of into captain's districts (Const. of 1834, art. 6, sec. 15), and in 1836 the legislature authorized the quarterly court to appoint as a revenue commissioner one justice or other person for each district (P.A. 1836, ch. 14), whose duty it was to make annually a list of taxable property and polls (*ibid.*, sec. 1). The commissioner was subject to removal at any time by the court for failure to perform faithfully his duties (*ibid.*, sec. 2).

An 1855 act made the appointing of a tax assessor by the quarterly court mandatory. He was appointed for two years. Although he could not receive tax payments, his duties were basically the same as those of the justice and revenue commissioner (P.A. 1855-56, ch. 74).

The tax assessor of today is a creation of an act of 1907. He is elected by the voters of the county and holds office for four years (P.A. 1907, ch. 602, sec. 9, subsecs. 1, 3). He is required, upon entering office, to execute both bond and oath (*ibid.*, sec. 10; 1929, ch. 86, secs. 7, 10).

The assessor is required to visit the realty to be assessed and assess it once every two years (P.A. 1907, ch. 602, secs. 3, 12; 1921, ch. 62, sec. 1); to see personally each taxpayer and take his statement of all property, real, personal or mixed (P.A. 1907, ch. 602, sec. 12); to administer oaths and compel witnesses to testify if he has reason to believe a taxpayer conceals any property or misrepresents its value (*ibid.*); to require oath of persons returning schedule (*ibid.*); to furnish each taxpayer a schedule and to demand return of same, properly and truthfully executed (*ibid.*); to compute totals of acreage, assessments, number of pieces of property and other important sums and submit same to county court clerk along with all assessments, real, personal, polls and privileges, for review by the board of equalization (*ibid.*, secs. 11, 12, 18); and to submit to the district attorney-general for prosecution the names of all persons failing to return schedules or refusing to swear to same (*ibid.*, sec. 10).

270. ASSESSMENTS, 1908--. 270 vols. (no. by years and civil districts).

Record of all real estate, personal property and poll taxes assessed, showing number of civil district, number of acres of land and assessed valuation of personal and real property. Assessments on realty in towns are by lots. Chron. arr. No index. Hdw. Aver. 128 pp. 11 $\frac{1}{2}$ x9 $\frac{1}{2}$. 243 vols., 1908-36, records rm.; 20 vols., 1932--, co. j's. office; 7 vols., in hands of the tax assessor.

271. ASSESSOR'S BOND AND OATH, 1908--. 1 vol.

Shows name of bondsman, amount, name of person inducted into office, requirements of bond or oath, date and signatures of surety and assessor. Chron. arr. No index. Hdw. 100 pp. 16x10x $\frac{1}{2}$. Records rm.

272. TAX SCHEDULES, 1908--. 115 bundles. Records missing 1934 and 1936.

Schedules for taxable property, showing name of person making report, ward and district number, date, acreage, personal property and stated itemized values. Chron. arr. No index. Hdw. 8x4x5. 65 bundles, 1908-35, records rm.; 50 bundles, 1937--, co. j's. office.

XV. BOARD OF EQUALIZATION

The equalization of property assessments for purposes of taxation has been the subject of considerable legislation. Under an act of 1883, the district tax assessors, after making assessments in their respective districts, were required to meet as a county board of equalization to make comparisons of assessment lists, hear grievances and petitions and make the necessary corrections in the lists before finally submitting them to the county court clerk (P.A. 1883, ch. 105, secs. 36-39). The assessment law of 1887, which substituted a single county tax assessor for the district assessors (P.A. 1887, ch. 2, secs. 26, 27), created a county board of equalization to be composed of three freeholders, appointed by the tax assessor, and the county judge or chairman and assessor serving on the board as ex-officio members (ibid., secs. 41-45). The assessment act of 1889 created a board of equalization to be composed of the county judge or chairman and four freeholders elected by but not from the quarterly court (P.A. 1889, ch. 96, sec. 42). Its duties were substantially the same as were those of the previous boards (ibid., secs. 42-47). Legislation in 1895 largely reaffirmed the 1889 law (P.A. 1895, ch. 120, secs. 49-54), but clarified its proceedings so as to permit review by certiorari (Shannon's Code of Tennessee, 1896, citing 4 Pickle 1).

The county board of equalization as it functions today is part of the assessment and revenue machinery set in motion in 1907 (P.A. 1907, ch. 602, sec. 32). The present board is composed of five freeholders, four of whom are elected by the quarterly court and one by the City of Murfreesboro (ibid.) for terms of two years each (P.A. 1909, ch. 495, sec. 1).

The board meets the first Monday in June of each year for not more than twenty-five days, unless the time is extended by the county judge (P.A. 1907, ch. 602, sec. 32). The members elect a chairman and a secretary from among their number (ibid.; 1921, ch. 135). The board's decision may be reversed only by the state board of equalization (ibid.). The board is required to keep a daily record of its transactions (ibid.); on completion of its duties, to turn over to the county court clerk for preservation all papers and records of the board with completed assessment lists (ibid.); to make out and transmit to the state board of equalization a summary of its transactions (ibid.); and with the register to submit to the state board a tabulated statement of realty sales made within the twelve months prior to the meeting of the board (ibid.). The

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county court clerk is required to mail to the state board of equalization, within ten days after adjournment of the county board, a tabulated statement of the proceedings of the county board (ibid.).

273. MINUTES, COUNTY BOARD OF EQUALIZATION, 1921-26. 1 vol. Shows date of meeting, members present, members absent, proceedings of meeting, decisions of the board and signatures of the chairman and secretary. Chron. arr. No index. Hdw. 150 pp. 9x3x1. Co. j's. office.

XVI. TRUSTEE

The trustee, the county's chief collection and disbursement agent, is a constitutional officer (Const. of 1796, art. 6, sec. 1; 1834, art. 7, sec. 1), and prior to the establishing of the State of Tennessee, functioned under authority of North Carolina (Laws of N. C., 1777, ch. 36). The 1777 act empowered the quarterly county court to elect a trustee, whose duty it was to expend the money collected by tax collectors for contingent expenses, at the direction of the court. The appointment was for one year (ibid.).

In 1796 the office became constitutional in Tennessee and the quarterly court was directed to elect a trustee for a two-year term (Const. of 1796, art. 6, sec. 1). This was done in Rutherford County with the creating of the county in 1804.

The Constitution of 1834 provided that the office be filled by the voters of each county. The term of office is two years (Const. of 1834, art. 7, sec. 7; P.A. 1870, ch. 23, sec. 6; 1907, ch. 602, sec. 9). No changes in the method of election or term of office have been made since that time.

The trustee is required by law to make bonds payable to the city, county and state (city, P.A. 1875, ch. 91, sec. 2; county, P.A. 1835-36, ch. 12, secs. 2, 5; P.A. 1907, ch. 602, sec. 39; P.A. 1911, ch. 46; state, P.A. 1911, ch. 4).

Among his many duties, the trustee is required to collect all state and county taxes on property and polls (P.A. 1875, ch. 91, sec. 1); to keep accounts of all money received (P.A. 1796, ch. 15, sec. 6); to receive all vouchers for which county is indebted (P.A. 1797, ch. 14, sec. 4); to keep a warrant-book (P.A. 1827, ch. 49, sec. 19); to pay claims against the county (P.A. 1821, ch. 33, sec. 1); to deliver list of uncollected warrants (P.A. 1821, ch. 17); to deliver all records of the office to his successor (P.A. 1827, ch. 49, sec. 26); to make settlement with the county judge on going out of office (P.A. 1859-60, ch. 11; 1827, ch. 49, sec. 24); to make settlement with the county judge and the proper municipal officers before the tenth of each month (P.A. 1907, ch. 602, sec. 68); to publish a full financial statement the first Monday in September of each year (ibid.); and to release monthly financial statements to be spread on the minutes of the quarterly county court (ibid.).

Trustee - General Funds

(274-280)

General Funds
(See also entries 6-11, 25-30)

274. GENERAL ACCOUNTS, TRUSTEE, 1910--. 4 vols. Records missing 1925.

Shows name of trustee, name of account, date, amount of vouchers paid, date and amounts collected. Chron. arr. Alph. indexed within each vol. by name of account. Hdw. Aver. 200 pp. 16x10x1. 2 vols., 1910-24, records rm.; 2 vols., 1926--, trustee's office.

For prior records see entry 276.

275. TRUSTEE'S CASH JOURNAL, 1930--. 2 vols.

Monthly summaries of receipts and expenditures, showing in tabular form receipts and expenditures by agencies and bureaus, such as state, county, schools, health and highways; also shows commissions and taxes received. Chron. arr. No index. Hdw. Aver. 312 pp. 31x17x1. Trustee's office.

For prior records see entry 276.

276. CASH BOOK, 1889-1920. 4 vols.

Record of receipts and disbursements, the former showing number, date, name, source of money received, allotments for various causes and total; the latter showing check number, to whom paid, for what purpose and total. Chron. arr. No index. Hdw. Aver. 300 pp. 18x12x1. Records rm.

For subsequent records see entry 274.

277. DAILY RECORD OF FEES COLLECTED, 1922-29. 1 vol. Discontinued.

Daily record of fees collected, showing date, tax book collections, tax book fees, collections from other sources and "turn in" fees. Chron. arr. No index. Hdw. 160 pp. 13x8x $\frac{1}{2}$. Records rm.

For subsequent records see entry 275.

278. STATE RECEIPTS, 1928--. 2 file boxes.

Receipts show date, name of trustee, amount of taxes received, assessed valuations, ordinary, rural schools and total. Chron. arr. No index. Typed. 5 $\frac{1}{2}$ x11x13. Trustee's office.

279. OUTSIDE RECEIPTS: TRUSTEE'S RECEIPTS FOR MONEY, 1913--.

11 vols. Records missing, 1916-19, 1928-30.

Funds turned in from various county offices, showing from whom received, amount, account credited, date and signatures. Chron. arr. No index. Hdw. Aver. 200 pp. 12x9x1. 7 vols., 1913-27, records rm.; 4 vols., 1931--, trustee's office.

280. COUNTY WARRANTS REGISTER PAID; COUNTY WARRANTS, 1880--.

8 vols. Records missing 1910-14.

Record of warrants paid, showing date, warrant number, amount paid and for what purpose, such as salaries of county officials, poor relief, unclaimed fees, and supreme, chancery, circuit and county court costs. Chron. arr. No index. Hdw. Aver. 300 pp. 16x10x1. 5 vols., 1880-1922, records rm.; 3 vols., 1923--, trustee's office.

Trustee - General Funds

(281-287)

281. TRUSTEE'S ACCOUNT WITH COUNTY SCHOOL AND ROAD FUND,
1870-1923. 12 vols.

Record of school warrants paid, showing date, name of payee, amount paid and purpose of payment. Chron. arr. No index. Hdw. Aver. 490 pp. 16x10x2. 9 vols., 1870-1920, records rm.; 3 vols., 1921-23, trustee's office.

For subsequent records see entries 282, 283.

282. HIGH SCHOOL WARRANT REGISTER PAID, 1917--. 2 vols.

Record of high school warrants paid, showing date, name of payee, warrant number and amount. Chron. arr. No index. Hdw. Aver. 300 pp. 14x8x1. Trustee's office.

For prior records see entry 281.

283. TRUSTEE'S ACCOUNT WITH ELEMENTARY SCHOOL FUND WARRANTS,
1927--. 2 vols.

Record of elementary school warrants paid, showing date, name of payee, warrant number and amount. Chron. arr. No index. Hdw. Aver. 300 pp. 13 $\frac{1}{2}$ x8x1. Trustee's office.

For prior records see entry 281.

284. TRUSTEE'S ACCOUNT WITH CITY, SCHOOL WARRANTS, 1916-32.
1 vol.

Shows date, to whom payable, warrant number and amount. Chron. arr. No index. Hdw. 200 pp. 15x10x1. Trustee's office.

285. WARRANTS, PIKE, HIGHWAY, 1921--. 3 vols.

Record of warrants drawn on the county for expenses of pikes and highways, showing name of payee, warrant number and amount. Chron. arr. and num. thereunder by warrant no. No index. Hdw. Aver. 100 pp. 10x6x $\frac{1}{2}$. Trustee's office.

286. DISTRICT ROAD ACCOUNTS, 1894--. 5 vols.

Road accounts by civil districts, showing date, to whom payment is made, amount, from whom payment is received and number of receivable and payable warrants. Alph. tab arr. by name of payee and num. thereunder by civil district. No index. Hdw. Aver. 300 pp. 15 $\frac{1}{2}$ x10x1 $\frac{1}{4}$. 2 vols., 1894-1918, records rm.; 1 vol., 1919-23, co. j's. office; 2 vols., 1924--, trustee's office.

287. SETTLEMENT WITH ROAD OVERSEER, 1889-99. 1 vol.

Record of settlements with overseers of county roads, showing number of civil district, number of road, amount paid, purpose, name of overseer and date of payment. Chron. arr. No index. Hdw. 524 pp. 15 $\frac{1}{2}$ x10 $\frac{1}{2}$ x2. Records rm.

Trustee - Tax Records

(288-293)

Tax Records

288. TAX LISTS, 1809--. 51 vols. Records missing, 1814-70, 1872-80, 1882-83, 1885-86, 1915-16.
Shows name of taxpayer, number of acres, slaves, stud horses and amount of tax paid; also a list of taxpayers, showing civil district number, description and location of property, valuation of town lots, number of acres; personal property, amount of tax assessed and date of payment. Num. arr. by civil districts and chron. thereunder. No index. Hdw. and typed. Aver. 400 pp. 14x10x1. 31 vols., 1809-1914, records rm.; 20 vols., 1917--; trustee's office.
289. REALTY TAX RECEIPTS, 1888--. 363 vols. (no. varies).
Records partially missing for all years.
Duplicate receipts for state and county taxes paid on realty and personalty, showing receipt number, location of property, amount of acreage or number of town lots, valuation, name of owner, amount paid and signature of trustee or deputy. Chron. arr. and num. thereunder by receipt no. No index. Hdw. Aver. 150 pp. 12x7x1½. 270 vols., 1888-1928, records rm.; 93 vols., 1929--; trustee's office.
290. TRUSTEE'S TAX RECEIPTS REGISTER, 1930--. 3 vols. (1-3).
Register shows date, receipt number, civil district number, amount of poll tax or property tax paid, valuation of property; also interest and penalties if delinquent. Chron. arr. No index. Hdw. Aver. 300 pp. 16x16x1. Trustee's office.
291. OFFICIAL REPORT TO TRUSTEE, 1906-15. 1 vol.
Report of tax collector's receipts to trustee, showing date, from whom received, for what purpose, such as poll, state, county and road taxes and total amount paid. Chron. arr. No index. Hdw. 333 pp. 17½x11x1. Records rm.
292. DELINQUENT TAX LIST, 1867--. 9 vols. Records missing, 1868-70, 1874-87, 1889-93, 1896-1915, 1922-28, 1930-31, 1933-34.
List of taxpayers in arrears in payment of taxes, showing number of acres of land or city lots, assessed valuation and amount of tax due. Num. arr. by civil district and alph. thereunder by name of property owner. No index. Hdw. and typed. Aver. 100 pp. 18x10x½. 7 vols., 1867-1932, records rm.; 2 vols., 1935--; trustee's office.
293. DELINQUENT TAX RECEIPTS: REALTY, POLL, DOG TAX, 1912--.
93 vols. Records missing, 1913-19, 1932.
Duplicates of delinquent tax receipts, showing receipt number, date, from whom received, location and valuation of property, amount of tax and signature of person receiving payment. Chron. arr. and num. thereunder by receipt no. No index. Hdw. Aver. 75 pp. 6½x3x½. 86 vols., 1912-31, records rm.; 7 vols., 1933--; trustee's office.

Trustee - Bonds

(294-300)

294. DELINQUENT REAL ESTATE TAX COLLECTED BY CHANCERY COURT, 1928--. 2 file boxes.

Record shows to whom tax is assessed, civil district or ward number, value of land or town lots, amount of tax, interest and penalties. Chron. arr. No index. Typed. 5 $\frac{1}{2}$ x11x13. Trustee's office.

295. BACK TAX ATTORNEY'S DOCKET, 1892-97. 1 vol.

Docket shows date, to whom tax is assessed, civil district or ward number, date property assessed, number of acres, number of town lots, value, tax due, interest and penalties, by whom redeemed, date redeemed and amount paid. Num. arr. by civil district. No index. Hdw. 200 pp. 18x15x1. Records rm.

296. POLL TAX RECEIPTS (Duplicates), 1914--. 93 vols.
(no. varies).

Receipts show name of payor, amount paid and date and signature of the trustee or deputy. Chron. arr. No index. Hdw. Aver. 120 pp. 12x7x1. 51 vols., 1914-28, records rm.; 42 vols., 1929--, trustee's office.

297. TAX EXEMPTIONS, FOR FOX SCALPS, 1879-89. 1 vol.
Discontinued.

Record shows name of owner, date, number of fox scalps produced and certification of exemption in detail. Chron. arr. No index. Hdw. 192 pp. 12x8x $\frac{1}{2}$. Records rm.

Bonds

298. NORMAL SCHOOL BOND COUPONS AND DIXIE HIGHWAY COUPONS, 1931-34. 4 file boxes.

Shows number of coupon, date interest due, amount and name of bank holding the bonds. Chron. arr. No index. Typed. 5 $\frac{1}{2}$ x11x13. Trustee's office.

299. CANCELED COUPONS; NORMAL SCHOOL BONDS, PIKE BONDS, 1922-29. 2 vols.

Canceled coupons, pasted in book, showing bond number, date interest due, where paid, signature of county court clerk, and chairman of the county court. Chron. arr. No index. Hdw. on ptd. form. Aver. 200 pp. 10x6x $\frac{1}{2}$. Trustee's office.

300. RUTHERFORD COUNTY PIKE BONDS, 1930. 1 file box.

Shows number of coupon, date interest due, amount and name of bank holding the bonds. Chron. arr. No index. Typed. 5 $\frac{1}{2}$ x11x13. Trustee's office.

XVII. DEPARTMENT OF EDUCATION
(Board of Education and Superintendent of Schools)

The Constitution of 1796 made no provision for the establishment and maintenance of any kind of system of education for the inhabitants of the state. Children orphaned by the War of 1812 furnished the first instance of free public education in the state, when the quarterly county court, in 1815, was directed to make contracts with individuals for the board and education of such orphans (P.A. 1815, ch. 49). An 1817 act of the legislature directed the court, through commissioners, to use the lands made available by the congressional land grant act of 1806 for educational purposes (P.A. 1817, ch. 124).

The first really organized effort in public education was made in 1829 when the quarterly court was directed to appoint one school commissioner from each captain's company, whose duty it was to divide the county into school districts and enumerate the heads of families in each district. Subsequently, a board of five trustees was elected annually. The chief duty of the board was to elect a board of common school commissioners composed of not less than five nor more than seven members (P.A. 1829, ch. 107). The commissioners administered the finances and managed the school organization (ibid.). An annual report to the state secretary was required (ibid.).

An act of 1838 repealed the 1829 act and provided for a board of school commissioners (P.A. 1838, ch. 148). This act defined a school district as a civil district and provided for five commissioners to be elected from each district to administer the finances and initiate policies in their respective districts (ibid.).

Legislation creating and regulating the office of county superintendent in 1867, 1870 and 1873 was directed at bringing about a more responsible and orderly system of public instruction (P.A. 1867, ch. 27; 1870, ch. 110; 1873, ch. 27).

Legislation in 1873 and 1881 provided for the popular election of three directors from each school district, each group to visit schools in its district, to explain and enforce the school laws, to manage and control school property, to draw warrants upon the trustee in favor of teachers, and to dismiss teachers when necessary, to determine length of the school term and to see that schools were lawfully and efficiently run (P.A. 1873, ch. 25; 1881, ch. 113).

A general education bill of 1907 abolished the office of district director, divided the county into five school districts and provided for the popular election of a member from each district to constitute the county board of education, which had general and detailed supervision over the county school system (P.A. 1907, ch. 236).

Legislation in 1909, applicable to Rutherford and ten other counties, repealed the 1907 enactment and created a county board of

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(Next entry 301, p. 96)

education to be composed of one member from each civil district, elected by popular vote, and the county judge or chairman of the county court and the superintendent of schools, the last acting as secretary of the board (P.A. 1909, ch. 302). The act set forth in detail the board's duties, which amounted to complete authority over public instruction in the county.

Legislation in 1917 repealed the 1909 enactment (Pr.A. 1917, ch. 360) and again placed authority in the hands of the school district directors (Pr.A. 1917, ch. 340).

Private legislation in 1919 created a seven member board of education for Rutherford County and was similar to the general education bill of 1925 (Pr.A. 1919, ch. 733; P.A. 1925, ch. 115). Under the 1919 act there was one member from each of five school districts and two from the county at large, all elected by the quarterly court for terms of four years (Pr.A. 1919, ch. 733, secs. 1-4). The board had complete authority over public education in Rutherford County within the very broad limits of the act. The superintendent was directed to serve as secretary.

Under the general law of 1925 educational affairs are administered by a seven member board of education. The members are elected by the quarterly court for terms of seven years, one vacancy occurring each year (P.A. 1925, ch. 115). The board is required to meet at least four times a year; to elect principals, teachers, attendance officers, clerical assistants, janitors, engineers and other persons and to make written contracts with all employees of the department; to elect a chairman from among its membership; to manage and control all county public schools; to purchase all supplies and equipment and advertise for bids in instances of large purchases; to order warrants drawn on the trustee against the school funds; to equalize terms of different schools; to visit schools; to dismiss teachers and other employees for just cause; to dismiss students when necessary; to enumerate the scholastic population biennially; to furnish equipment to the superintendent; to require the chairman of the board and the superintendent to prepare and propose a budget; and to submit an approved budget to the quarterly court for that body's consideration (ibid., sec. 6).

The office of superintendent of schools still functions under the controlling act of 1873, as modified by several amendments. Under the general law the superintendent is elected by the quarterly court for a term of two years (ibid., sec. 9), but under private legislation of 1917, Rutherford County elects its superintendent of schools by popular vote for a term of four years (Pr.A. 1917, ch. 96). Definite qualifications and requirements are necessary for election to the office; the superintendent must be learned in literature and the arts and be a person of good moral character (P.A. 1867, ch. 27, sec. 24; 1873, ch. 25; 1895, ch. 54; 1925, ch. 115). The superintendent is required to keep a complete and accurate record of the proceedings of all meetings of the board of education, of which he is ex-officio secretary, and of

his official acts; to keep separately for elementary and high schools a record of receipts and disbursements of public school funds; to require all teachers to submit teaching certificates, issued by the state, to his office; to file all contracts with teachers; to require daily reports of city schools; to report annually to the trustee and city commissioner of education the average daily attendance of all schools; to make full report of all activities to the quarterly county court; to prepare a budget annually for submission to the court at its April term; and to deliver all papers and records to his successor (P.A. 1925, ch. 115, sec. 6). He is further required to see that all school laws are executed and to make recommendations to the board in formulating policies and electing teachers and other employees.

Minutes and Reports
(See also entry 326)

301. MINUTES, 1914--. 7 vols.
Record of regular and called meetings of county board of education, showing place of meeting, members present, detailed record of proceedings of meetings and action taken, date of final approval and signature of chairman and secretary. Chron. arr. No index. Hdw. and typed. Aver. 225 pp. $14 \times 9\frac{1}{2} \times 1\frac{1}{2}$. 6 vols., 1914-28, records rm.; 1 vol., 1929--, supt's. office.

302. SCHOOL COMMISSIONER'S REPORTS, 1838-72. 1 vol.
Accounts of common school commissioners, showing by civil districts, scholastic population, salaries of teachers, school expense, date and reports of election of common school commissioners. Num. arr. by civil district and chron. thereunder. No index. Hdw. 150 pp. $12 \times 7\frac{1}{2} \times 1$. Records rm.

303. ANNUAL STATISTICAL REPORTS, 1923--. 29 vols.
Tabulated reports for white and colored elementary and high schools, showing detailed information concerning the school plant, enrollments and attendance by grades, record of teachers, tables for summaries and averages. Alph. arr. by name of school. No index. Hdw. Aver. 40 pp. $14 \times 8 \times \frac{1}{4}$. 6 vols., 1923-25, records rm.; 23 vols., 1926--, supt's. office.

304. ANNUAL RECORDS: ELEMENTARY AND HIGH SCHOOL RECORDS, 1918-28.
3 vols.
Yearly average and examination grades of pupils, showing name of superintendent, principal, pupil, address of pupil, date of entrance, course, age, grade, school transferred from, name of parents or guardian, occupation and record of pupil promotions. Alph. arr. by name of pupil. Alph. indexed within each vol. by name of pupil. Hdw. Aver. 600 pp. $16\frac{1}{2} \times 13\frac{1}{2} \times 3\frac{1}{2}$. Records rm.

305. PRINCIPAL'S ANNUAL HIGH SCHOOL REPORT, 1926--. 3 bundles.
1 file box. Records missing 1931, 1934.
Shows dates report covers, name of school and county, location of school, name of principal and other general information, including dates of

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opening and closing of school, length in weeks, total amount paid for salaries of high school teachers, annual cost per pupil enrolled, source and amount of income, report on building, grounds and equipment, date building erected, cost and total value of each school plant. Alph. arr. by schools. No index. Hdw. Bundles, 11x6x2; file box, 9x12x26. 3 bundles, 1927-33, records rm.; 1 file box, 1935-- supt's. office.

306. TEACHER'S ANNUAL REPORTS, 1922-27. 1 bundle.

Reports show name of school, civil district, county, dates of beginning and ending of term, enrollment ages, attendance records, promotions and graduates for high and elementary departments, names of teachers, monthly salaries, signatures and addresses, outline of school improvements and a report on the library and condition of equipment. Num. arr. by civil district and chron. thereunder. No index. Hdw. 24x17x2½. Records rm.

307. HIGH AND ELEMENTARY WEEKLY SCHOOL REPORTS, 1923--. 4 bundles, 54 pigeon holes. Records missing 1927-35.

Weekly school reports, showing name of school, civil district, enrollment by grades, absences, average daily attendance, total attendance and signature of school principal. Alph. arr. by school and chron. thereunder. No index. Hdw. Bundles, 6x4x3; pigeon holes, 6x4x4. 4 bundles, 1923-26, records rm.; 54 pigeon holes, 1936-- , supt's. office.

308. STATE DEPARTMENT OF EDUCATION, DIVISION OF VOCATIONAL EDUCATION, 1926--. 1 bundle, 3 file boxes.

Agricultural teachers' monthly reports, showing date, name of school, number of days spent in teaching, enrollment, average daily attendance, farmers visited, rural schools visited, community meetings and monthly report of community activities. Chron. arr. No index. Hdw. Bundle, 10½x8½x1½; file boxes, 12x11x4. 1 bundle, 1926-33, records rm.; 3 boxes, 1928-- , supt's. office.

309. DRIVER'S MONTHLY REPORT, 1926--. 5 bundles, 2 file boxes.

Records missing 1928-30, 1934-35.

Report shows name of school, date, name of pupil, classification, elementary or high school, distance traveled, days present, days absent, signatures of principal and driver. Chron. arr. No index. Hdw. Bundles, 11½x4½x1½; file boxes, 11x12x4. 5 bundles, 1926-33, records rm.; 2 file boxes, 1936-- , supt's. office.

310. CENSUS ENUMERATION, 1927--. 3 stacks, 1 file box. Records missing 1928-30.

Summary sheets for reports to the state commissioner of education of the enumeration of the population of Rutherford County between six and eighteen years of age, by civil districts, showing name of enumerator and affidavit, date, age, sex, color, number of deaf mutes, blind, feeble-minded, crippled, unable to read and write and totals by districts. Num. arr. by civil districts and thereunder by age of child. No index. Hdw. Stacks, 24x10½x½; file box, 12x9x4. 3 stacks, 1927-33, records rm.; 1 file box, 1934-- , supt's. office.

Department of Education - Teachers' Records

(311-316)

311. ENUMERATION OF SCHOLASTIC POPULATION, 1915--. 5 bundles.
Records missing 1926-28, 1932, 1934.

Record of school children in county between six and eighteen years of age, showing school, civil district, names of parents or guardian, name of child, post office, distance from school, color, age, sex, physical condition and number who read and write. Chron. arr. No index. Hdw. 16x14x2. Supt's. office.

Teachers' Records

(See also entries 321, 325, 326)

312. ELEMENTARY TEACHER'S RECORDS, 1935--. 1 stack, 1 file box.
Records show date, county, school, civil district, type of school, name and address of teacher, certification by subjects, number of certificates, date issued, teacher's training and credits and other personal information. Alph. arr. by schools. No index. Hdw. Stack, 9x12x2; file box, 9x12x26. Supt's. office.

313. TENNESSEE SCHOOL REGISTER (Teacher's Records), 1922--.
1251 vols.

Register shows name of teacher, school term, weekly and daily program of recitations, grade and subjects taught, record of year's work, personal data of pupils and teachers, property reports and teacher's affidavit. Chron. arr. No index. Hdw. Aver. 30 pp. 11x9 $\frac{1}{4}$. 916 vols., 1922-35, records rm.; 335 vols., 1934--, supt's. office.

314. REGISTER OF TEACHER'S CERTIFICATES, 1928-30. 1 vol.
Register shows name of teacher, certificate number, number of years in training, experience and dates. Chron. arr. No index. Hdw. 300 pp. 12x9x2. Supt's. office.

For subsequent records see entry 315.

Financial Records

(See also entries 302, 305)

315. LEDGER, 1928--. 2 vols.

Accounts with elementary teachers, showing weekly report, name of school, name of teacher, certification, salary, civil district number, certificate number and date issued. Alph. arr. by schools. No index. Hdw. Aver. 140 pp. 12x8x $\frac{1}{4}$. Supt's. office.

316. JOURNAL (Salary Book), 1895--. 4 vols. Records missing 1897-1934.

Record of salaries paid to all teachers, bus drivers and janitors, showing date, number of civil district, name of employee and amount of salary. Alph. arr. by schools. No index. Hdw. Aver. 200 pp. 12x8x1. 2 vols., 1895-96, records rm.; 2 vols., 1935--, supt's. office.

Department of Education - Contracts

(317-322)

317. WARRANT STUBS, 1913--. 111 vols. Records missing 1915-16. Stubs show warrant number, to whom issued, school charged, date payment made, purpose, such as instructional service, operation and maintenance of school plant and auxiliary agencies, fixed charges, capital outlay and amount. Num. arr. by warrant no. No index. Hdw. Aver. 150 pp. 9x7x $\frac{1}{2}$. 97 vols., 1913-34, records rm.; 14 vols., 1935--, supt's. office.

318. ELEMENTARY AND HIGH SCHOOL WARRANTS (Originals), 1903-31. 17 bundles.

Shows warrant number, name of county, town, state, date, name of payee, amount, purpose of payment, school chargeable and signature of chairman and secretary of the county board of education. Chron. arr. No index. Hdw. 8 $\frac{1}{2}$ x3 $\frac{1}{2}$ x3. Records rm.

For subsequent records see entry 325.

319. REGISTER OF SCHOOL WARRANTS, 1905--. 19 vols.

Record of elementary and high school warrants issued, showing date, warrant number, to whom issued, for what purpose, name of school chargeable and total amount of warrant. Chron. arr. and num. thereunder by warrant no. No index. Hdw. Aver. 200 pp. 15 $\frac{1}{2}$ x9 $\frac{1}{2}$ x1. 15 vols., 1905-26, records rm.; 4 vols., 1927--, supt's. office.

320. INSURANCE POLICIES, 1937. 1 bundle.

Policies cover fire and tornado damage to county school buildings, showing names of company and agency, location and description of property, date of underwriting, date of expiration, amount of policy, amount of premiums and provisions and clauses of the policy. Chron. arr. No index. Typed on ptd. form. 12x3x5. Supt's. office.

Contracts

321. CONTRACT BETWEEN COUNTY BOARD OF EDUCATION AND THE TEACHERS, 1922--. 43 vols.

Original contracts executed annually, showing name of teacher, school, date, salary, term, general provisions and signature of teachers and county superintendent. Num. arr. by contract no. No index. Hdw. Aver. 50 pp. 8 $\frac{1}{2}$ x7x $\frac{1}{4}$. 38 vols., 1922-32, records rm.; 5 vols., 1936--, supt's. office.

For records 1933-35, see entry 325.

322. CONTRACTS WITH DRIVERS, 1933--. 2 file boxes.

Contracts between county board of education and bus drivers to convey school children to and from school, showing name of driver, school assigned to, salary provisions in detail, date in effect and signatures of driver and security. Chron. arr. No index. Hdw. Aver. 10x7 $\frac{1}{2}$ x4. Supt's. office.

Department of Education - School Property

(323-328)

School Property

323. RECORD OF SCHOOL PROPERTY, 1890--. 1 vol.

Shows name of property, civil district number, location and oath and deed as to ownership of the property. Alph. arr. by name of school. Alph. indexed by name of property. Hdw. 308 pp. 17x15x3. Supt's. office.

324. DEEDS, 1882--. 1 file box.

Original deeds to school property, showing date, description and location of property, acreage, value, terms of sale, names of school commissioners or trustees and signature of person granting the deed. Num. arr. by civil district. No index. Hdw. 12x11x4. Supt's. office

Miscellaneous Records

325. PAPERS IN SCHOOL MATTERS, 1933--. 37 file boxes.

Applications, contracts, bills, receipts, text book lists, library material, spelling material, list of teachers, petitions, bids, canceled warrants, certificates, grievances, scholarships, arbor day publicity and bus routes. Chron. arr. No index. Hdw. and typed. Aver. 10x7 $\frac{1}{2}$ x4. Supt's. office.

326. STATE DEPARTMENT OF EDUCATION IN COOPERATION WITH TENNESSEE EMERGENCY RELIEF ADMINISTRATION AND WORKS PROGRESS ADMINISTRATION, 1934--. 4 bundles.

Applications to board of education from prospective teachers, oaths of teachers, reports of visiting teachers, affidavits for qualification as participant in a grant made available through the Federal Emergency Relief Administration, visiting teachers' semi-annual reports, showing degrees of illiteracy, record of attendance and time spent in classroom work. Chron. arr. No index. Hdw. 11x8 $\frac{1}{2}$ x1 $\frac{1}{2}$. 1 bundle, 1934, records rm.; 3 bundles, 1935--, supt's. office.

327. EMPLOYMENT CERTIFICATES, 1927--. 5 bundles, 1 file box.

Record of minors seeking employment, showing name of minor, location of business, proof of age, health record signed by doctor, signatures of minor, parents and school principal, work contract and employer's name. Chron. arr. No index. Hdw. Bundles, 8 $\frac{1}{2}$ x4x $\frac{1}{2}$; file box, 9x11x4. 5 bundles, 1927-31, records rm.; 1 file box, 1930--, supt's. office.

328. CORRESPONDENCE, 1923--. 10 bundles, 2 file boxes.

Records missing 1924-26.

Correspondence with state department of education, teachers and principals and others in regard to all phases of work and activities of this office. Chron. arr. No index. Hdw. and typed. Bundles, 8 $\frac{1}{2}$ x11x $\frac{1}{4}$; file boxes, 8 $\frac{1}{2}$ x11x24. 10 bundles, 1923-35, records rm.; 2 file boxes, 1936--, supt's. office.

XVIII. HEALTH DEPARTMENT
(Board of Health and Health Officer)

The first efforts at public health work in Tennessee were directed at the control of contagious diseases, when the quarterly county courts were authorized to adopt necessary preventive measures (P.A. 1849-50, ch. 225, sec. 9). In 1875 the state medical society drafted and presented to the legislature a bill that would establish a state board of health. The bill failed to pass the senate (Reports of State Board of Health, 1877-1880, 3, 4). Two years later, both houses accepted an amended bill creating the state board of health of the State of Tennessee, but the board had no executive authority and was given no funds (ibid., 3, 4; P.A. 1877, ch. 98), and was useful only in an advisory capacity, and this particularly in the yellow fever epidemic that ravaged the state in 1878 (Reports of State Board of Health, 1877-1880, 3, 4). In 1879, largely as a result of the board's activity during the epidemic, the legislature appropriated enough money for the board to employ a secretary and obtain an office (ibid.).

It was immediately apparent to the state board that there were practically no local or county public health organizations, and the state board undertook to encourage the organizing of local or county boards of health (ibid., 28). Rutherford was one of the counties having an informal local board of health in 1880. The board was made up of four doctors and two laymen, one of the doctors designated chairman, another health officer, and one of the laymen secretary (ibid., 34).

The legislature, by public act, in 1885 directed that the chairman of the county court or county judge, the county court clerk, and the county jail physician or health officer should constitute a county board of health, presided over by the jail physician or health officer (P.A. 1885, ch. 95, sec. 1). The board was charged with the management of the general health of the county and directed to institute measures to control and combat actual or threatened epidemics and contagious diseases (ibid., sec. 1). It was directed that the health officer or jail physician should adopt and carry out such rules and regulations as the state board should promulgate (ibid.). The expenses incurred by the county board of health were to be considered necessary expenses and paid out of county funds (ibid.). Later legislation re-affirmed the duty of the county board in carrying out state regulations (P.A. 1893, ch. 151, sec. 3; 1905, ch. 519, sec. 3).

A legislative act of 1921 authorized any county to establish a county department of health headed by a full time health officer, assisted by sanitary inspectors, visiting nurses and clerical assistants (P.A. 1921, ch. 89, sec. 1). The act provides that the health officer be appointed by the quarterly court for a term of four years (ibid., sec. 4). The court is required to furnish funds for the activities of the department (ibid., sec. 5). An enactment of 1923 charged the health officer with the management of the general health of the county and gave him rather wide discretion in matters concerning public health and directed

Health Department

(Next entry 329, p. 103)

him, in instances of epidemics, to consult and report to the state commissioner and execute any regulations made by the latter (P.A. 1923, ch. 7, Mod.).

The state department of public health, in its program of encouraging the establishing of county health departments and aided by the United States Public Health Service and the Commonwealth Fund, in 1924 selected Rutherford County, because it was a typical Tennessee county and because of its nearness to the state capital of Nashville and Vanderbilt University, as a testing ground to determine the effectiveness and feasibility of public health administration through counties in Tennessee (W. F. Walker, Ten Years of Rural Health Work - Rutherford County, Tennessee, 1924-1933, New York, 1935, ix-xii, 1-4). The county and its residents did everything possible to make the experiment a success (ibid., ix).

Rutherford County was the ninth in the state to be organized under the act of 1921, and, because of its unique position as a result of the activities of the state public health department, the United States Public Health Service and the Commonwealth Fund, became the outstanding county in the state in terms of public health influence (ibid., ix-xii, 2). Due largely to the sensational success scored in Rutherford County, the percentage of Tennessee counties having full time health units increased from fifteen to fifty in the ten year period (ibid., xi). A hospital was built, local units were established and morbidity and mortality rates were materially lowered (ibid., 1 et seq.).

Further legislation has enlarged and re-vitalized the county board of health, which constitutes, roughly, the administration of the health department (P.A. 1923, ch. 7; 1935, 1st ex. ses., ch. 37, sec. 1). The board of health is composed of the county judge, the superintendent of education, the county health officer, two medical doctors and one dentist (ibid.). The doctors and dentist are selected by the quarterly county court from lists submitted by the county medical and dental societies, and serve for four years (P.A. 1885, ch. 95, sec. 1; 1923, ch. 7; 1935, 1st ex. ses., ch. 37, sec. 1).

In effect, the county health department has replaced the office of county or jail physician as the chief public health agency in the county, and is concerned more with preventive measures than curative (P.A. 1935, 1st ex. ses., ch. 37, sec. 1), such as vaccination and inoculation of school children, sanitary inspections, education and control of epidemics. The county health department is a unit in a unified system of state-wide public health work, department of public health through the commissioner (P.A. 1885, ch. 95, sec. 1; 1923, ch. 7; 1935, 1st ex. ses., ch. 37, sec. 1).

Health Department - Minutes and Reports

(329-336)

Minutes and Reports

(See also entries 333, 337, 340, 352, 354)

329. MINUTES OF COUNTY BOARD OF HEALTH, 1902-8. 1 vol.
Proceedings of the board in connection with the prevention of smallpox, showing date of meeting, members present and action taken. Chron. arr. No index. Hdw. 100 pp. 16x8xl. Co. ct. clk's. office.

330. REPORTS (To State Health Department), 1929--. 5 boxes.
Monthly, quarterly and annual reports of all activities in connection with the health unit, showing doctor's, nurse's and sanitation officer's reports and itemized expenditures for salaries, maintenance of buildings and transportation. Chron. arr. No index. Hdw. 9x12x26. Health dept., secretary's office.

331. REPORT MATERIAL, 1924--. 1 file box.
Summary of all information turned in by field workers, from which the annual report to the state health department is compiled. Chron. arr. No index. Hdw. 9x12x26. Health dept., main office.

Medical Records

332. CARD INDEX FILE, 1924--. 15 file boxes (lettered).
A general index to all medical records of the health unit, showing name of person contacted, date of birth, date of opening and closing of case and place of filing. This index serves entries 333-346. Alph. arr. by name of client. Hdw. 3 $\frac{1}{2}$ x5 $\frac{1}{2}$ x16. Health dept., main office.

333. FIELD WORKERS' DAILY REPORTS, 1924--. 2 file boxes.
Records missing 1925-34.
Visits to homes and schools as recorded by field workers, showing name and address of patient, nature of the disease and measures of control adopted. Alph. arr. by name of patient. For index see entry 332. Hdw. 9x12x26. Health dept., main office.

334. COMMUNICABLE DISEASES, 1929--. 10 boxes.
Record of communicable diseases, showing name, age, color, sex and name of type of disease, also date, name of school and source of milk supply. Alph. arr. by name or type of disease. For index see entry 332. Hdw. 9x6x11. Health dept., 9 boxes, 1929-35, bsmt.; 1 box, 1936--, main office.

335. CHEST RECORDS, 1924--. 2 file boxes.
Shows name and address of patient, sex, occupation, physical history, physician in charge and result of test. Alph. arr. by name of patient. For index see entry 332. Hdw. 9x12x26. Health dept., 1 box, 1924--, main office; 1 box, 1934, bsmt.

336. T. B. PROGRESSIVE RECORDS, 1926-31. 1 box.
Shows patient's name, color, age, sex, date, sleeping quarters, amount of rest, nature of diet and number of nurses' visits. Num. arr. by civil

Health Department - Medical Records

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district and chron. thereunder. For index see entry 332. 12x16x26.
Health dept., bsmt.

337. REPORTS FROM HOSPITAL CLINICS, (T. B.), 1927-33. 2 file boxes. Records missing 1923-26.

Reference slips sent to the hospital from the health unit concerning tuberculosis patients, showing name and age of client, date, classification, name of physician and special requests. Alph. arr. by name of patient. For index see entry 332. Hdw. 5x7x15. Health dept., bsmt.

338. INOCULATIONS, TESTS, IMMUNIZATION, 1924--. 120 file boxes. Card record, showing name, age, parents' names, dates of inoculation, type of test and reaction. Alph. arr. by name of patient. For index see entry 332. Hdw. 3 $\frac{1}{2}$ x5 $\frac{1}{2}$ x16. Health dept., main office.

339. UNFINISHED INOCULATIONS, 1936--. 2 file boxes. Temporary card record, showing name, address, age, parents' names, dates of inoculation and for what disease inoculation is being given. Alph. arr. by name of patient. For index see entry 332. Hdw. 3x5x11. Health dept., main office.

340. LABORATORY REPORTS (From Hospital), 1936--. 1 box. Temporary card file, showing date, patient's name, examination desired, specimen, findings, name of nurse and technician. Alph. arr. by patient's name. For index see entry 332. Hdw. 3x5x11. Health dept., main office.

341. X-RAY FILMS, approx. 1924--. 1 box. X-Ray films. No arr. For index see entry 332. 12x10x6. Health dept., bsmt.

342. REQUESTS FOR EXAMINATION OF SCHOOL CHILDREN, 1934. 1 bundle.

Card record, showing name and address of parent, date of request, name, age and sex of child and basis of examination request. Chron. arr. For index see entry 332. Hdw. 4x6x8. Health dept., bsmt.

343. NURSES AND DOCTORS VISITS, 1924--. 4 charts. Record of visits for promotion of individual, infant, pre-school and school hygiene; control of acute communicable diseases and tuberculosis; medical conference visits to infants, pre-school children and school children. No arr. For index see entry 332. 3 $\frac{1}{2}$ 'x2 $\frac{1}{2}$ '. Health dept., entrance hall.

344. HEALTH RECORD OF SCHOOL CHILD, 1924--. 4 boxes. Shows name, age and address of child, names of parents, family physician, school and grade, also a complete history of physical condition. Alph. arr. by name of school. For index see entry 332. Hdw. 9x12x26. Health dept., main office.

Health Department - Inspections and Permits

(345-353)

345. FAMILY FOLDER, 1924--. 10 file boxes.
Shows social, financial, infant and pre-school, general medical, tubercular and maternity record of families. Num. arr. by civil district and alph. thereunder by family name. For index see entry 332. Hdw. 9x12x26. Health dept., main office.

346. CLOSED CASES, 1924--. 6 file boxes.
Record of cases no longer active, showing nature of the disease, and a complete history of the case. Alph. arr. by name of patient. For index see entry 332. Hdw. 9x6x16. Health dept., main office.

Inspections and Permits

347. SANITARY SURVEY OF HOMES, 1924--. 8 file boxes.
Sanitary record of homes, showing source of water supply, screening, waste facilities, name and address of owner and location of property. Num. arr. by civil districts and wards and alph. thereunder by name of family. No index. Hdw. 3x5x11. Health dept., sanitation office.

348. SEWER CONNECTION RECORDS, 1924--. 1 file box.
Shows name of owner, location of property, date of connection, whether public or semi-public privy. Alph. arr. by name of owner. No index. Hdw. 6x7x16. Health dept., sanitation office.

349. COMPLAINT FILE (City and County), 1924--. 1 file box.
Complaints of nuisances, showing type of nuisance, location and action taken. Alph. arr. by name of property owner where nuisance exists. No index. Hdw. 6x7x16. Health dept., sanitation office.

350. DAIRY INSPECTION RECORD, MILK AND CREAM ANALYSIS, 1931--.
1 loose leaf holder.
Bi-monthly report of dairy inspections, showing date, sample number, temperature, per cent. of present bacteria and per cent. of fat content. Chron. arr. No index. Hdw. 14x11x $\frac{1}{2}$. Health dept., sanitation office.

351. SANITATION RECORDS OF MILK DEALER, 1924--. 1 file box.
Shows name and address of milk dealer, record of examination of milk and result of test. Chron. arr. No index. Hdw. 10x12x26. Health dept., main office.

352. MILK SAMPLES, 1935--. 1 file box.
Laboratory reports of milk tests, showing dates samples were collected, name of dairymen, distributors, temperature of milk collected and remarks. Alph. arr. by name of dairyman. No index. Hdw. 6x7x16. Health dept., sanitation office.

353. WATER SUPPLY AND EXCRETA DISPOSAL, 1924--. 1 chart.
Shows level of water supply, level of excreta disposal, both urban and rural and totals on a percentage basis. 3 $\frac{1}{2}$ 'x2 $\frac{1}{2}$ '. Health dept., entrance hall.

Health Department - Vital Statistics

(354-361)

354. WATER REPORT, 1924--. 2 file boxes.
Record of filed survey of water supply, showing source of water, number of water samples, result of test and name and address of client. Chron. arr. No index. Hdw. 4x6x16. Health dept., sanitation office.

355. PERMITS FOR BURIAL REMOVAL, 1926--. 24 pads of stubs.
Shows name, date, age, cause of death, residence, place of burial and name of undertaker. Chron. arr. No index. Hdw. on ptd. form. 3x5x $\frac{1}{2}$. Health dept., bsmt.

Vital Statistics
(See also entries 51-57)

356. RECORD OF DEATHS, 1919--. 7 file boxes.
Card record of all deaths in the county, showing name of deceased, date, sex, color, age, cause and place of death, place of birth, name of physician last in attendance and undertaker. Alph. arr. by name of deceased and chron. thereunder. No index. Hdw. 4x6x16. Health dept., secretary's office.

357. RECORD OF BIRTHS, 1924--. 11 file boxes.
Card record of all births in the county, showing date, sex, color, parents' names, address, whether or not still-born and signature of attendant. Alph. arr. by family name and chron. thereunder. No index. Hdw. 4x6x16. Health dept., secretary's office.

Maps and Charts
(See also entries 343, 353)

358. MAPS OF RUTHERFORD COUNTY, 1936. 3 maps.
Spot maps, showing location of all cases of malaria, communicable diseases and location of white and colored schools. Scale 1" to 1 mi. Health dept., entrance hall.

359. CHART (Major Health Activities), 1923--. 1 chart.
Vital statistics chart for Rutherford County indicating the scope of activity for communicable diseases, tuberculosis, maternity, infant and pre-school hygiene and sanitation. 3 $\frac{1}{2}$ 'x2 $\frac{1}{2}$ '. Health dept., entrance hall.

360. BLUE RIBBON CONTESTS, 1926--. 2 charts.
Shows per cent. of school population with blue ribbon health awards and per cent. of schools in the contest. Blue ribbons are awarded to individual pupils. 3 $\frac{1}{2}$ 'x2 $\frac{1}{2}$ '. Health dept., entrance hall.

361. IMMUNIZATION, 1924--. 2 charts.
Shows per cent. of persons under and over 5 years of age given immunization for diphtheria, typhoid and smallpox. 3 $\frac{1}{2}$ 'x2 $\frac{1}{2}$ '. Health dept., entrance hall.

Health Department - Financial Record

(362-368)

362. INFANT MORTALITY, 1924--. 9 charts.
Comparative rates of mortality of mothers and infants, shown on a per cent. basis. $3\frac{1}{2}' \times 2\frac{1}{2}'$ to $12" \times 8"$. Health dept., entrance hall.

363. DISEASES, CASES AND DEATHS, 1924--. 4 charts.
Per cent. by years of cases and deaths of tuberculars, communicable diseases and preventable deaths of persons under 20 years of age. $3\frac{1}{2}' \times 2\frac{1}{2}'$. Health dept., entrance hall.

364. EXPENDITURES AND APPRAISAL, 1923--. 1 chart.
Shows per cent. of expenditures by years as compared with other years; per cent. of maximum appraisal score which is obtained from a form prepared by the American Public Health Association for scoring purposes and an estimated per cent. for the current year. $3\frac{1}{2}' \times 2\frac{1}{2}'$. Health dept., entrance hall.

Financial Record
(See also entries 330, 364)

365. LEDGER, 1929--. 1 loose leaf holder, 1 box.
Summary of expenses, including salaries, supplies, equipment and transportation. Chron. arr. No index. Hdw. Loose leaf holder, $10 \times 7\frac{1}{2} \times 2$; box, $9 \times 12 \times 26$. Health dept., 1 box, 1929-31, strg. rm.; 1 loose leaf holder, 1932--, secretary's office.

Miscellaneous Records

366. BLUE RIBBON RECORD, 1934--. 3 file boxes.
Card record, showing child's status with reference to annual blue ribbon contest, with physical standards for wearing of the blue ribbon. Num. arr. by civil district and chron. thereunder. No index. Hdw. $6 \times 9 \times 16$. Health dept., 1 box, 1934-35, bsmt.; 2 boxes, 1936--, main office.

367. LESSONS IN HEALTH, approx. 1924--, 5 folders.
Lessons in safety, community cleanliness, food and nutrition. No arr. No index. Ptd. $12 \times 9 \times 1$. Health dept., bsmt.

368. CORRESPONDENCE, 1924--. 10 file boxes.
General correspondence concerning all activities of the health department, containing letters received and copies of letters written. Alph. arr. by names of individuals and subjects and chron. thereunder. No index. Typed. $9\frac{1}{2} \times 12\frac{1}{2} \times 15$. Health dept., 7 file boxes, 1924-29, bsmt.; 3 file boxes, 1930--, secretary's office.

XIX. COUNTY PHYSICIAN

The origin of the office of county physician, or jail physician, is extremely vague. Mentioned repeatedly in previous legislation, the office was not clearly and definitely created until 1885 (P.A. 1885, ch. 95, sec. 4).

The 1859-60 session of the legislature directed the jailer of the county to call in physicians to care for prisoners when necessary and to pay the physician a reasonable fee to be attached to the bill of costs (P.A. 1859-60, ch. 95, sec. 1). An 1871 enactment directed the quarterly county court to fix the salary of a county jail physician, not to be in excess of \$1,000 per year (P.A. 1871, ch. 115, sec. 1). In 1873 the legislature repealed the act limiting the salary of the jail physician, except in the three supreme court counties of Knox, Davidson and Madison (P.A. 1873, ch. 29, sec. 1). In each of the remaining counties, including Rutherford, the sheriff was ordered to provide jail inmates with medical attention, the physician's compensation to be agreed upon by the physician and the quarterly court (ibid., sec. 2).

In 1877 the sheriff was relieved of this duty and the legislature declared it to be the exclusive power and duty of the quarterly court to arrange for medical care for prisoners, the compensation still to be determined by agreement between the court and the jail physician. The act did not, however, void contracts already held by attending jail physicians (P.A. 1877, ch. 160, secs. 1, 2).

In 1885 the legislature directed the quarterly court to elect or appoint, for a four year term, a jail physician or county health officer to render medical or surgical attention to inmates of the county jail (P.A. 1885, ch. 95, sec. 4). The same act declared that the chairman of the county court, the county court clerk and the jail physician or health officer should constitute a county board of health, with the physician or health officer presiding over the board, and as presiding officer he was charged with the management of the general health of the county, empowered to institute any necessary measures and, in instances of actual or threatened epidemics, ordered to consult the state board of health for instructions (ibid., sec. 1). Expenses incurred were borne by the quarterly court. The jail physician's compensation was fixed by the court (ibid., sec. 5).

When Rutherford County in 1924, under authority of a legislative act of 1921, established a county department of health (P.A. 1921, ch. 89, sec. 1; W. F. Walker, Ten Years of Rural Health Work - Rutherford County, Tennessee, 1924-1933, New York, 1935, 2), the health officer in effect replaced the county physician as chief public health agent in the county. Legislation in 1933 and 1935 enlarged the duties of the county physician so as to include the caring for inmates of all county institutions (P.A. 1933, ch. 140; 1935, 1st ex. ses., ch. 37).

The physician is not required by statute to keep records and no records belonging to this office are available.

XX. SURVEYOR

In the early history of the county, under the government of the proprietors, the making of land surveys was under the authority of the high steward's court.

The office of surveyor is not a constitutional one. It was, however, definitely established as a permanent county office shortly after the framing of the North Carolina Constitution of 1776.

This office grew out of the need for establishing title to land in the public domain when an entry-taker was provided for each county or for several counties. The claimant there made affidavit to his claim and upon its being recorded, the surveyor received an order from the entry-taker to survey the land described in the affidavit. The quarterly court was authorized to elect a surveyor to serve during good behavior; compensation was on a fee basis (Acts of N. C., 1777, ch. 1).

The surveyor continued on this basis except for minor changes until 1806, when the state was divided into six land districts and a surveyor for each district was elected by joint ballot of the legislature. He was allowed deputies, chain carriers and other necessary helpers (P.A. 1806, ch. 1).

Following the cession of the western territory and the evacuation of the Indians, other districts were created until a total of thirteen was reached. This system was in effect until 1835, at which time an act provided for the election of the surveyor by the quarterly court for a term of four years (P.A. 1835-36, ch. 2, sec. 4; ch. 73, sec. 2).

The surveyor's chief duties are: to make surveys directed to him by any court of record in the state; to survey any lot or piece of land in the county for any person paying the required fee (P.A. 1873, ch. 9, sec. 3); and to test all of his instruments by the meridian line every six months (P.A. 1871, ch. 120, secs. 2, 3).

369. SURVEYORS FIELD BOOK, 1922--. 1 vol.
Field notes of county surveyor, showing names of property owners, number of civil district, location and description of property, specific land marks and date of survey. Chron. arr. For index see entry 370. Hdw. 1691 pp. 5x7x4. Co. surveyor's office.

370. INDEX TO SURVEYOR'S FIELD BOOK, 1922--. 1 vol.
Alphabetical arrangement of clients' names, showing number of civil district and page of recording in surveyor's field book. Hdw. 100 pp. 4x6x $\frac{1}{4}$. Co. surveyor's office.

XXI. HIGHWAY DEPARTMENT

(Workhouse Commission and Superintendent of the Workhouse)

Throughout the nineteenth century and well into the twentieth, county highway and road construction and maintenance were organized in a casual and cumbersome system that proved almost totally ineffective with the coming of motor transportation.

Practically all authority concerning roads and bridges was lodged in the quarterly county court (P.A. 1804, ch. 1, secs. 17, 89; 1883, ch. 128, sec. 1; 2 Swan 207; 5 Lea 161). Sometimes turnpike, bridge and ferry corporations were chartered and allowed to build roads and bridges and maintain ferries and collect tolls (Philip Hamer, ed., Tennessee - A History, 1673-1932, I, New York, 1932, 385-387; P.A. 1877, ch. 101), but generally road construction and maintenance depended on requiring male residents of the county to work on roads a specified number of days or pay a commutation tax (P.A. 1804, ch. 1; 1881, ch. 38; 1882, ch. 18; 1883, ch. 128; 1891, ch. 1; Pr.A. 1919, ch. 668, sec. 2; P.A. 1925, ch. 297, sec. 13).

The administrative set-up in the county was changed and re-defined from time to time but there were no fundamental changes in the system. Roads were classified as turnpikes, or roads leading to the county seat, and as district roads (P.A. 1881, ch. 38; 1883, ch. 167; 1891, ch. 1). A district commissioner, operating through section overseers, summoned residents of the district and section to work on the roads or pay a commutation tax (P.A. 1881, ch. 38; 1883, ch. 128). Turnpike commissioners, provided for in 1883, had general supervision over turnpike roads throughout the county and expended the turnpike levies (P.A. 1883, ch. 167). The road tax, payable in labor and money, was fixed by the quarterly court (P.A. 1891, ch. 1). Commissioners and overseers received small salaries (P.A. 1881, ch. 38, sec. 36).

Various general road and highway taxes were levied on property. Head taxes were frequently levied and sometimes assessments were made on property within a single improvement district (P.A. 1804, ch. 1; 1881, ch. 38; 1891, ch. 1; 1913, 1st ex. ses., ch. 25, sec. 6; 1919, ch. 175, sec. 5; 1921, ch. 134).

A general law of 1891 declared all prisoners confined in the county workhouse available to the highway authorities (P.A. 1891, ch. 1, sec. 37). The general workhouse law, enacted simultaneously, authorized the county to establish a workhouse or to declare the jail a workhouse (P.A. 1891, ch. 123, secs. 1, 2), and authorized the quarterly court to create a workhouse commission (*ibid.*, sec. 3). After several false starts and much indecision in Rutherford County, the jail and the county farm were declared workhouses and a commission was appointed (Minutes of the County Court, II, 73, January 1, 1892; II, 82, January 5, 1892; II, 104, July 5, 1892; II, 167, January 2, 1894; II, 237, July 1, 1895; II, 255, September 1895). The belief that convicted county prisoners

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properly should be worked on county roads grew, and in 1899 the legislature made it mandatory for the quarterly court to place convicts at the disposal of road commissioners (P.A. 1899, ch. 358). The same year a permanent workhouse was ordered to be built (Minutes of the County Court, II, 566, October term, 1899; III, 53, July term, 1900).

General laws of 1913 and 1919 authorized the dividing of the county into road districts and the floating of bonds to finance a single construction program, the issue to be secured by assessments against the benefitting district. Each program was supervised by a new board of commissioners (P.A. 1913, 1st ex. ses., ch. 26, secs. 1, 2, 7, 8, 11, 13, 14; 1919, ch. 175, secs. 1, 2, 5; ibid., ch. 193, secs. 43-46, 68, 82-87).

A private act of 1919, affecting only Rutherford County, directed the chairman of the county court to appoint a three member board of public road supervisors to act as a board of arbitration in disputes between land owners and the district commissioners, and also reaffirmed the system of overseers, road hands and commutation taxes (Pr.A. 1919, ch. 698, secs. 1, 2, 4, 5, 10, 11, 13, 14, 17, 18). The quarterly court's power to levy road taxes was re-affirmed (ibid., sec. 20). This act was supplemented by a 1921 act creating a three member board of turnpike commissioners, elected by the quarterly court for terms of three years, to have supervision of turnpikes in the county (Pr.A. 1921, ch. 824). A private enactment of 1923 validated the Rutherford County quarterly court's election of district road commissioners in 1920 (Pr.A. 1923, ch. 437).

A special act of 1925 created a five member board of road commissioners to have general and county-wide authority (Pr.A. 1925, ch. 297). The commission appointed a full-time, salaried superintendent of roads to active supervision over all county pikes, district roads and bridges (ibid., secs. 3-5), and to have active supervision over the county workhouse (ibid., sec. 6). The quarterly court was authorized to levy an ad valorem tax on all property for road purposes, and a road tax of \$5.00 to \$25.00 on able-bodied male residents, to be paid in labor or money (ibid., secs. 12, 13, 16).

Private legislation of 1927 repealed the 1925 enactment but at the same time reaffirmed and clarified most of the salient points of the 1925 law (Pr.A. 1927, ch. 313). The administrative set-up, with a board of road commissioners, a superintendent of roads, district supervisors and section overseers, was little different from that outlined in 1925 (ibid.). Workhouse prisoners were to be used in road work (ibid., sec. 9), all males between twenty-one and fifty living outside of towns were liable for road duty or tax (ibid., sec. 7) and the court was again empowered to levy road and ad valorem taxes (ibid., secs. 7, 15).

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A 1931 enactment altered the system only to re-defining road districts and abandoning the civil district as a road district (Pr.A. 1931, ch. 531, sec. 1). Another act of the same year made only minor changes (Pr.A. 1931, ch. 235).

The private enactments of 1919, 1925 and 1931 were repealed by acts of 1933 (Pr.A. 1933, ch. 483; 1933, ch. 524), and another act, the controlling legislation at the present time, was passed (Pr.A. 1933, ch. 482).

Under the controlling act of 1933, entitled the Rutherford County road law, county roads are under the control of the board of workhouse commissioners, authorized by the general law of 1891 (P.A. 1891, ch. 123), created in Rutherford County in 1892 (Minutes of the County Court, II, 83, January 5, 1892) and reaffirmed in 1894 (ibid., II, 237, January 2, 1894). The 1933 act reaffirmed the general law of 1891 and set forth the manner in which commissioners should be designated until the quarterly court should be able to make permanent appointments (Pr.A. 1933, ch. 482, sec. 11). The act of 1933 represents the culmination of a long tendency to consolidate the administration of roads and prisons.

The 1933 act retains the provisions of the general law as far as actual workhouse administration is concerned (ibid., sec. 2). In addition, the board of workhouse commissioners has active supervision and control of roads and highways in the county and all powers necessary in establishing, changing, discontinuing and maintaining all public roads except those under state control (ibid., sec. 1). The superintendent of the workhouse is required to keep all tools and equipment used on roads in addition to his duties under the general workhouse law which gives him active supervision of the workhouse and prisoners. He is appointed by the commission for a two year term. Under the general law he is required to keep an account of all implements and tools; to keep all bills and statements, approve them and submit to the commission for approval; and to make quarterly reports to the commission, touching all phases of the workhouse administration (ibid., secs. 3, 4; P.A. 1891, ch. 123, secs. 7, Mod., 8, 9). The commissioners lease or purchase and repair all necessary tools and machinery (Pr.A. 1833, ch. 482, secs. 3, 4). Under the 1933 act, all contracts for labor and purchases of supplies are made by the commissioners, the accounts paid on order of the superintendent, endorsed by the county judge and the commission (ibid., sec. 4).

The board of commissioners may exercise the right of eminent domain, acquire quarries, establish new roads and widen old one. The board may institute condemnation proceedings in the circuit court, costs to be paid out of the general county account (ibid., sec. 5).

The law declares civil districts to be road districts, reaffirms the district commissioners (ibid., sec. 6), makes all males between twenty-one and forty-five living in unincorporated areas liable for road

Highway Department - Minutes and Reports

(371-374)

duty or tax as in the old system (ibid., sec. 7), again authorizes the court to levy road and ad valorem taxes (ibid., sec. 8) and declares the board of workhouse commissioners to constitute a county highway commission in the meaning of the general law allowing counties with such commissions to administer their share of the state gasoline tax fund (ibid., sec. 9).

The four commissioners are elected by the quarterly county court for terms of two years. The county judge is ex-officio chairman and may vote (ibid., secs. 11, 12). Compensation of all commissioners and other employees is fixed by the court (ibid., sec. 13).

The clerk of the commission is required to keep proper records incident to the workhouse and road system, and the superintendent of the workhouse is required to keep proper records regarding the prisoners confined in the workhouse (ibid., sec. 3). The board of commissioners is required to keep a well-bound minute book which includes all actions of the board in regard to the workhouse and road system (ibid., sec. 4). The commission is further required to submit to the county judge the superintendent's account book and its own minute book for comparison with the audited account kept in the judge's office (P.A. 1891, ch. 123, sec. 5).

Minutes and Reports
(See also entries 378, 379)

371. MINUTES (WORKHOUSE COMMISSION), 1936--. 1 vol.
Record of business transacted at meetings of the workhouse commission, monthly payrolls of employees of workhouse, amounts owed for supplies and record of repairs and tools bought for workhouse. Chron. arr. No index. Typed. 200 pp. 9x12x1. Co. agent's office.

372. ROAD MINUTES, 1871-93. 2 vols.
Shows location of road by farms, also name of overseer, road number, civil district number and date. Chron. arr. No index. Hdw. Aver. 580 pp. 18x9x3. Records rm.

373. CORRESPONDENCE, 1930--. 2 letter files.
Miscellaneous correspondence, reports, original letters and copies of replies. Alph. arr. and chron. thereunder. No index. Typed. 9x12x4. Co. agent's office.

Financial Records
(See also entries 371, 380, 381, 382)

374. LEDGER, 1920--. 4 vols. Records missing 1930.
General itemized road accounts, showing date, amount disbursed and for what purpose. Chron. arr. Alph. indexed within each vol. by name of account. Hdw. Aver. 281 pp. 14x7½x1½. Co. agent's office.
For prior records see entry 31.

Highway Department - Workhouse Records

(375-382)

375. VOUCHER STUBS, 1931--. 24 vols.

Shows number, date, purpose and amount of voucher and signature of person receiving the voucher. Num. arr. by voucher no. and chron. thereunder. No index. Hdw. Aver. 120 pp. 15x9x1. Co. agent's office.

376. PIKE AND BRIDGE WARRANTS (Duplicates), 1923-32. 13 vols.

Records missing 1926-30. Discontinued.

Shows date, to whom issued, on what account, number, and amount of warrant. Num. arr. by warrant no. and chron. thereunder. No index. Hdw. Aver. 201 pp. 12x9 $\frac{1}{2}$ x $\frac{1}{2}$. Records rm.

For subsequent records see entry 381.

377. SUPERINTENDENT'S ORDERS ON WARRANTS, 1925-30. 8 bundles.

Records missing 1926-27, 1931-32. Discontinued.

Orders by superintendent of district roads to county chairman to pay parties specified amounts and charge to the road account. Chron. arr. No index. Hdw. 3x3x8. Co. agent's office.

378. MISCELLANEOUS PAPERS (Highway Department), 1934--. 3 file boxes.

Paid invoices for material used on highways and district roads, orders and reports from superintendent of highways, correspondence and canceled warrants. Alph. arr. by topics. No index. Hdw. and typed. 12x9x26. Co. agent's office.

Workhouse Records

(See also entries 371, 373, 378)

379. WORKHOUSE MINUTE BOOK, 1895-98. 1 vol.

Shows date of meeting, purpose, business transacted and date of next meeting. Chron. arr. No index. Hdw. 152 pp. 9x6x1. Records rm.

380. WORKHOUSE ACCOUNTS, 1933--. 2 file boxes.

Record of bills paid, showing date, name of item purchased and the cost. Chron. arr. No index. Hdw. 12x9x26. Co. agent's office.

381. ROAD AND WORKHOUSE WARRANT STUBS, 1932--. 2 vols. Records missing 1935-36.

Stubs show number, date, to whom issued, for what purpose, amount and by whom received. Num. arr. by warrant no. and chron. thereunder. No index. Hdw. Aver. 120 pp. 8x10x $\frac{1}{2}$. 1 vol., 1932-34, records rm.; 1 vol., 1937--, co. agent's office.

382. FINES AND COST BOOK, 1926--. 1 vol.

Record of fines and costs in connection with workhouse prisoners, showing date, name and amounts. Chron. arr. No index. Hdw. 298 pp. 16x6x $\frac{1}{2}$. Co. agent's office.

Poor Commission

(383-385)

383. REGISTER WORKHOUSE PRISONERS, 1895--. 3 vols. Records missing 1918-32.

Register shows name of prisoner, date sentenced, charge, from what court sentenced, amount of fine, costs, cash paid, amount paid in work, security and remarks. Chron. arr. No index. Hdw. Aver. 190 pp. 14 $\frac{1}{2}$ x10x1 $\frac{1}{2}$. 2 vols., 1895-1917, records rm.; 1 vol., 1933--, co. agent's office.

384. VERDICT AND SENTENCE, 1937--. 1 bundle.

Shows term of court, charge, date sentenced, judgment, amount of fine, costs and circuit court clerk's certificate. Chron. arr. No index. Hdw. on ptd. forms. 8x3x $\frac{1}{2}$. Co. agent's office.

For prior records see entry 383.

385. MITTIMUS, 1936--. 3 bundles.

Mittimus shows style of case, charge, bill of costs, justice's fee, amount of fine, date and name of justice of the peace. Num. arr. by case no. No index. Hdw. on ptd. form. 12x9x26. Co. agent's office.

XXII. POOR COMMISSION

(Poor Commission and Superintendent of the Poor Home)

An act of 1797 authorized the quarterly county court to provide for the needy at the expense of the county (Scott's Laws of Tenn. and N. C., ch. 5), but it was 1826 before any comprehensive system was outlined. Rutherford County's poor commission, the administrative agency for caring for the county's poor, functions under general laws of 1826, 1827, 1879, 1889 and 1929. The poor law of 1826 directed the county, through the quarterly court and a commission appointed by the court to make suitable provision for the care of the county's poor (P.A. 1826, ch. 56, sec. 2). The Rutherford County quarterly court appointed such a commission in 1829 (C. C. Henderson, Story of Murfreesboro, Murfreesboro, 1929, 3). Subsequent legislation has made the poor commission a permanent body (P.A. 1879, ch. 102; 1889, ch. 150, Mod.). The three commissioners are elected by the quarterly court for three-year terms (ibid.).

The commissioners are empowered and required to prescribe rules and regulations for the management of the county poor farm and for the treatment of the inmates of the poor home or asylum; to prescribe the manner in which the inmates live; to appoint a suitable superintendent; to receive bond of the superintendent; and to deliver such bond to the county court clerk (P.A. 1827, ch. 112, sec. 6).

The commissioners elect one of their own number chairman and are required to keep minutes of their proceedings in a well-bound book (Code of Tennessee, 1932, sec. 4801). Money is expended on the commission's signed order, describing in detail the purposes for which it is intended, and approved by the quarterly county court before it is delivered to the county judge (ibid., sec. 4802). The commission

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(386-387)

is required to keep account books, listing all expenditures and details concerning such expenditures, and to preserve all vouchers (ibid., sec. 4803). The account book and vouchers are supposed to be delivered to the county judge once a year (ibid., sec. 4804). The commission is required to make an annual report to the quarterly county court, including a report on the condition of the poor and other important matters (ibid., sec. 4814). The commissioners are entitled to a reasonable compensation, to be fixed by the court (ibid., sec. 4815).

The superintendent of the poor home or farm overlooks and manages the institution under such rules as the commission prescribed (P.A. 1827, ch. 112, sec. 6). Appointed by the commission, the superintendent serves during good behavior (ibid.). The superintendent is required to submit an annual report to the commission, showing full details of the previous year's activity (ibid., sec. 9, Mod.), to be incorporated in the commission's report to the quarterly county court (Code of Tennessee, 1932, sec. 4813). His compensation is fixed by the court (ibid., sec. 4815).

386. MINUTES AND RECEIPTS, 1923--. 2 vols.

Record of the proceedings of the poor commission in session, showing an account of receipts and disbursements, items for which money was spent, amount, funds appropriated by the quarterly county court for operation and a production account for the farm. From this information the commission's report to the quarterly court is compiled. Chron. arr. No index. Hdw. Aver. 130 pp. 14x8 $\frac{1}{2}$ x $\frac{1}{2}$. Poor home, supt's. home.

387. DAY BOOK, 1904--. 2 vols.

Shows names of persons admitted, date of entry, color, sex, age and date dismissed or date of death. Chron. arr. Alph. indexed within each vol. by name of patient. Hdw. Aver. 200 pp. 13x7x1. Poor home, supt's. home.

XXIII. AGRICULTURE DEPARTMENT

(County Farm Agent and Home Demonstration Agent)

The county department of agriculture is composed of the county farm agent, the home demonstration agent, various clerks and assistants and the agricultural extension committee.

The appointing of a county farm agent and related officers was made much easier by a 1914 act of Congress, the Smith-Lever bill, which authorized the granting of financial aid to counties which had appointed farm agents or desired to do so. Working in close cooperation with the agricultural extension service of the University of Tennessee, as required by law, Rutherford County soon availed itself of the Federal grants. A county farm agent was first formally installed under the co-operative arrangement with the University's extension service in 1917

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(Files of Cooperative Extension Service, State of Tennessee, Knoxville; Minutes of the County Court, No. 5, April term, 1917, 520). However, the department has not had a continuous existence since then. The county has had a home demonstration agent intermittently (Minutes, No. 5, 278).

Representing the quarterly county court is the court's agricultural extension committee, usually composed of a varying number of members of the court serving varying lengths of time.

The committee and the University's extension service jointly designate the farm agent and the home demonstration agent for terms of one year; the selections are technically subject to ratification by the quarterly court (P.A. 1929, ch. 81, sec. 5).

A legislative act of 1929 set aside \$160,000 annually to be used in matching Federal funds for aid to counties as provided by the Capper-Ketchum bill, passed by Congress in 1928 (ibid., sec. 81). Thus under the present set-up, expenses of the department are met by state, county and Federal funds. The 1929 act is designed to further such activities as practical demonstration instruction in agriculture and home economics, conducting 4-H clubs, introducing new crops and methods, developing new methods of marketing and, in general, making rural life more desirable and attractive (ibid., sec. 2, Mod.).

The county farm agent's contact is mainly with the men, instructing and advising them on such matters as more efficient methods of cultivation, crop distribution and marketing and encouraging the boys to stay on the farm. The home demonstration agent, a woman, is in charge of rural home economics, such as canning, sewing, handicraft, gardening, home improvements and other matters of interest to the farm women and girls.

The enacting of the agricultural adjustment act of 1933 found most county departments of agriculture in the doldrums. The need for a new department to assist in the administering of the act in an agrarian county such as Rutherford was imperative, and in 1933 the department was revitalized and a farm agent appointed. The next year, 1934, a home demonstration agent was appointed.

Reports and Financial Records
(See also entries 389, 390, 393, 394)

388. GENERAL FILE, 1934--. 2 file boxes.

General correspondence, bills, receipts, reports and all papers incident to general office routine. Alph. arr. by subjects. No index. Hdw. and typed. 10x12x26. Co. agent's office, 1st floor.

Agriculture Department - Home Demonstration Agent

(389-395)

Home Demonstration Agent

389. PAPERS (Home Demonstration Agent), 1935--. 2 file boxes. Papers used in connection with home demonstration agent's 4-H Club work activities. Included also are correspondence, reports, instructions, plans and budgets, bills and receipts. Alph. arr. by topics. No index. Hdw. and typed. 9x12x26. Co. agent's office, 1st floor.

4-H Club Work
(See also entry 389)

390. 4-H CLUB WORK, 1934--. 1 file box. General correspondence, reports of meetings and projects, miscellaneous information, bills and receipts. Alph. arr. by topics. No index. Hdw. and typed. 9x12x26. Co. agent's office, 1st floor.

391. ENROLLMENT CARDS (4-H Club Members), 1937. 1 file box. Temporary card record, showing name and address of pupil and parents, name of school, name of teacher or club leader, age of pupil, kind of project and number of years in club. Alph. arr. by name of school. No index. Typed. 14x6x3. Co. agent's office, 1st floor.

Records of Agricultural Adjustment Program

392. PAPERS IN ADJUSTMENT PROGRAM, 1934-35. 6 file boxes. Discontinued. Included are certifications, agreements, marketing cards, allotments and dealers' and producers' receipts. Alph. arr. by name of client. No index. Hdw. and typed on ptd. form. 9x12x4. Co. agent's office, 1st floor.

393. SOIL CONSERVATION DEMONSTRATION UNIT, 1934--. 4 file boxes. Included are a mailing list of farmers, Tennessee Valley Authority reports, fertilizer test reports, tractor crew reports, contracts for terracing, budgetary estimates, payroll blanks, planned farm programs and farm record books. Alph. arr. by topics. No index. Hdw. and typed on ptd. form. 9x12x15. Co. agent's office, 1st floor.

394. PAPERS IN SOIL CONSERVATION PROGRAM, 1935--. 6 file boxes. Included are work sheets, reports of performance and maps of crop lands. For years 1936-37, a report of the full farm program is given. Arr. by subjects. No index. Hdw. on ptd. form. 11x16 $\frac{1}{2}$ x26 $\frac{1}{2}$. Co. agent's office, 3rd floor.

395. "BANKHEAD" (Application and Work Sheet), 1934-35. 25 folders. Discontinued. Applications are entitled "Application for Allotment and Tax-Exemption Certificates Pursuant to the Cotton Act", showing name and address of producer, number of acres in cultivation, location of farm, civil district,

Agriculture Department - Records of Agricultural
Adjustment Program

(396-400)

county, state, oath and signature of producer, date, signatures of community committeeman and county agent. Included also are tables showing acres in cultivation and yearly yield of lint for the years 1928-34. Num. arr. by civil districts and chron. thereunder. For index see entry 396. Hdw. and typed on ptd. form. 15x9x $\frac{1}{2}$. Co. agent's office, 3rd floor.

396. INDEX TO BANKHEAD APPLICATIONS, 1934-35. 1 file box.
Discontinued.

Card index file, showing name of producer, district number, serial number, date of application and outline of acreage reduction program. Each card refers to the corresponding serial number of application. Index serves entry 395. Num. arr. by civil district and alph. thereunder. Typed. 16x10x5. Co. agent's office, 3rd floor.

397. COTTON ACREAGE REDUCTION PROGRAM, 1933-35. 4 file boxes,
8 folders. Discontinued.

Shows name and address of landlord, instructions for fulfillment of contract, table of average production and receipt for payment by government check. Alph. arr. by name of landlord. No index. Hdw. and typed. File boxes, 9x12x26; folders, 9x12x2. Co. agent's office, 3rd floor.

398. PAPERS IN COTTON ADJUSTMENT PROGRAM, 1935. 1 box, 5 stacks.
Work sheets containing production record, receipts for and reports of the distribution of cotton, price adjustments and final payment. Alph. arr. by name of producer. No index. Hdw. on ptd. form. Box, 16x16x20; stacks, 15x9x10. Co. agent's office, 3rd floor.

399. MISCELLANEOUS PAPERS IN COTTON PROGRAM, 1934-35. 1 file box.
Discontinued.

General correspondence, reports of production and lists of farmers participating. Alph. arr. by topics. No index. Hdw. and typed. 9x12x26. Co. agent's office, 3rd floor.

400. CORN AND HOG PROGRAM, 1933-35. 6 file boxes. Discontinued.
Included are contracts, work sheets, sales receipts, certifications, maps of farm and contracted acres and producer's statement of production. Alph. arr. by name of producer. No index. Hdw. and typed. 12x9x26. 1 file box, co. agent's office, 1st floor; 5 file boxes, co. agent's office, 3rd floor.

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Underscored numerals refer to page numbers, others to entry numbers.

The sketches preceding the bureaus have not been indexed in detail since each of these sections contains essentially the same type of information. The sketches include information on the present nature and the historical development of the office or bureau, its powers and duties as regulated by law, methods of election, tenure of office and relation to other offices.

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