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INVENTORY
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NUMBER 23
FAULKNER COUNTY
(CONWAY)

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

INVENTORY OF THE COUNTY ARCHIVES

OF ARKANSAS

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

No. 23. FAULKNER COUNTY (CONWAY)

. . . . . .

Little Rock, Arkansas
The Arkansas Historical Records Survey Project
December 1939

The Historical Records Survey Program

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John C. L. Andreassen, Regional Supervisor
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Floyd Sharp, State Administrator

FOREWORD

The Inventory of the County Archives of Arkansas is one of a number of bibliographies of historical materials prepared throughout the United States by workers on the Historical Records Survey Program of the Work Projects Administration. The publication herewith presented, an inventory of the archives of Faulkner County, is number 23 of the Arkansas series.

The Historical Records Survey Program was undertaken in the winter of 1935-36 for the purpose of providing useful employment for 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carrying out this objective, the project was organized to compile inventories of historical materials, particularly the unpublished government documents and records which are basic in the administration of local government,and which provide invaluable data for students of political,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 designated 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 Program 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 Program, even in a single county, would not be possible without the support of public officials, historical and legal specialists, and many other groups in the community. Their cooperation is gratefully acknowledged.

The Survey Program was organized and has been directed by Luther H. Evans,and operates as a nation-wide series of locally sponsored projects in the Division of Professional and Service Projects, of which Mrs. Florence Kerr, Assistant Commissioner, is in charge.

F. C. Harrington
Commissioner

PREFACE

The Historical Records Survey, a nation-wide project initiated in January 1936 as a division of the Federal Writers' Project, WPA, became an independent part of Federal Project No. 1, in November 1936. The headquarters of the Survey is in Washington, D. C., and the National Director is Dr. Luther H. Evans. Principally, it is the purpose of the Survey to prepare bibliographical guides to the great masses of unpublished historical materials in the nation for the use of researchers and other interested persons. An initial step in this direction has been the Survey's work in the preparation and publication of inventories of county records. This phase of the program has provided the chief occupation, up to this time, of the Historical Records Survey in Arkansas.

In Arkansas, the Survey was organized in March 1936, under the direction of Mrs. Bernie Babcock, then State Director of the Federal Writers' Project. In October 1936, the Survey was separated from the Writers' Project and Howard Reed was appointed State Director. On November 2, 1938, Robert L. Baugh was appointed to succeed Mr. Reed. Mr. Baugh, a former resident of Faulkner County, was State Director during the preparation of this inventory and contributed greatly to its completeness and accuracy. He resigned on September 1, 1939 and Howard H. Jacoway was appointed to succeed him.

When completed, the Inventory of the County Archives of Arkansas will include 75 volumes, one for each county in the state. Each volume will be numbered according to its position in an alphabetical list of counties. This inventory of the Faulkner County archives is No. 23, and is the second volume published by the Survey in Arkansas.

The Faulkner County survey began in the courthouse at Conway, November 1, 1936, and the initial work was completed June 30, 1937. The original field workers were H. D. Reid and Mrs. Rosa Ingram. On May 10, 1939, a recheck of the records and historical research was begun by Mrs. Nona T. McCollum and completed during the latter part of 1939 by George R. Alewyne. The essays were written and the final editing done by the state office staff. Courteous and valuable assistance was given the field workers by the county officials of Faulkner County. Several citizens, among them Mason E. Mitchell, supplied needed information to the Survey.

The general progress of the Survey in Arkansas has been facilitated by the friendly cooperation of Floyd Sharp, State Administrator of the Work Projects Administration, Mrs. Dot Kennan, State Director of Professional and Service Projects, Willard J. Snoeyenbos, Acting State Director of Professional and Service Projects and A. C. London, Assistant Director of Professional and Service Projects, WPA. The assistance and cooperation of John C. L. Andreassen, Regional Supervisor of the Historical Records Survey, has been inestimable. The recheck and editorial work was under the direct supervision of Raymond Foster, State Editor.

The Arkansas Historical Records Survey Advisory Committee composed of Dallas T. Herndon, Little Rock, Secretary of the Arkansas History Commission; Dr. D. Y. Thomas, Fayetteville, Senior Professor of History at the University of Arkansas; Dallas McKown, State Supervisor of Arkansas

Preface

Writers' Project, WPA; Mason E. Mitchell, Conway, Former Naval Officer; H. M. Hosford, Fayetteville, Dean of the College of Arts and Sciences, University of Arkansas, and J. M. Malone, County Judge of Lonoke County, President of the County Judges Association of Arkansas, has given the Survey much technical advice and assistance.

The editorial criticism of the National Director, Dr. Luther H. Evans, Miss Edythe Weiner and Miss Mabel Brodie of the Washington Office, has been invaluable to the editorial staff in Little Rock.

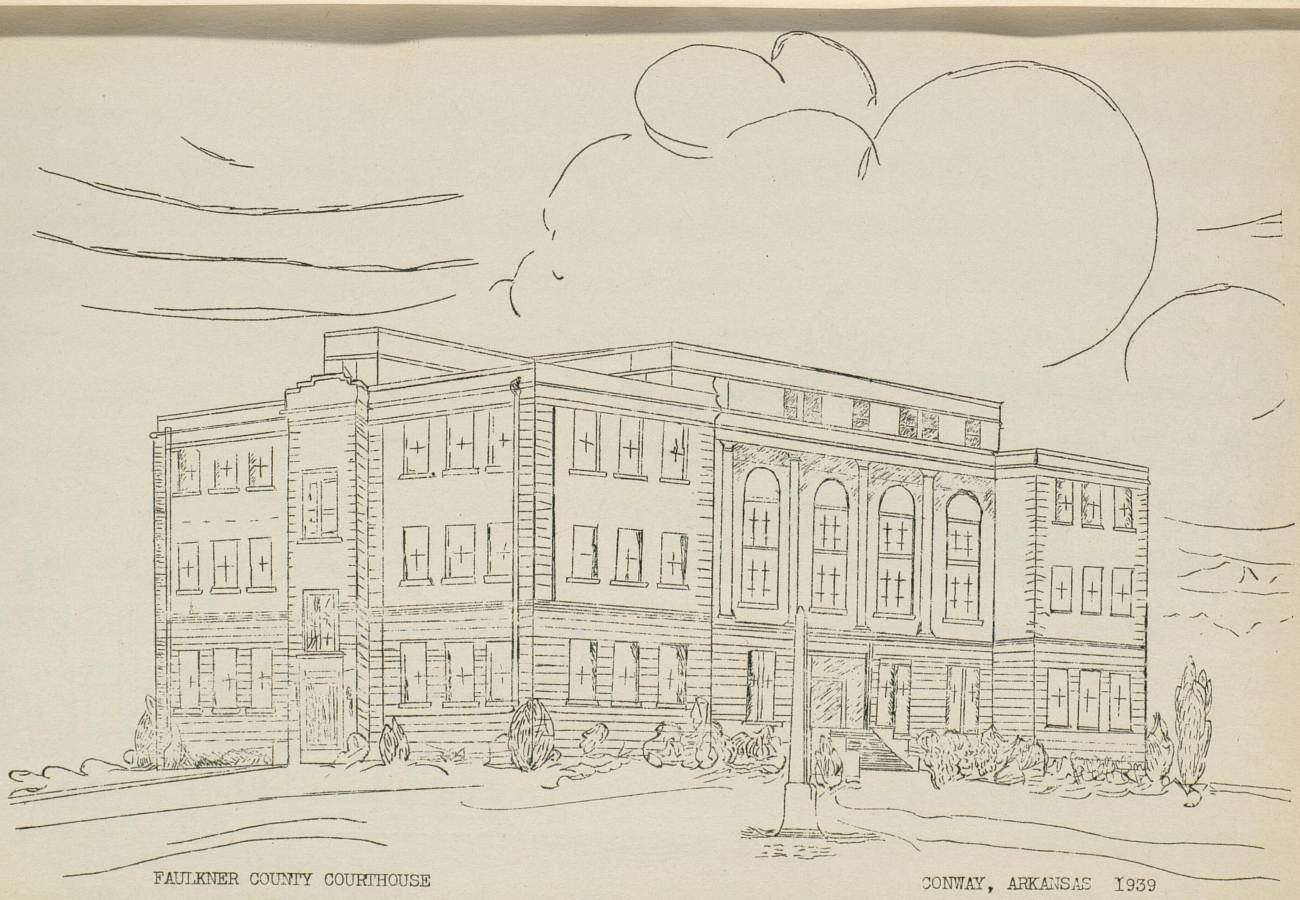
State office research workers are greatly indebted to the personnel of the Little Rock Public Library, the Arkansas Supreme Court Library, the Arkansas Library Commission, the Arkansas History Commission and the Library of the Secretary of State.

The editorial staff of the state office is grateful to Dallas McKown, State Supervisor of the Arkansas Writers' Project, for the use of his historical research files and for his interest in this Survey.

This inventory contains a listing of county records, which are arranged by subject, under the office of final deposit. In the chronological index, record entry numbers are arranged chronologically by decades, in the subject index, they are arranged alphabetically, with cross references. Preceding record entries for each office is a brief essay on the history and records of the office. Several introductory essays are in the forepart of the book.

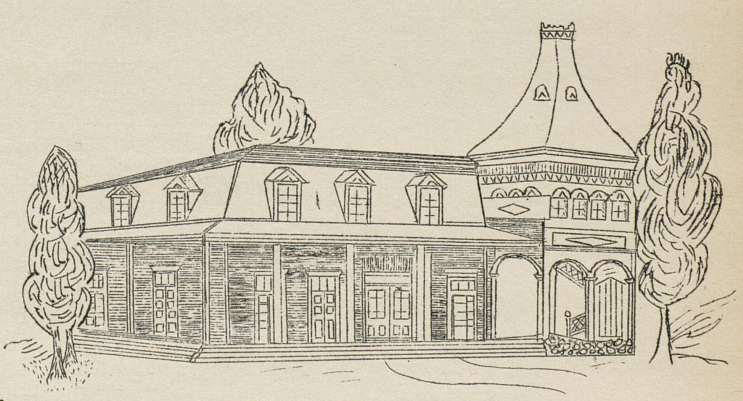
Howard H. Jacoway
State Supervisor
Historical Records Survey

Little Rock, Arkansas
December 1, 1939

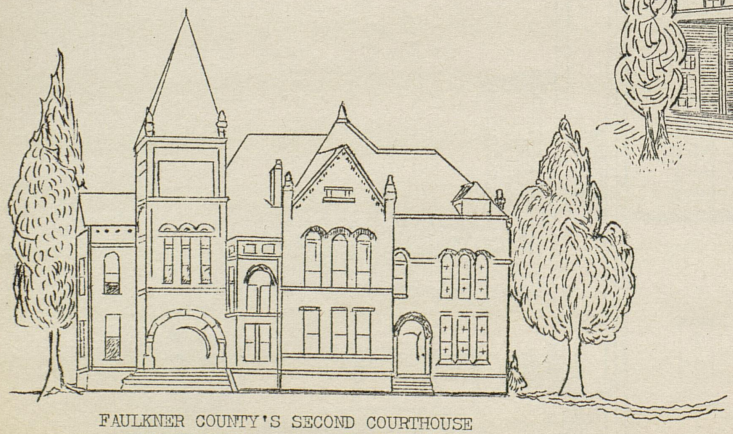


FAULKNER COUNTY COURTHOUSE

CONWAY, ARKANSAS 1939



FAULKNER COUNTY'S FIRST COURTHOUSE
ERECTED 1876 BURNED 1890



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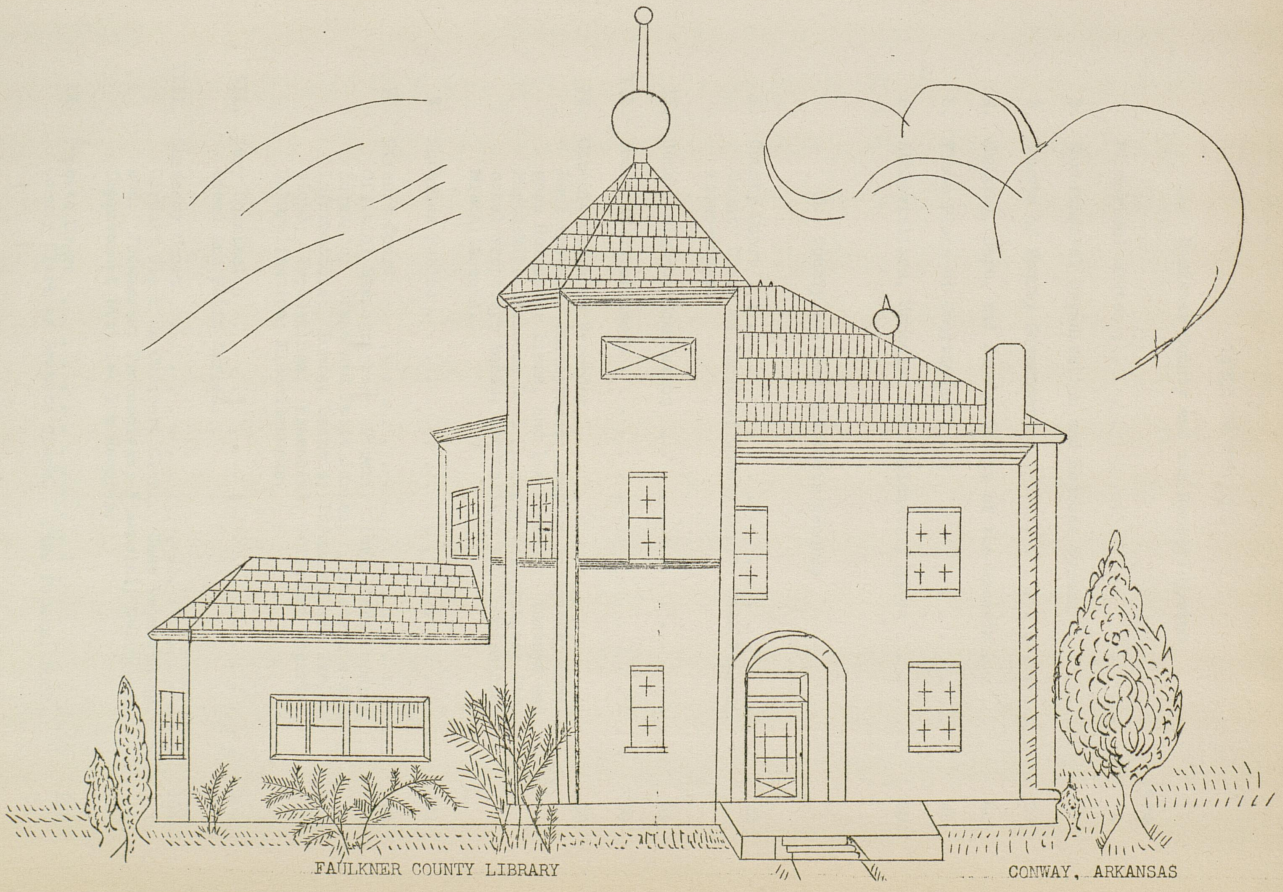
ERECTED 1893 RAZED 1936



FAULKNER COUNTY LIBRARY CONWAY, ARKANSAS

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I. HISTORICAL SKETCH

Faulkner County, one of the younger generation of counties in Arkansas, is the sixty-ninth county created in Arkansas. Situated slightly north of the geographical center of the state, it is bounded on the north by Cleburne and Van Buren counties, on the east by Lonoke and White, on the south by Pulaski, and on the west by Conway and Perry. Conway, the county seat, is 31 miles northwest of Little Rock, the state capital. (Arkansas Geological Survey, Topographic Map of the State of Arkansas, Little Rock, 1930.)

The county has an area of 651 square miles (Fifteenth Census of the United States, Population, 4 vols., Washington, 1931, I, 103) or 416,640 acres, and is composed entirely of lands taken from Conway and Pulaski counties, the greater portion being taken from Conway. The greatest length of the county north and south is about 33 miles, and its width 24 miles. The act of the General Assembly that created the county designated its boundaries as beginning at the point where the township line between townships three and four north of the base line crosses the Arkansas River, and running east on this line to the range line dividing ranges 10 and 11 west of the fifth principal meridian; thence north on the range line to the township line dividing townships eight and nine north; thence west on the township line to the section dividing sections three and four, township eight north, range 14 west; thence south on the section line to the middle of the channel of the north fork of Cadron Creek; thence down the middle of the channel of the creek, following the meandering of the creek to the middle of the Arkansas River; thence with the meandering of the river to the point of beginning. (Arkansas Geological Survey, "Digest of Topographical Mapping in Arkansas", Little Rock, 1935, 25 pp., typed files, 3; A. Ark., 1873, 76.) The boundary line of the county was changed by an act of the General Assembly adopted December 7, 1875. By the terms of this act all of township four north of the base line and range 11 west of the fifth principal meridian was detached from Faulkner County and returned to Pulaski County. All that portion of township three north of the base line, and ranges 13 and 14 west of the fifth principal meridian that lies in the fork of the Arkansas River and Palarm Creek was taken from Pulaski County and given to Faulkner. (A. Ark., 1875, 119). The boundaries have remained unchanged since 1875.

Physiographically, Faulkner County lies entirely within the Ouachita Province, comprising lowlands, ridges and plateaus. The southern part of the county is in the foothills of the Fourche Mountain region. The central portion, bounded on the southwest by the Arkansas River, rises gradually from the wide bottoms of the river to the north and northeast, merging in the north part of the county into the foothills of the Ozark Mountains. The northern portion differs from the remainder of the county in that it includes a series of isolated plateaus. The most prominent of these plateaus are Becket and Batesville Mountains with elevations of 650 and 750 feet. South of this region the county consists of alternating ridges and lowlands with a general trend east and west, the elevation ranging from 250 to 850 feet. North slopes are gentle and moderately stony, while south slopes generally are steep and rocky. An important exception to this ridge topography is Round Mountain, a plateau south of Conway. An example of alternating ridges and narrow valley topography

occurs in a belt averaging $2\frac{1}{2}$ miles which begins at Cadron Creek on the west, extending east to White County. (University of Arkansas College of Agriculture, The Soils of Arkansas, Fayetteville, Arkansas, June 1928, Bulletin No. 187, I map II.) The basic rock types of the region are sandstone, shale and slate (Arkansas State Planning Board, Progress Report, 1936, Little Rock, 1936, 69). The mineral resources of Faulkner County are limited. Deposits of zinc, lead, and manganese have been found in the county, but not in quantities sufficient for commercial development. Coal and indications of natural gas have also been found, but, as yet, are undeveloped. (Bureau of Mines, Manufactures, and Agriculture, Nineteenth Biennial Report, Little Rock, 1930, 175.)

The soils of the county are principally of two kinds: alluvial bottom lands and rich loam with clay subsoil in the uplands. The bottom lands are especially adapted to the growing of cotton, corn, and alfalfa. The uplands are best suited to fruit culture and truck growing. Dairying is an important industry. The productivity of the soil is good and the county comes under the flexible agricultural heading of "cotton, general and self-sufficing". (Arkansas State Planning Board, Progress Report, 1936, 24.)

The major part of the county is drained by the Arkansas River, and North Fork and East Fork of Cadron Creek and Palarm Creek. Lesser streams in the county include Greenbrier, Cypress, and Pierce Creeks. (Arkansas Geological Survey, Topographic Map, 1930.) The ground water of Faulkner County is not very abundant, probably due to the shale and sandstone rock bases which are not reliable as water producers. Wells sufficient for small domestic supply are usually found at depths from 75 to 100 feet, but they are materially affected by drought. Springs are often important as a ground water supply. (Arkansas State Planning Board, Progress Report, 1936, 105.) Chief among the springs in the county are Pinnacle Springs and Cascade Springs (Alex McPherson, The History of Faulkner County, Conway, 1937, 6).

Climatic data of Faulkner County are obtained from observations made at Conway, which has an elevation of 309 feet above sea level. The average annual rainfall is 47.48 inches; the mean annual temperature is 62.1 degrees; the long growing season ranges from 190 to 250 days. (United States Department of Agriculture, Climatic Summary of the United States, Section 59.)

Among the flora of Faulkner County, the violet is probably the best known. In the spring the valleys are covered by bluets and violets, while the hills are thickly studded with buttercups, contrasting with the purple "spiderwort". Wild indigo, from which indigo dye and medicines were once made, also grows on the hillsides. Another name for it is horsefly weeds, because farmers sometimes fasten bunches of it about the harness of their horses to keep away the flies. Dogwood, which grows abundantly, is prized not only for its beauty, but for its medicinal qualities. Both the pink and white marsh mallow are found in every low, moist place, the white being the most abundant. The golden cups of the senna plant flourish in this section. Indian pink, wild cotton, the passion flower, commonly called "maypop", elder, wild morning glory, many varieties of the mint and pink families and Indian pipe, are found

in abundance. Goldenrod and aster may be seen in season along every roadside in the county. There are 250 varieties of aster in the United States of which 97 varieties are found in Arkansas. Goldenrod is usually associated with aster. (George Lincoln Walton, Wild Flowers and Fruits, Philadelphia, 1909, 170, 360.)

The blackberries, common in this section, have a domestic and commercial value. The dewberry, huckleberry, mulberry, and red haw grow in great abundance. (F. Schuyler Mathews, Field Book of American Trees and Shrubs, New York, 1931.)

One of the most valuable trees of the county is the oak, found there in several varieties, the black jack, and the white, red, and water oaks. The chinquapin oak grows along the foot of the hills and in the valleys. Black walnut, hickory, pecan, cypress, sweet gum, cottonwood, ash, and the silver maple are among the varieties that grow throughout Faulkner County. Dogwood, sassafras, buckeye, mulberry, and sumac are also found. The red cedar and the yellow pine are interesting and valuable. (University of Arkansas, College of Agriculture, Common Forest Trees of Arkansas, Extension Service Circular 180, Fayetteville, 1924.)

Many birds are found in the county, ranging from the tiny humming bird to the screech and hoot owl, and the eagle. The most valuable bird for both sport and food is the quail, commonly called bob-white. Geese, ducks, blackbirds, martins, and robins are migratory birds. The wild turkey is rare. The crow, wren, snowbird, bluebird, jay bird, and red bird are found here. The whip-poor-will can be heard from early spring to late summer. Many hawks and owls menace the birds and young domestic fowls. Wolves, coyotes, bobcats, raccoons, foxes, opossums, squirrels, rabbits, mink, ground-hogs, chipmunks and skunks are found through this section. Of these animals, wolves, coyotes and bobcats are hunted and killed largely to prevent the destruction of young domestic animals. The other animals are hunted for sport and for fur value. The squirrels, rabbits, and opossums are used for food. (Arkansas Game and Fish Commission, Biennial Report, 1934-35, 97.)

Rattlesnakes, copperheads, cotton-mouth water moccasins, and even the diamond-back rattlers are found in this section. The rattlesnake is found both in the hills and prairies, but more often in the hill sections. The copperhead frequents high, dry ground. The cotton-mouth water moccasin frequents the lowlands along the rivers. The coachwhip, striped racer, chicken snake, green and king snakes are non-poisonous reptiles found in this area. (Raymond L. Ditmars, Snakes of the World, New York, 1931, 52-102.)

Faulkner County lies within the boundaries of the old hunting grounds of the Osage Indians, claimed by them since their migration to Arkansas in 1802 (Dallas T. Herndon, Centennial History of Arkansas, 3 vols., Chicago-Little Rock, 1922, I, 61, 62). However, by treaty in 1808, the Osages ceded this and other lands back to the United States. In 1817, by treaty with the United States, the Cherokees were permitted to have certain territory in Arkansas which included a small triangle of land in the northwest corner of the present county of Faulkner. The Cherokees held this territory until conflicts among the Osages, Chero-

kees, and white people resulted in the treaty of 1828 by which these Indians lost all of their lands in the state. (Richard Peters,ed.,Treaties Between the United States and the Indian Tribes, Boston, 1846, 108, 158, 311, 312.)

John Standlee, while with an exploring party along the Arkansas River in 1778, picked out a site at the mouth of Cadron Creek for a future home. In 1814, thirty-six years later, he built the first white man's home in the wilderness which now is the County of Faulkner. Within five years, he was joined by his son-in-law, John C. Benedict, who settled on the Arkansas River in the southern part of Faulkner County on a tract afterwards known as the "Benedict Settlement". Two Scotsmen, named Anderson and Frazier, John McElmurray, with his four sons, David, Harvey, John and Robert, and Benjamin Murphy, Harvey Hager, the McFarlands, and the Newells also settled in the neighborhood about the same time. The Flanagins and Massengills settled near the mouth of the Palarm Creek, a few miles down the river. Two of the Standlees, John and William, built the first sawmill and grist mill in 1818. (Herndon, Centennial History, I, 755.)

Thomas Nuttall, in his journeys through Arkansas in 1819, spent some time in the vicinity of Cadron Creek. In his journal, he referred specifically to some of the early settlers and made the prediction that Cadron would never become a thriving town. (Thomas Nuttall, A Journal of Travels into the Arkansa Territory, during the year 1819, Philadelphia, 1821, 156, 157; ibid., ed. note, p. 156.) When the territorial legislature of 1820 decided to move the state capital from Arkansas Post (L. Ark., 1818-1820, 105), Cadron was regarded by many, including Governor Miller, as the proper site for the new capital. However, after much debate, Little Rock was chosen, and although the county seat remained at Cadron for a time, it was also moved later to Little Rock. (Josiah H. Shinn, Pioneers and Makers of Arkansas, Little Rock, 1908, 38.) The last vestige of Cadron has disappeared and the site is now a recreation park (Log Cabin Democrat, daily, Conway, Nov. 24, 1934). With the decline of Cadron, activities in the area now comprising Faulkner County virtually ceased until the advent of the Civil War (W. A. Goodspeed, Biographical & Historical Memoirs of Central Arkansas, Chicago -- Nashville -- St. Louis, 1889, 710).

Among the historical landmarks in the county is an old stage coach trail,referred to locally as the "Old Wire Road". This road was so named because it followed the path of a telegraph line connecting Little Rock and Fort Smith. Years before, however, the route was followed to some extent by the Indians, as they traveled westward into Indian Territory. Another landmark in the county is the old Sevier place, near the southeast boundary of the townsite of Conway,which formerly was a stage coach inn. There is a legend that Jesse James once held up a stage coach near the Sevier place. The following morning a pistol, supposedly dropped by one of the highwaymen, was found near the scene of the hold-up. The pistol is now in the possession of Professor A. A. Parsons,former county superintendent of schools. (Arkansas Gazette, daily, Little Rock, August 21, 1938.)

The county was named in honor of Colonel Sandford C. Faulkner,

credited by some with being the original "Arkansaw Traveler" (David Y. Thomas, Arkansas & Its People, 4 vols.,New York, 1930, II, 701). Colonel Faulkner was given the name "Arkansaw Traveler", after the campaign of 1840 at which time he toured the state with Hon. A. H. Sevier, former Governor William Fulton, Chester Ashley, and Governor Archibald Yell. When the party approached a certain squatter's home, Colonel Faulkner was designated spokesman for the group to question the squatter about the trail. The squatter was playing a tune on a homemade fiddle. Faulkner was so fascinated by the melody that he later played it on innumerable occasions. The tune was called "Arkansaw Traveler" and the name has since been generally associated with Faulkner throughout Arkansas and the Southwest. (Herndon, Centennial History, I, 991.) A colorful description of this inimitable personality is given by W. A. Goodspeed (W. A. Goodspeed, The Province and the State, 7 vols., Madison, Wisconsin, 1904, VII, 255, 256).

When hostilities in the Civil War first broke out in 1861, sympathies were with the Confederate cause. Several companies of troops were raised for the Tenth Confederate Regiment and placed under the command of Colonel T. D. Merrick. Although no important engagements were fought within the county,the population,nevertheless, was subjected to numerous hardships due to the activities of scouting parties of both sides and to guerilla warfare carried on between them. Near the close of the war,the region fell into the hands of Federal forces. Slowly, bitterness of the conflict faded, and before the war was ended, a number of troops volunteered for service in the Federal forces. (Goodspeed, Biographical and Historical Memoirs of Central Arkansas, 710.)

During early statehood, there were few settlements other than Cadron in the area that now is Faulkner County. A search of post office department records by Mason E. Mitchell of Conway brought to light names of the earlier post offices established within the county. These included Cadron, established in 1848 and discontinued in 1880; Greenbrier, established in 1857 and still in existence, and Cane Creek, established in 1858 and discontinued in 1878. A total of 51 post offices have been established in Faulkner County, only 12 remaining in existence today. These include Cato, Conway, Damascus, Enola, Greenbrier, Guy, Holland, Martinville, Mayflower, Mt. Vernon, Vilonia, and Wooster. (Log Cabin Democrat, Nov. 24, 1934.) One of the settlements, prominent during this period, was Duncan's Gap. Settlement was stimulated by the construction of the Little Rock & Ft. Smith Railroad through the region in 1871-1872. However, the population of the territory was thinly scattered, and in 1880, when the first official census of the county was taken, it showed a population of only 1,028. (Goodspeed, Biographical and Historical Memoirs of Central Arkansas, 711.)

Conway, county seat of Faulkner County was founded in 1871 by Colonel A. P. Robinson, original owner of the town site, and was named in honor of James S. Conway, first governor of the state. The site was platted by Colonel Robinson during his employ as chief engineer for the Little Rock & Ft. Smith Railroad, now a part of the Missouri Pacific Lines. In addition to the fact that the site was located on the railroad right-of-way, his decision as to the location was influenced, to a great extent, by his appreciation of the stately oak trees, predominant

in the immediate vicinity, and its proximity to good hunting grounds. (Hubert Lee Minton, Evolution of Conway, Arkansas, thesis for degree of Doctor of Philosophy, University of Chicago, Chicago, Ill., 1937, 19; "Deed Record", vol. A,255.) The first store in the vicinity was operated by Green B. Evans, about one mile north of the present town site and the post office, established in 1871, was first named Evans. In 1871, R. T. Harrison opened a store within the present limits of Conway, and other establishments followed in quick succession. (Goodspeed, Biographical and Historical Memoirs of Central Arkansas, 711;Log Cabin Democrat, Nov. 24, 1934.)

Following the creation of the county, the designation of Conway as the county seat spurred it on to more rapid development and, on October 9, 1875, the town was incorporated. Three years later, in 1878, a large portion of the business district was destroyed by fire. At first, frame buildings were constructed but when these, also, were burned in a subsequent fire, they were replaced by buildings of brick in 1880. (Thomas, Arkansas and Its People, II, 702.)

Conway had scarcely recovered from these fires when disaster struck again. From May until October of 1881, the entire county suffered a severe drought which brought with it typhoid fever. Many deaths resulted and numerous families deserted the county to locate in other sections. It has been estimated that the families of Conway were reduced in number by approximately one-third as a result of the fever. In 1883,the region suffered considerable damage from a cyclone which destroyed numerous residences, business houses, and several churches in Conway. Again reconstruction was under way. (The Guardian, History of Catholicity,Little Rock, 1925.)

The first religious meetings conducted in Conway were held in box cars along the route of the newly constructed Little Rock & Ft. Smith Railroad. The Methodist Church was organized at Conway in 1871, and a small church building was erected the following year. This building was used as a school house and a Masonic Hall; and after creation of the county in 1873,court sessions were held in the church until a courthouse could be provided. By 1884, the community had outgrown the small building, and a larger church building was constructed. (Ark. Methodist,weekly, Little Rock, June 18, 1936.)

Father Strub,a Roman Catholic priest, founded a colony of Catholics near Conway in 1878, and Father Brehm later established the Conway Parish, which was composed of 85 families. The families represented three nationalities, the German being predominant. Colonel Robinson donated seven acres of land to the Catholic Church for the establishment of the parish. (Goodspeed, Biographical and Historical Memoirs of Central Arkansas, 714.)

After the establishment of the various churches, the citizens turned their endeavors toward the founding of schools and colleges. Conway, being located in the central part of the state, was the natural site for an educational center. To this natural advantage, the citizens added generous contributions toward the initial cost of establishing the schools. (Ark. Methodist, June 18, 1936.)

Historical Sketch (First entry, p. 62)

Hendrix College in Conway, an endowed, co-educational institution, is owned and directed by the North Arkansas conference of the Methodist Church. It belongs to the North Central Association of Schools and Colleges, and is approved by the Association of American Universities. The college in 1939 had a faculty of forty-one members, an enrollment of 400 students, and a library containing 40,000 volumes. The main campus comprises 38 acres, and, in addition, there is an area of 160 acres containing a golf course and a practice field for athletics. Hendrix College had its origin in a school opened at Altus, Franklin County, Arkansas, in 1876, by the Reverend I. L. Burrow. This school was adopted and later purchased by the Arkansas Conference of the Methodist Episcopal Church. In 1889, the name of the school was changed to Hendrix College in honor of Bishop E. R. Hendrix of Kansas City, Missouri. The next year, the college was moved to Conway upon acceptance of an offer from that town of $55,000 and 30 acres of land. In 1929, Henderson-Brown College, a Methodist institution of Arkadelphia, Arkansas, was merged with Hendrix and in 1933, the former Galloway Woman's College of Searcy, Arkansas, became a part of Hendrix. (Hendrix College, Bulletin, Conway, 1939, 5-13, 92.) Hendrix College and its predecessor, the Central Collegiate Institute of Altus, have been served by only four presidents: The Reverend I. L. Burrow, 1876-87; Dr. A. C. Millar, 1887-1902; Dr. Stonewall Anderson, 1902-10; and Dr. J. H. Reynolds, the present incumbent, appointed in 1913 (James A. Anderson, Centennial History of Arkansas Methodism, Little Rock, 1935, 400-403).

The Arkansas State Teachers College in Conway is one of the two state normal schools established for the purpose of training white citizens of the state to teach (A. Ark., 1907,763). The college has a plant valued at $2,000,000; a library of 25,000 volumes, several thousand books being added yearly; an enrollment of 793 students, and a faculty of 51 members. A student completing a four-year course receives a bachelor's degree. (The Arkansas State Teachers College Bulletin, Conway, 1939, 4-13, 76.) The creative act provided that a normal school be established in a city of the state, best adapted for the purpose, which offered at least twenty acres of land and $15,000 for buildings and improvements (A. Ark., 1907, 765). The city of Conway was the highest bidder, with an offer of $51,753, eighty acres of land, and other considerations. The offer was accepted by the state, and the first term of school opened in 1908. The next year, eleven students were graduated from the college. The early development and expansion of the college may be attributed to the effective administrations of the first and second presidents, J. J. Doyne, who served from 1908 to 1917, and B. W. Torreyson, who served until 1930. (Thomas, Arkansas and Its People, II, 492.)

Central College for Women is a junior college operated by the Arkansas Baptist State Convention of the Southern Baptist Convention. The college has an enrollment of more than 100 students and a faculty of 12 members. It is a member of the North Central Association of Colleges and Secondary Schools and is accredited by the University of Arkansas and the Arkansas State Department of Education. The president is Dr. James S. Rogers. (Central College for Women, Forty-Sixth Annual Catalog, Conway, 1939, 46; Arkansas Gazette, Dec. 7, 1939.) The college has a campus of 15 acres on which are located Main Hall and a well-equipped dormitory, Bruce Hall. The entire college property is valued at $370,000.

(Lila Westbrook Pye, Baptist Trails in Arkansas, Little Rock, 1930, 24.) Central College was established in the fall of 1892 as a Baptist female school with an initial enrollment of 56 students. Early growth of the school was rapid, for within a year the enrollment was more than 100 students. (Thomas, Arkansas and Its People, II, 497.) C. M. Williams was president during the first year. Dr. Charles H. Brough, former governor of Arkansas, served as president in 1928-29. (Pye, Baptist Trails in Arkansas, 224.) In 1931, through action of the Baptist State Convention, Central College became a junior college(Central College for Women, Forty-Sixth Annual Catalog, 6). In 1936, the college enrolled 156 young women and employed 20 teachers (A. H. McDannals, ed., Americana Annual, 157, New York, 1937).

Statistics show that in 1938, 72 percent of Faulkner County's 8,740 children between the ages of 6 and 20 were enrolled in school, as compared with the state's average of 74 percent (Ark. Gazette, Dec. 18, 1938). In 1938,the county had forty-one school districts, each district functioning as a separate unit (Arkansas State Board of Education, Biennial Report, 1936-1938, Little Rock, 1939).

The county has a free library at Conway which in turn serves a branch library at Centerville. It is in the remodeled county jail and extends its service to nine schools in the rural section. It contains more than 2000 volumes, and is supervised by a graduate librarian.(Ark. Gazette, Feb. 12, 1939; see "County Library Board", p. 199.)

Very few towns the size of Conway can boast of as many newspapers. In addition to the three weekly college publications, the town has the News, an independent weekly publication, and the Log Cabin Democrat,published both daily and weekly, which is edited by Frank E. Robins (N. W. Ayer & Sons,Directory of Newspapers & Periodicals,Philadelphia,1937,56).

Upon creation of the county, the governor appointed all the county officials,who served until the next general election (A. Ark., 1873, 86, 88). The first slate of officers included the following: E. L. Allen, M. R. Sevier, and A. J. Horton, members of the board of supervisors; C. L. Lander, clerk; Benton Turner, sheriff; M. E. Moore, treasurer; R. T. Harrison, coroner; G. W. Johnson, surveyor, and A. B. Henry, assessor ("Record Board of Supervisors", vol. A, 1; Jim B. Higgins, Biennial Report of the Secretary of State, 1925-26, Russellville, Ark., 411).

The first courts in the county were held in the Methodist Church. The first regular courthouse was a frame building, constructed in 1817, on a site donated by A. P. Robinson. The building was burned in 1886. In 1893,G.W. Donaghey completed the construction of the county's $25,000 courthouse which he practically donated to the county because of the low redemption value of scrip issued to him in payment. (Ark. Gazette, Mar. 20, 1938.) The present courthouse was constructed with aid of a Public Works Administration loan and was completed in February 1936. The building has four stories and a basement, concrete and tile floors and stairways, and is fireproof throughout. It is provided with vaults in which 95 percent of all the county records are kept. Cost of the courthouse was approximately $100,000. (See "Housing, Care and Accessibility of the Records", p. 41.)

Historical Sketch (First entry, p. 62)

Conway today enjoys the distinction of being one of the few cities of Arkansas having a population increase of over 1,000 in each of the last three decades. Official returns of the U. S. Census of 1910 show Conway to have had a population of 2,794; in 1920, the population had increased to 4,564; and in 1930,the population was 5,534. Without doubt these figures describe the growth of Conway better than any amount of narration regarding the town's beautiful homes, fine churches, and progressive citizenship. Conway is the only town in Faulkner County having a population of more than 500. Other towns have the following populations: Guy, 357; Damascus, 306; Mount Vernon, 255; Greenbrier, 350, and Holland, 204. Villages of less importance are Mayflower, Cato, Enola, Wooster, Martinville,Enders, Vilonia, and Preston. (Hammond's New World Atlas, Garden City, New York, 1936, 255; Fifteenth Census of the United States, Population, I, 103.) In December 1939, the Arkansas State Corporation Commission estimated the assessed valuation of real and personal property in 1938 in the county to be $4,026,459. This figure represents an increase of 2 percent over the property value of the preceding year. (Ark. Gazette, January 11, 1939.)

There are 4,204 farms in Faulkner County (Fifteenth Census of the United States, Agriculture, 4 vols., Washington, 1931, I, 43) comprising approximately 303,985 acres in farmland. The total value of farm property of all types, including land and buildings is $8,475,808, the average farm consisting of 72 acres worth about $2016. The county is predominantly agricultural. The principal money crop is cotton, with corn, oats and truck crops contributing a large share of the farm income. (Bureau of Mines, Manufactures and Agriculture, Nineteenth Biennial Report, 174, 175.) The county ranks eighth in the state in dairy cattle, and high in the raising of soy beans, cow peas, and peanuts for forage (Arkansas State Planning Board, Progress Report, 1936, 203).

The county is well provided with excellent avenues of transportation. U. S. Highway No. 64 crosses the county going east and west and U. S. Highway 65 crosses going north and south. In addition to these, State Highways 25, 26, and 60, and numerous county roads serve the section. (Ark. State Highway Commission, Map, Little Rock, 1938.)

The commercial timber of Faulkner County is hardwood and pine (Thomas, Arkansas and Its People, II, 701-703). The hardwood industry, with the white oak leading in value, brings in several thousand dollars annually. The wood is used for lumber, furniture,pickets, staves,boards, and rails. The nuts of the chinquapin oak are considered valuable and the wood is used for posts because of its lasting qualities in the ground or when exposed to weather conditions. The black walnut, the supply of which is almost exhausted, is one of the most valuable trees of the forest. The wood is used in the manufacture of expensive furniture. The hickory and the pecan are similar both in the production of nuts and the usefulness of the wood. The red cedar and the yellow pine are the most valuable from a commercial standpoint. The pine is used in the manufacture of lumber, making the finest of soft wood. The cedar is used in making shingles, and in the manufacture of furniture. (University of Arkansas, College of Agriculture, Common Forest Trees of Arkansas, Extension Service Circular 180.)

Historical Sketch (First entry, p. 62)

The entire County of Faulkner is in Unit 18 of the Arkansas Forestry Commission. This unit services 829,000 acres of timberland, all of which are private forest areas. The Civilian Conservation Corps has been of invaluable service in aiding the forestry commission. The commission furnishes the work and the CCC men supply the labor. Camp Greenbrier, located in Faulkner County, remains in readiness with trucks loaded with supplies during periods of exceptionally low humidity. The farmers, also, are enlisted as fire guards. They offer their services for a small yearly remuneration and a free telephone in their homes. The district forester is stationed at tower 18-5, two miles northwest of Conway on Mount Pisgah, near Highway 64. From the top of this tower, smoke can be seen for 25 and sometimes 50 miles. When ownership was traced for this land, it was found that 40 acres around the site was still owned by the government. The forestry commission obtained permission to use 20 acres of the land. Tower 18-2 is two miles south of Saltillo, and tower 18-1 is three miles from Quitman. Other towers have been planned in Unit 18 to further the prevention of costly fires. (Arkansas Forestry Commission, Fifth Annual Report, Conway, Ark., 1938.)

George W. Donaghey, one of Arkansas' outstanding governors, was a citizen of Faulkner County. He played an important part in making Conway the educational center that it is today. He participated in the movement that brought Hendrix College to Conway, and contributed to, and served on the building committee of Central College. He was executive manager of the organization that secured the location of Arkansas State Teachers College in Conway. Governor Donaghey was the last of the state's governors to be inaugurated in the old State Capitol Building, the ceremony being held January 14, 1909. During the four years of his administration, he was an active exponent of an improved educational system for the state. Through his influence, the school term of the common schools was increased one month in each year; for every school day of his administration an average of more than two and one-half buildings were erected in the state, at an average cost of approximately $2650 each; one thousand additional teachers were employed and their salaries were increased approximately 16 percent. The state's common school fund was credited with nearly $6,000,000 more than any amount previously credited to it. The state high school board was created, and the University of Arkansas' entrance requirements were raised to the standards maintained by the leading institutions of the nation. Two outstanding accomplishments of his career were the reconstruction and final completion of the State Capitol Building in Little Rock and the establishment of the George W. Donaghey Foundation for the benefit of Little Rock Junior College. He placed property valued at more than $2,000,000 in a foundation fund, this being the largest bequest ever made to an Arkansas institution, under the terms of an endowment trust. This foundation was set up in 1929, eight years before his death, which occurred December 15, 1937. (George W. Donaghey, Autobiography of George W. Donaghey, (L. B. White Printing Company, Benton, Arkansas, 1939, 159-165, 248, 311.)

Dr. John Hugh Reynolds, president of Hendrix College, is a native of Faulkner County. He obtained his education in the public schools of the county, and was awarded an A. B. degree by Hendrix College when he graduated in 1893. He received his M. A. degree from the University of Chicago in 1897 and did subsequent post graduate work in Columbia Uni-

versity, New York, and Oxford University, Oxford, England. He obtained his L. L. D. degree from the University of Arkansas. Dr. Reynolds' life has been devoted to an educational career, all within the State of Arkansas. He taught in rural schools during the summer months while attending college and from 1893 until 1896 he was principal of the high school at Rover, Yell County, Arkansas. In 1895 and 1896, he also was county examiner of schools in Yell County. Dr. Reynolds was given a position on the Hendrix College faculty in 1897 as professor of history and political science. He then joined the faculty of the University of Arkansas and was acting president in 1912 and 1913. In the latter year, Dr. Reynolds was called to the presidency of Hendrix College, a position which he has filled continuously since. Dr. Reynolds is considered one of the leading authorities on state history. He organized the Arkansas Historical Association in 1903 and was editor of several volumes published by the association. Dr. Reynolds is largely responsible for the establishment of the Arkansas History Commission, and served as its secretary from 1905 until 1911. His writings include Makers of Arkansas History and Civil Government of Arkansas. He collaborated with David Y. Thomas in the writing of the History of the University of Arkansas. Throughout his career, Dr. Reynolds has actively participated in the educational program of the Methodist Church. (Herndon, Centennial History, 1139.)

Dr. Alexander Copeland Millar, present editor of the Arkansas Methodist, is another prominent educator in Arkansas who had an active part in the development of the educational institutions in Conway. He was president of Hendrix College, and its predecessor, the Central Collegiate Institute from 1887 until 1902 and from 1910 until 1913. Dr. Millar's activities were not confined strictly to matters of education, he was the head of a good roads movement which resulted in the adoption, im 1899, of a constitutional amendment authorizing counties to levy a road tax. He served as associate editor of the Arkansas Methodist, formerly the Western Methodist, from 1904 until 1914 and editor-in-chief of the publication since the latter date. Dr. Millar has been active in educational affairs in the Methodist Church; served as honorary secretary of the Arkansas Forestry Commission since 1924; president of the Arkansas Anti-Saloon League since 1923; vice-president of Judicial Council of the Methodist Church, 1934. (Albert Nelson Marquis, ed., Who's Who in America, 1938-1939, 20 vols., Chicago, 1938, XX, 1749.)

Colonel Robinson, the founder of Conway, was one of the outstanding men in central Arkansas. As a railroad engineer he built the first twenty miles of the former Iron Mountain-Southern Railroad and all of the Little Rock-Ft. Smith Railroad, both of which are now a part of the Missouri Pacific Lines. He participated, during his lifetime, in worthy enterprises that contributed to the progress of Faulkner County and was actively interested in educational matters. (Goodspeed, Biographical Historical Memoirs of Central Arkansas, 736.)

Max Frauenthal, who settled in Conway in 1871 and was the owner of the second store operated in the town, was an early prosperous business man and civic leader. Attracted by the possibilities of development of the mineral springs in Heber Springs, Cleburne County, Arkansas, Frauenthal moved there in 1881 and a greater portion of his contribution to-

ward the development of Arkansas centers around the early history of Heber Springs and Cleburne County. (Fay Hempstead, A Pictorial History of Arkansas, St. Louis, New York, 1890, 1654; Inventory of the County Archives of Arkansas, No. 12, Cleburne County, p. 6, 7.) The late Opie Read, famous author and humorist, spent a few of his earlier years employed as a newspaperman at Conway (Fred W. Allsopp, History of The Arkansas Press for a Hundred Years and More, Little Rock, Ark., 1922, 619).

The interdependence of Faulkner County and Conway, its county seat, is such that the well delineated portrayal of the present economic status of Conway, given by Dr. Hubert Lee Minton in his thesis, "The Evolution of Conway, Arkansas", can be applied to the county as well. Excerpts from Dr. Minton's work read:

Conway is a representative community. "In its general appearance, in its pattern, and in its business activities, it resembles, in many ways, cities of similar size throughout the western part of the Cottom Belt. The business section extends, for the most part, along the railroad tracks and is centered around the railroad station. Low brick structures, in varying states of repair, line the narrow business streets. Permanent awnings, suspended from the front of these buildings, afford shelter to pedestrians from sun and rain. On Saturday, the great market day, country shoppers throng the business streets and sidewalks. A few small wholesale houses cling to one edge of the district and cotton storage yards claim some of the nearby vacant lots. Several small manufacturing establishments, including ice plants, cotton gins, a cottom compress, and a creamery -- enterprises typical in kind and number for such a community -- fringe the outer margins of the business district. Dwellings, with few exceptions, are modest frame or brick-veneer structures without basements and without second stories. They are placed well back from the streets and, as a rule, are surrounded by spacious well-kept lawns, dotted with shrubbery and trees. Large shade trees border most of the streets and towering native oaks rise here and there over the landscape. Unkept vacant lots increase in number toward the outer border. Here the streets are unpaved and even without sidewalks, except near the campuses of the three colleges, where, as in the heart of the city, superior residential districts again appear. These minor districts extend outside the city limits along all much-travelled roads and gradually give place, along irregular border lines, to fields, pastures and woodlands." (Minton, Evolution of Conway, 1.)

"Throughout its history, Conway has been, above all else, a trading center for the surrounding countryside. It was founded in 1871 in an area where agricultural settlement had been in progress for several decades and where opportunities for further development apparently were confined to farming. A general store and a saloon, both catering to a country trade, were among the earlier business establishments located on its streets. Livery stables and wagon yards appeared promptly and in their thriving business emphasized the reciprocal relationship between country and village. Blacksmiths, cobblers and cabinet makers likewise appeared early and depended chiefly on the patronage of farmers. Additional business houses sprang up, as years passed, in response to a growing country trade. Retail credit merchants, doing a "furnishing business" to farmers, held a virtual monopoly in the trade of the town until the

establishment of local banks. Realtors opened offices at an early date, their activities relating chiefly to rural lands. Local banks, the first of which was established in 1890, made most of their loans to farmers. The few manufacturing establishments, with one exception, were founded to care for needs of the surrounding rural area and they still depend entirely upon it. The growth of the city has not been marked by any decided boom. No mining interests ever materialized. With an exception to be noted later, the growth in population has closely reflected that of the surrounding territory. In the future, as in the past, the growth of the city will depend in large part upon the development of the supporting countryside. Although Conway is a typical community of the Cotton Belt in many ways, as already indicated, it is exceptional in being an important center of higher education. The buildings and campuses of its three colleges are significant and impressive. The varied supplies and services required by the faculties and students have greatly enlarged the scope of various economic activities of the city and so have contributed significantly to its growth. The appearance of its business section, almost as clearly as its college halls, reveals at a glance its second basis of support." (Minton, Evolution of Conway, 2, 3.)

"Four distinctive stages in the evolution of Conway have been recognized -- viz., infancy, early growth, adolescence, and maturity. For the most part the development of the city has been gradual and regular, one stage giving place to the next without abrupt general changes. Nevertheless, each stage was introduced by an event which injected a new factor of importance into the life of the community; and each stage was marked by distinguishing characteristics, some of which were strikingly reflected in the attitude of the community toward its current problems and its prospects. The advent of the railroad in 1871 gave the community its start as a pioneer farm village. Uncertain but hopeful about its future, the village was little more than a railroad point of contact for the surrounding rapidly developing rural area until after the establishment of a new county and the designation of Conway as its seat in 1873. These events marked the beginning of the second stage in the evolution of the town and enabled it to expand with youthful vigor and confidence. The third stage was initiated by the coming of the first college in 1890, an event which, together with the advent of the other two colleges, afforded a new basis for growth, increased the confidence of the community in its future, and fostered a cosmopolitan mode of life. This stage was marked by thriving economic conditions and by a steady growth in business and population which was definitely checked in the early 1920's following the close of the World War. Thus a fourth stage was inconspicuously introduced. In this stage there was a trend, until the depression, toward economic and social stabilization and toward conservatism in community affairs. Of late, and partly because of the depression, misgivings concerning the future of the city are apparent in some quarters. Perhaps they forshadow readjustments which sooner or later may inaugurate another stage in the life of Conway." (Minton, Evolution of Conway, 3, 4.)

(First entry, p. 62)

GOVERNMENTAL ORGANIZATION AND RECORDS SYSTEM

During the period immediately following the Louisiana Purchase in 1803 the vast area set aside as the District of Louisiana of which the present State of Arkansas was a part, was governed by the Territory of Indiana (L. of U. S., 1804, III, 608). This government was more theoretical than actual in its application and it was not until 1806, after Arkansas had come under the jurisdiction of the Territory of Louisiana, that a government exclusively for Arkansas, was established. This was done through the creation of the District of Arkansas on June 27, 1806. No attempt was made, however, to organize the new district until August 23, 1808 when a slate of district officers was appointed by the territorial governor. (L. of U. S., 1805, as contained in T. L. M., 1824, digest, 6-8; Dallas T. Herndon, ed., Centennial History of Arkansas, 3 vols., Chicago, Little Rock, 1922, I, 137.) Although a district under the Territory of Louisiana had the same status as a county under later territorial laws, Arkansas had passed through a period during which it was governed by the Territory of Missouri and the early stages of its own territorial government before its legislature was authorized to create county offices and fill them by election. This authorization came in 1829 and subsequent legislation passed in the same year by the territorial legislature created a form of county government which was similar in many respects to the form of government that exists in Arkansas today. (L. of U. S., as contained in L. A. T., 1835, digest, 43; ibid., 157.)

Structural Development

When Faulkner County was established by an act of the General Assembly, passed April 12, 1873 (A. Ark., 1873, 86), county government had undergone its most radical structural change. Framers of the Constitution of 1868, which was adopted during the Reconstruction period following the Civil War, were less exact in their outline of county government and left many of the details provided for in prior and subsequent constitutions to the discretion of the General Assembly. The only county offices provided for by this constitution were the offices of county clerk, justice of the peace, notary public, circuit judge, and prosecuting attorney. (Const. 1868, art. VII, secs. 19, 20; ibid., art. VI, sec. 16; ibid., art. XV, sec. 6.) The constitution authorized the continuation of the county court, leaving its abolishment to the discretion of the General Assembly (Const. 1868, art. VII, sec. 1). Subsequent legislation by the General Assembly designated the county clerk as ex-officio circuit clerk, probate clerk, and recorder. It was also necessary for the General Assembly to pass legislation continuing the offices of assessor, sheriff and collector, coroner, treasurer, constable, and surveyor. (A. Ark., 1868, 326.) The General Assembly of 1873 voted to abolish the county court, the quorum court, and the probate court. A board of supervisors, supplanting the county court and the quorum court, was created and given the power and authority to administer the business affairs of the county. Jurisdiction in probate matters was vested in the circuit court. (A. Ark., 1873, 54, 120.) A board of registration was created for the purpose of controlling the registration of voters and enforcing the regulation required in the original Article VIII of the Constitution of 1868 (A. Ark., 1868, 50; Const. 1868, art. VIII, as originally adopted,

see appendix, p. 220). Each county was authorized to have a separate county attorney under the provisions of a statute adopted in 1859 (A. Ark., 1859, 101). The first step toward the creation of the state's present system of free public schools was authorized by the Constitution of 1868 (Const. 1868, art. IX), which resulted in the creation of the office of the county superintendent of public instruction in 1873 (A. Ark., 1873, 424).

Radical changes in the form of county government were provided by the Constitution of 1874, adopted on October 13 of that year. These changes were a return to the form of county government as it had existed in Arkansas prior to the Reconstruction period, the constitution continuing only one major function that was instituted during the Reconstruction period, that being the supervision by the county of the system of free public schools. Constitutional provisions were made for the registration of the county court, quorum court, and the probate court in creating the office of circuit clerk and made that official ex-officio county clerk, probate clerk, and recorder in all counties with a population of less than 15,000. It also provided for the offices of prosecuting attorney, circuit judge, justice of the peace, constable, assessor, treasurer, sheriff and collector, coroner, and surveyor. The constitution made specific provisions as to the terms of office, qualifications and manner of selection of these officers. It authorized the creation of separate courts of chancery and common pleas courts at the discretion of the General Assembly. The General Assembly exercised this discretionary power by creating the Court of Common Pleas of Faulkner County in 1875 and a separate chancery court in 1885. (Const. 1874, art. VII, secs. 1-50; A. Ark., 1875, 124; ibid., 1885, 172.)

Legal Status of the County

The increasing number of public services demanded of the county in recent years has placed it in the position of serving the state as an agent, discharging the functions of government that are county-wide in their scope, and serving as agent for, and in a supervisory capacity over its various political subdivisions.

As an agent for the state the county collects certain portions of the state revenue; conducts elections; supervises welfare work; supervises the delinquent, dependent and neglected children; maintains free public schools; distributes free textbooks and other information pertinent to the advancement of the educational program; assembles vital statistics records; maintains public health units; enforces laws, and maintains courts.

As a local governmental unit the county collects its own tax; provides for the recording of instruments that are authorized by law to be made of public record; maintains county penal and eleemosynary institutions; constructs and maintains county roads and county buildings; protects the civil rights of its citizens, and functions in all other matters of local governmental concern which are county-wide in their application.

Governmental Organization and Records System

(First entry, p. 62)

In its exercise of supervisory control over, and as representative of, its various political subdivisions, the county collects tax for its municipalities and school districts; conducts elections, functions as the authority in the creation and dissolution of towns and cities as corporate bodies, supervises the creation of and collects the taxes for local improvement districts and exercises both in an advisory and supervisory capacity in matters of education.

At the time of the creation of Faulkner County, the county in Arkansas existed as a body corporate and politic. It could file suits in the courts in its own name and could be sued. The county was allowed to purchase, own, and dispose of real estate and its property was exempt from execution. (A. Ark., 1837, as contained in Rev. Stat. Ark., 1838, 206-208.) This status was changed in 1879 by the General Assembly which enacted a statute, is still in effect, which specifies that the county does not exist as a corporate body and deprives it of the privilege of filing suit in its own name and denies the right of citizens to file suit against the county. Suits are filed in the name of the state for the use of the county. (A. Ark., 1879, 13.) The Arkansas Supreme Court, in 1882, clarified the status of the county declaring that it is not properly a corporation but a subdivision of the state which is vested with a few functions of corporate existence for the more convenient administration of justice and for some purposes of local self-government (Pulaski County v. Reese, 42, Ark., 54, I 1882 I). A second ruling by the court,made in 1884, definitely set forth a manner in which suits may be filed against the county. In this opinion, it was ruled that any claim against the county should be filed with the county court, and, if the claim is denied, the action can be appealed to the circuit court where a trial de novo is held. (Shaver v. Lawrence County, 44, Ark., 225, I 1884 I.) Some indication that the county may eventually return to the status of a corporate body is shown in an act of the General Assembly of 1939 which created the County Highway Commission. This law authorizes the highway commission to file suits in its own name and specifies that the commission may be sued. (A. Ark., 1939, 1019.)

Both the Constitution of 1868 and 1874 contain provisions that no county may be created that has an area of less than 600 square miles (Const. 1874, art. XIII, sec. 1; Const. 1868, art. XV, sec. 12).

Another Supreme Court opinion rendered in 1878 gives a brief evolution of the county and defines its status in the governmental set-up. The idea of government by means of counties comes from the remotest period of Anglo-Saxon history, the opinion says. It was imported to the American colonies with the common law, entered into the frame of the colonial governments and, by easy transition, into the governments of the states. This opinion calls attention to the fact that none of the constitutions of Arkansas has provided for the organization of the state into counties. The right to make this division was taken for granted and is based upon the idea that underlies all American constitutions, that the county has an essential part in the governmental structure. These constitutions presuppose the existence and necessity of counties and, starting from that foundation, construct the frames of government in which the county has an all-essential part. The political power is

composed of representatives of the counties and the General Assembly possesses the sole authority to create a county and invests it with all of its powers, excepting those specifically provided for by the constitution. The counties do not exist exclusively for the common benefit of the citizens within their boundaries, but rather as integral parts of the state. It is through them that justice is administered, revenue collected and law enforcement rendered effective. (Eagle et al v. Beard et al, 33, Ark., 501, I 1878 I.)

General Administration

The combination of judicial and administrative functions in the same office, that of the county court and its presiding judge, is a feature of county government in Arkansas, although it is not entirely peculiar to the state (John A. Fairlie and Charles Mayard Kneier, County Government and Administration, New York, London, 1930, 116).

Exclusive administration of Faulkner County's business affairs was first placed under the jurisdiction of the board of supervisors, an agency created almost, simultaneously, with the county; and it supplanted the county court in the discharge of administrative functions. The board of supervisors had exclusive jurisdiction in the building and maintenance of roads, approval of the payment of claims against the county, custody and maintenance of county property and it had the power to appoint those officials essential to the general administration of county business affairs. (A. Ark., 1873, 54, 86.) Members of the board of supervisors took office on May 5, 1873, in accordance with the provisions of the creative act, and held office until October 13, 1874, when the Constitution of 1874 was adopted (A. Ark., 1873, 54; Const. 1874, schedule, sec. 23, "Record Board of Supervisors", vol. A, p. 1).

The Constitution of 1874 delegated to the county court exclusive original jurisdiction in all matters relating to the disbursement of county funds, roads, bridges and ferries, and all other business affairs affecting the internal improvement and local concern of the county (Const. 1874, art. VII, sec. 28). This provision was vitalized by an act adopted by the General Assembly in 1875 (A. Ark., 1874-1875, 144).

The county court exercises supervisory control over the county's eleemosynary and penal institutions. It supervises the construction of buildings for these institutions, prescribes rules and regulations governing the conduct and welfare of the inmates (A. Ark., 1851, 99; ibid., 1868, 84), and contracts for the services of the inmates of the prisons. (A. Ark., 1881, 146; ibid., 1893, 207; ibid., 1895, 20; ibid., 1899, 179; ibid., 1909, 135; ibid., 1939, 273.)

Public Works

The county acts on behalf of its citizens in the administration of public works that pertain to the entire county, and also exercises supervisory control over its various political subdivisions, which include

those improvement districts outside of towns and cities, that are organized for the financing of projects within the areas affected, and school districts.

Public Buildings

The county is authorized to purchase and own real estate when necessary in the discharge of any legally prescribed function, and it may dispose of this property. Jurisdiction in these matters is exercised by the county court which assigns the specific duties to a board or a commissioner appointed by the court. (A. Ark., 1837, as contained in Rev. Stat. Ark., 1838, 207.) The county is required to provide itself with a courthouse and jail and may construct any other buildings that are necessary in carrying out its legally prescribed functions. Supervision of the construction and maintenance of these buildings is also the duty of the county court, direct superintendence of construction being conferred, however, upon a building commissioner. (A. Ark., 1837, as contained in Rev. Stat. Ark., 1838, 209; A. Ark., 1873, 111; ibid., 1874-1875, 144.) In recent years, the county court, through its appointee, the county examiner, aids the school districts of the county in their building problems. The Arkansas Commissioner of Education prepares plans and specifications for model school buildings which are designed to fit varied requirements and conditions. These plans are supplied to the school districts through the county examiner. (A. Ark., 1931, 488; ibid., 1933, 500; ibid., 1935, 495.)

Roads and Bridges

The building and maintenance of roads has been a legally prescribed function of the county throughout the history of Faulkner County. This function first was performed by the board of supervisors, and since 1874, by the county court. (A. Ark., 1871, 56; ibid., 1873, 54; ibid., 1875, 138.) In more recent years, a portion of this responsibility has been delegated by statute to the State Highway Commission, which, for the purpose of constructing and maintaining a unified system of state highways, has taken over those roads in the county that constitute a portion of the state-wide system. The county may build a bridge (Const. 1874, art. VII, sec. 28; A. Ark., 1891, 14; ibid., 1907, 110), or assume the responsibility for the maintenance of a bridge that has been constructed by a bridge improvement district (A. Ark., 1927, 202) and may license toll ferries, which sometimes constitute an important link in the transportation system. (A. Ark., 1913, 163.) For the purpose of centralizing the responsibility and authority for construction and maintenance of roads and bridges, the county judge of Faulkner County has been designated ex-officio road commissioner of the county since 1917 (A. Ark., 1917, I, 275). The General Assembly of 1939 created a county highway commission, which will become active in November of 1939, for the purpose of taking over road construction and maintenance responsibility. The county judge will serve as chairman of this commission and the quorum court will appoint the remaining members at its first meeting held in 1939. The lawmakers stated in this act that it was not their intention to deprive the county judge of any authority in road matters vested in him by the constitution. (A. Ark., 1939, 1018; Const. 1874, art. VII, sec. 28; see

"County Highway Commission", p. 64, and "Quorum Court", p. 146.) The assignment of county prisoners to work on county roads, bridges and other public improvements is an authority of the county judge (A. Ark., 1893, 207), who also may compel paupers, who are dependent upon the county, to work on public improvements (A. Ark., 1875, 2).

Improvement Districts

Improvement districts, outside of towns and cities, are established by proceedings instituted in the county court. These include drainage, bridge, levee and fencing districts. The court appoints commissioners for the drainage, bridge and fencing districts and supervises the election of commissioners for the levee districts. The method of assessment and collection of taxes imposed for the improvement specified in the proceedings are also outlined by court order. (A. Ark., 1879, 117; ibid., 1907, 110; ibid., 1911, 193; ibid., 1921, 391.)

Eleemosynary and Penal Institutions

Various eleemosynary and penal institutions are established and maintained under the direction of the county court. Legal provisions for these institutions do not make their establishment compulsory. Faulkner County, for many years, has maintained a county poor farm, in accordance with the legal provisions prescribed by the General Assembly in 1851. In recent years, the necessity for this institution has decreased to such an extent that the county judge, as the supervisory officer, has recommended the abandonment of the farm. (A. Ark., 1851, 99; "County Court Records", vol. 28, p. 420.) The county has never exercised the right to establish a prison farm, which is provided for by an act of the General Assembly of 1868 (A. Ark., 1868, 84), nor has it established a county hospital which is allowed by a 1938 amendment to the constitution (Const. 1874, amend. XXV, app. 1938).

Registration of Title to Property

In order that all written instruments subject to recordation may be properly recorded, the county maintains the office of county recorder, which has been filled in an ex-officio capacity by the circuit clerk since 1874. In 1873 and 1874, the county clerk was ex-officio recorder. (Const. 1874, art. VII, sec. 19; Const. 1868, art. VII, sec. 19; A. Ark., 1868, 20.) The primary purpose of the recording function is to create a public record that reflects a complete history of the sequence of ownership of each tract of real property in the county. This record includes deeds, easements, mortgages, liens, powers of attorney and other instruments executed by landowners, as well as releases of liens and pending litigation that may affect land titles. (A. Ark., 1838, as contained in Rev. Stat. Ark., 1838, 655.) When an instrument, affecting the title to real estate, is filed for record, a notation of the exact hour and date of its filing is made by the recorder in a reception record. This notation shows the names of the grantor and grantee, and the date and nature of the instrument. A complete written transcription of the instrument is made by the recorder, at the foot of which is noted the time of fil-

ing. Separate series of records are kept for the various classes of instruments filed for recordation. In Faulkner County, these series include deed records, mortgage records, powers of attorney and miscellaneous records, lis pendens records and records of mechanic's and materialmen's liens. (A. Ark., 1838, as contained in Rev. Stat. Ark., 1838, 655; see entries 31, 33, and 36.) Chattel mortgages, which are liens on personal property, are filed with the recorder. He may make minutes of these mortgages in a book kept for that purpose, or may record them in full, if the person filing the mortgage requests it and pays for that service. Record of the release of a chattel mortgage is entered as a marginal notation in one of these books. (A. Ark., 1883, 65; see entries 43 and 44.) Oil and gas leases and records of mining leases and claims are recorded in the same series of books containing deeds (see entry 19). Powers of attorney, releases of mortgages and other instruments that pertain to land titles are recorded in the miscellaneous records (see entry 40).

The chancery clerk and county clerk also have a part in the discharge of this function. The chancery clerk is required by law to keep a record of all delinquent improvement district taxes, and the county clerk, a record of delinquent ad valorem taxes, both of which have a direct bearing on land titles in Arkansas. (A. Ark., 1887, 143; ibid., 1923, 395.)

Administration of Justice

Faulkner County maintains a judiciary system, consisting of courts with clearly-defined jurisdiction, so that justice may be available to all its citizens. These courts stand as a protection against oppression. Any unjust official act by an administrative or enforcement officer may be stopped by injunction proceedings. Mandamus proceedings may be instituted to compel an official to do his duty, and unlawful imprisonment may be prohibited by habeas corpus proceedings. Debts are settled and disputes over possession of property are decided by the courts, their respective jurisdictions being determined by the value of the property involved and the nature of the case. The estates of deceased persons and minors and incompetents are afforded protection. Dependent and delinquent juveniles may be provided with better environment and the enemies of society may be punished or imprisoned for their malefaction.

Civil Jurisdiction

At all times during the history of Faulkner County, the jurisdiction in civil or common law cases has been held by the circuit court and justice of the peace courts, except during a brief period from 1875 until 1877, when a court of common pleas was in existence (A. Ark., 1873, 214, 434; ibid., 1875, 124; ibid., 1877, 17; Const. 1868, art. VII, sec. 1, 20; Const. 1874, art. VII, sec. 1). A justice of the peace court holds exclusive original jurisdiction in all matters of contract where the amount in controversy does not exceed $100. Prior to the adoption of the Constitution of 1874, this exclusive original jurisdiction extended up to $200. The justice courts and the circuit court have a concurrent

jurisdiction where the amount in controversy does not exceed $300. However, in cases of personal property damage, both courts hold concurrent jurisdiction where the amount in controversy does not exceed $100. The circuit court has original jurisdiction in all matters in which the amount involved is in excess of $300. (Const. 1874, art. VII, sec. 40; A. Ark., 1873, 120.) Election contests in which county officers are involved may be tried in the county court (A. Ark., 1874-1875, 106). An application for an injunction or other provisional writ, and an application for a writ of habeas corpus may be heard by the circuit court or chancery court. In the absence from the county of the judge of each of these courts, the county judge may issue a temporary writ that is binding, pending the final disposition of the case. (Const. 1874, art. VII, sec. 37.) The court of common pleas, during its brief existence, had jurisdiction concurrent with that held by the justices of the peace (A. Ark., 1875, 124). The court of common pleas did not have jurisdiction in matters involving the title to real estate. This limitation has, at all times, applied to justice of the peace courts. (Const. 1874, art. VII, secs. 32, 40.)

Criminal Jurisdiction

The circuit court has, during the history of Faulkner County, exercised exclusive original jurisdiction in criminal cases classed as felonies. The circuit court and the justice of the peace courts have held jurisdiction in those criminal cases classed as misdemeanors. All misdemeanor cases in which the defendant is charged with the commission of the crime by a grand jury indictment are triable only in the circuit court. Justice of the peace courts have jurisdiction in misdemeanor cases only where the charge is filed as an original action in that court. A separate criminal court, which was provided for by the General Assembly of 1871, was never established in Faulkner County. (Const. 1868, art. VII, sec. 5; Const. 1874, art. VII, secs. 11, 40; A. Ark., 1871, 100.)

Chancery Jurisdiction

During the earlier history of Faulkner County, the circuit court had jurisdiction in all equity matters, including cases in which land titles and domestic relations were involved (Const. 1874, art. VII, sec. 15). This jurisdiction was given exclusively to separate chancery courts in Faulkner County by an act of the General Assembly in 1885 (A. Ark., 1885, 173). Faulkner was one of the few counties in the state that had a special court of chancery prior to the enactment of the general law of 1903 which provided such a court for all counties in the state (A. Ark., 1903, 321). The chancery court and circuit court hold concurrent jurisdiction in an action to remove the disabilities of minors (A. Ark., 1903, 244). The county court has had exclusive original jurisdiction in bastardy cases since 1874 (Const. 1874, art. VII, sec. 28). Prior to this date, jurisdiction in such cases was held by justice of the peace courts (A. Ark., 1837, as contained in Rev. Stat. Ark., 1838, 145).

Probate Jurisdiction

For more than a year, following the creation of Faulkner County, ju-

risdiction in probate matters was held by the circuit court. This unusual condition was brought about by an act of the General Assembly of 1873 which abolished both the probate court as a separate tribunal, and the office of county judge who had previously served as presiding magistrate of the probate court. (A. Ark., 1873, 54, 120.) A separate court of probate was established by the Constitution of 1874 which re-instated the county judge as its presiding officer. This set-up was maintained until January 1, 1939, when in accordance with the provisions of a constitutional amendment adopted at the general election in November 1938, the chancery judge became presiding judge of the probate court. (Const. 1874, art. VII, secs. 28, 34; ibid., amend. XXIV, adopted 1938, effective January 1, 1939; A. Ark., 1939, 6.)

The probate court is charged with the responsibility of administering the estates of deceased persons, and protecting the personal and property rights of minors, incompetents and persons of unsound mind. In this capacity, the court acts as a conservator of the estates through the appointment of administrators or executors, and guardians. (Const. 1874, art. VII, sec. 34; Ark. Valley Trust Co. v. Young, 128, Ark., 42, [1917]I.) The circuit court during 1873 and 1874, and subsequently the probate court, have had the authority to inquire into the circumstances of any orphan in the county and bind that orphan as an apprentice to a master or mistress, who must agree to educate and teach the apprentice a useful trade (A. Ark., 1837, as contained in Rev. Stat. Ark., 1838, 101). The probate court also is authorized to commit persons of unsound mind to proper institutions for treatment (Const. 1874, art. VII, sec. 34).

Juvenile Jurisdiction

To cope with a problem of the delinquent and dependent child, a juvenile court was established by an act of the General Assembly of 1911. The Arkansas Supreme Court, in an interpretive opinion rendered in 1927, said that the sole purpose of the act is to supply those minors who are destitute, homeless, abandoned, wayward or incorrigible with proper environment conducive to their physical, moral and intellectual well-being. The law, the court stated, undertakes to reclaim and reform rather than condemn and punish. (A. Ark., 1911, 167; Underwood v. Ferrell, 175, Ark., 219, [1927]I.) Prior to 1911 the county's authority to cope with the problem of the underprivileged child was provided by an early act of the General Assembly and the Constitution of 1874 which bestowed upon the probate and county court the right to apprentice minors (A. Ark., 1837, as contained in Rev. Stat. Ark., 1838, 101; Const. 1874, art. VII, sec. 28).

Naturalization

The circuit court and the chancery court, since its establishment, have had jurisdiction to hear applications for naturalization and to grant citizenship to aliens. This jurisdiction extends only to aliens who are residents within the respective judicial circuits of each court. A separate record of the proceedings in naturalization cases is made. (U. S. Stat. L., XXXIV, 596, app. 1906.) In Arkansas the circuit court is the only court that has exercised this jurisdiction.

Appellate Jurisdiction

The circuit court and the supreme court of the state are the two chief tribunals holding appellate jurisdiction over inferior courts. Appeals from judgments of the county court and a court of common pleas are taken directly to the circuit court. (Const. 1874, art. VII, sec. 33.) Where hearings on claims or allowances to be paid from the county treasury are first held in the county court, an appeal may be taken to the circuit court of the county, either by the aggrieved party, or by any citizen, or resident taxpayer of the county, who may come into the proceedings as an intervenor (Const. 1874, art. VII, sec. 51).

During 1873 and 1874 when the circuit court held jurisdiction in probate matters, appeals were taken directly to the supreme court of the state (A. Ark., 1873, 120). Following the adoption of the Constitution of 1874 and the re-establishment of separate courts of probate with the county judge as presiding magistrate, appeals were taken from the probate court to the circuit court. When the judge of the chancery court became presiding magistrate of the probate court on January 1, 1939, a provision was made for appeal directly to the supreme court. (Const. 1874, art. VII, sec. 35; ibid., amend. XXIV, adopted 1938, effective January 1, 1939; A. Ark., 1939, 6.) Appeals may be taken from the courts of justices of the peace to the circuit court. This rule applies in both civil and criminal cases. (Const. 1874, art. VII, sec. 42.)

In all cases in which a contest for any county, township, or municipal office is filed, an appeal may be made by the aggrieved party from any inferior board, council, or tribunal to the circuit court, in the same manner in which appeals are carried in other cases. In the event of such an appeal, the case is tried, de novo, in the circuit court. (Const. 1874, art. VII, sec. 52.) Appeals from rulings of the board of equalization by an aggrieved taxpayer are carried to the county court (A. Ark., 1929, II, 871).

Clerks of Court

The county clerk was chief accounting and recording officer of the county during 1873 and 1874, filling the offices of circuit clerk, probate clerk and recorder in an ex-officio capacity (Const. 1868, art. VII, sec. 19; A. Ark., 1868, 20). Following the adoption of the Constitution of 1874, the circuit clerk became chief accounting and recording officer while serving in an ex-officio capacity as county clerk, probate clerk and recorder. He became ex-officio chancery clerk in 1885. In 1890, after Faulkner County had attained a population in excess of 15,000, the office of circuit clerk and county clerk became separate elective offices in accordance with the provisions of the Constitution of 1874. Since that date, the county clerk has served as ex-officio clerk of the probate court and in 1911 he became clerk of the juvenile court. (Const. 1874, art. VII, sec. 19; A. Ark., 1885, 172; ibid., 1911, 167.) It is the duty of the clerks to attend all sessions of their respective courts, either in person or by deputy, and to record and preserve a record of all proceedings of their courts in the manner prescribed by law (A. Ark., 1838, as contained in Rev. Stat. Ark., 1838, 177). Justices of the peace keep

their own records.

Ministerial Officers

The sheriff is the chief ministerial officer of all courts of record in Faulkner County. He attends all court sessions and is required to preserve order while the court is in session and execute mandates and processes of the court as directed. If the sheriff and his deputies are disqualified to serve in a ministerial capacity, the coroner serves as a substitute in a performance of this function. Justices of the peace courts are served in a similar capacity by the constable. The presiding judge of the juvenile court may call upon a ministerial officer of any other court in the county to serve its orders and processes. (A. Ark., 1837, ibid., 1838, as contained in Rev. Stat. Ark., 1838, 728, 193, 186; A. Ark., 1911, 167.)

Law Enforcement

Various agencies of the county participate in the enforcement of laws; these include the prosecuting attorney, sheriff, coroner, constable, and the grand jury. The sheriff is the chief law enforcement officer, although the constables also have county-wide jurisdiction and the same powers as the sheriff in the discharge of this function. (A. Ark., 1837, ibid., 1838, as contained in Rev. Stat. Ark., 1838, 728, 184.) The coroner also has enforcement powers and, by a peculiar provision in Arkansas law, is the only official in the county who has the authority to arrest the sheriff, should that officer be charged with a law violation (A. Ark., 1838, as contained in Rev. Stat. Ark., 1838, 194).The sheriff, a constable, or any two justices of the peace may summon any unit of the state militia which may be stationed within their county to aid in the suppression of an unlawful assembly (A. Ark., 1838, as contained in Rev. Stat. Ark., 1838, 278). These officials and the coroner may deputize private citizens and compel their aid in emergencies of a less serious nature (Ark. Crim. Code, 1869, sec. 362).

Inquests and Indictments

For the purpose of establishing the probable cause of a violent death, an inquest is organized by the coroner. This official summons a jury before which a hearing is conducted. Witnesses are heard and every effort is made to establish the cause and the manner of death and the criminal liability of any person or persons. The coroner's jury may designate by name the persons believed to have been implicated in the death and are held by indictment of the grand jury, or for preliminary hearing in an examining court. (A. Ark.,1838, as contained in Rev. Stat. Ark., 1838, 195.)

The grand jury usually is called into session at each term of the circuit court. It is authorized to investigate all criminal cases both felonies and misdemeanors that are called to its attention. If this investigation reveals evidence sufficient to establish a reasonable presumption of guilt, an indictment is returned and the person or persons

named are held to trial in the circuit court. The grand jury also has the authority to investigate the official conduct and records of public officials and institutions. It may return indictments based upon information obtained by this investigation, or may recommend reforms in the general administration of the offices or institutions, providing these recommendations are in compliance with existing laws. (A. Ark., 1869, 284; ibid., 1871, 266; ibid., 1881, 92; ibid., 1927, 1185.)

A preliminary examination of a defendant charged with a felony may be conducted before a justice of the peace for the purpose of determining probable guilt or innocence. The defendant may be remanded to jail or released from custody, according to the findings of the examining court. (A. Ark., 1871, 358.)

Arrests and
Custody of Prisoners

The sheriff and his deputies, the coroner, and the constables are provided with equal legal authority to arrest persons for alleged violations of the law. Each of them may arrest a person for an offense committed in his presence or may serve warrants based upon grand jury indictments,or complaints issued by justice of the peace courts. (A. Ark., 1838, ibid., 1837, as contained in Rev.Stat. Ark., 1838, 728, 193, 186.) If either of these officers has reason to believe that he will meet with resistance in serving a warrant, he may command any male inhabitant of his county and any unit of the state militia stationed in the county to aid him (A. Ark., 1869, 337).

All persons arrested and charged in one of the courts of the county or a justice of the peace court are placed in the custody of the sheriff. Each county is required to maintain a jail for the safekeeping of prisoners. The sheriff may incarcerate the prisoners in the county jail or release them on bond, except in cases of capital offense when the proof is evident or the presumption of guilt overwhelming. (Const. 1874, art. II, sec. 8; Const. 1868, art. I, sec. 9.)

Prosecutions

The prosecuting attorney is the legal representative of all the counties comprising the judicial circuit he is elected to serve. The prosecutor or his deputy represents the county in all actions either civil or criminal that originate or may be pending in any court. He aids the grand jury in its investigations,and gives legal advice to the county officers on request. (Const. 1874, art. VII, sec. 24; Const. 1868, art. XV, sec. 6.)

Trial by Jury

The right of trial by jury in all of the courts maintained by the county is guaranteed by the constitution (Const. 1874, art. II, sec. 7; Const. 1868, art. I, sec. 6). Jury commissioners are chosen for each term of circuit court for the purpose of selecting a list of petit jurors to try the case pending in that tribunal (A. Ark., 1871, 264). In

the county courts, when a trial by jury is requested, the judge directs the sheriff to summon prospective jurors from among the bystanders. This latter function is performed by the constable in the justice of the peace courts in the event a jury is demanded by either party to a suit. (A. Ark., 1873, 433.)

Executions of Sentences

After a defendant has been found guilty of a crime, he is placed in the custody of the sheriff. If he is convicted of a misdemeanor, the sheriff incarcerates him in the county jail for the length of time specified by the court's decree, and collects any fine assessed by the court, together with the cost of the prosecution, unless otherwise directed. Persons convicted of felonies are placed in the custody of the sheriff for transportation to a state prison. Persons convicted of misdemeanors before a justice of the peace are delivered into the custody of a constable who, in turn, delivers them to the sheriff whose responsibility is the same as that governing the custody of prisoners convicted in the other courts. (See "Sheriff", p. 136 and "Constable", p. 144.)

Finance

County finances were under the control of one agency from the date of the county's establishment in 1873 until the latter part of 1874. This agency was the board of supervisors, later supplanted by the quorum court and county court when they were re-established by the Constitution of 1874. Appropriations for all county purposes were made by the board of supervisors, and in later years by the quorum court. The amount of each appropriation is determined after a study of the needs of the various county offices. Legal restrictions placed on these bodies have allowed the exercise of discretion only in the appropriation of funds for purposes other than the payment of salaries to county officers. The amount of the salaries have, at all times, been set by law. (A. Ark., 1873, 54, 86; Const. 1874, art. VII, secs. 28, 30.)

Revenue

All real property in the county, except that owned by the United States Government, the state, the county, and its political subdivisions, is subject to ad valorem tax. All personal property, including investments in bonds and stocks, cash on hand, and automobiles, fall in the same category. (A. Ark., 1883, 208.) Homesteads have been exempt from taxation since 1938 (A. Ark., 1937, 888).

The amount of taxes levied is set by a number of agencies. The governing board of each town or city sets the limits of the tax spread against property within the jurisdiction of the respective governing groups subject, however, to limitations provided in the constitution. The amount of the state levy is set by state officers, the levy for county purposes is set by the quorum court, the levy for each school district by its school board, and the levy for improvement districts by commis-

sioners who are delegated with this authority. (A.Ark., 1883, 210.) The total of all taxes levied to defray the general expense of the various governmental agencies is limited by the Constitution (Const. 1874, art. XVI, secs. 8, 9; ibid., art. XII, secs. 3, 4; Const. 1868, art. X, sec. 4). The levies of the state, towns and cities, and school districts are certified to the quorum court. These state and county levies are then assessed against all real and personal property in the county and those of the respective towns and school districts against the property in those political subdivisions. Levies assessed by the commissioners of improvement districts are certified directly to the county clerk and remain the same until the debts incurred by the improvement districts have been paid. Taxes levied for discharge of bonded indebtedness are not subject to constitutional limitations. (See "Quorum Court", p. 146; "County Clerk", p. 150.)

The valuation, for tax purposes, of all real property in the county is set every two years by the assessor. Personal property is assessed each year. After the assessment function has been completed, the property lists are placed in the hands of the county board of equalization, which has full authority to raise or lower individual items of assessments, which in its judgment appear to be unjust. A taxpayer may appeal from the findings of the equalization board to the county court, from there to the circuit court and on to the supreme court of the state. When the board of equalization has completed its examination of the assessment rolls, the county clerk extends the taxes for all purposes against each individual item of property. When this function has been discharged, the clerk certifies the tax rolls to the collector, charging the collector for the entire amount to be raised by taxation. The collector deposits the state tax collected by him with the state treasurer, the county and school district taxes with the county treasurer, and the improvement district taxes with the district treasurer or in the official depository of the district. Municipal taxes collected are remitted to the proper city treasury. (A. Ark., 1883, 236; ibid., 1929, II, 864; see "Tax Collector", p. 174; "County Clerk", p. 150.)

All real property in the state is subject to sale for non-payment of ad valorem tax. The collector conducts an annual sale of all property on which ad valorem taxes remain unpaid. Personal property is subject to seizure and sale by the collector for the non-payment of tax. When real estate is sold for taxes, the purchaser is issued a certificate of sale by the collector. The original owner of the land has two years, from the date of sale, in which to redeem his property. If the property is not redeemed at the end of the two-year period, the county clerk issues a deed to the holder of a purchase certificate. In the event the land is redeemed, payment is made by the owner to the county treasurer, who remits the amount received to the holder of the tax certificate. (A. Ark., 1883, 264, 266.)

Various license taxes are imposed by the county government. Ferries are licensed by the county court, the amount of the annual tax being set by the court in a sum of not less than $1 or more than $100 (Rev. Stat. Ark., 1838, chap. 62, sec. 8, as contained in Gantt's Digest, 1874, 554). The sum of $25 as a license fee is collected from peddlers each

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six months; each circus is required to pay a $100 license fee and side shows, $50 for showing in the county; auctioneers are required to pay a $10 fee each six months (A.Ark., 1883, 199); sewing machine peddlers pay an annual fee of $25 (A.Ark., 1885, 207); and non-resident horse traders and piano peddlers are required to pay an annual license of $100 in each county in which they do business (A. Ark., 1905, 469; ibid., 1909, 292). The county, in issuing marriage licenses through the county clerk, collects the sum of $1 as a license fee (A. Ark., 1874-1875, 260).

It is the duty of the sheriff or any constable in the county to collect the license fees due the county and turn their collections over to the county treasurer (A.Ark.,1905, 469). It is the duty of the sheriff, as collector, to call upon any person within the county whom he thinks owes the state or county an occupational or license tax and attempt to collect the tax, if his investigation shows that a collection should be made. After depositing the funds collected with the treasurer, the collector settles with the county clerk for all funds collected by him in the form of license or occupational taxes and the clerk notifies the state auditor of the settlement, showing the amount of any tax that may be due the state. (A. Ark., 1883, 199; ibid., 1893, 4.)

The county also imposes special taxes of various kinds. In all courts of record, convicted criminals are required to pay the sum of $3; in civil suits where verdict is returned by jury the county collects an added tax of $3;for each writ of summons and writ of execution the county is paid 50¢. The county collects 50¢ for each certificate of record made by one of its officials except, where mortgages are filed, a sum of not to exceed 15¢ is charged. The county, in addition to the regular $1 collected for marriage license charges an added tax of 50¢ on each license issued. (A. Ark., 1889, 155; ibid., 1915, 98.)

Persons to whom the county is indebted file their claims with the county clerk. These in turn are brought before the court in regular session. The claims are audited by the court in quasi-judicial proceedings, and if found to be just, the clerk is ordered to issue a warrant against the proper funds for their payment. The warrants are paid and cancelled by the county treasurer. The cancelled warrants later are passed to the custody of the county clerk,along with the periodical settlements of the treasurer with the clerk of the county court. The accounts of county officers formerly were audited by commissioners of accounts who were appointed by the circuit court. These commissioners, three in number, consisted of a justice of the peace, one citizen of the county experienced in auditing and a third resident of the county. Their reports were made direct to the circuit judge and later were filed with the circuit clerk. Since 1931 the state comptroller has been ex-officio director of county audits. It is his duty to make audits of the various county offices, filing a copy of his audit with the circuit court and with the county court. (A. Ark., 1885, 78-81; ibid., 1931, 120; see "Director of County Audits", p. 185.)

The issuance of county bonds was authorized during the earlier period of Faulkner County's existence. The board of supervisors, as administrative officers of the county, were allowed to issue bonds in the

aggregate sum of 10 percent of the total assessed valuation of all taxable property in the county for the purpose of aiding in the construction of railroads and for other projects of internal improvement. These bonds could bear interest at the rate of 10 percent and the levying of a tax to provide funds for their payment could be compelled through the filing of mandamus proceedings in any court of competent jurisdiction. (A. Ark., 1873, 466-468, 474-482.)

The incurring of public debt through the issuance of bonds was curbed by the Constitution of 1874, which prohibited the state and local units of government from creating interest-bearing obligations and prohibited the levying of a tax to retire bonded indebtedness, excepting those that were already in existence at the time the constitution was adopted (Const. 1874, art. XVI, sec. 1). Subsequent amendments to the constitution authorized the county court to issue funding bonds to retire existing treasury deficits and also prohibited the county from contracting for expenditures or issuing warrants in a sum totaling more than county revenue for any fiscal year (Const. 1874, amend. X, sec. 1, adopted 1924; A. Ark., 1925, 526-528; ibid., 1935, 240). When the construction of a courthouse or jail becomes necessary, or the county desires to build a hospital, the county court now is authorized to call an election for the purpose of approving the issuance of bonds to defray such expense. The tax levy to retire these bonds must not exceed one-half of one percent of the assessed valuation of property in the county. (Const. 1874, amend. XVII, secs. 1-8, app. 1928; ibid., amend. XXV, app. 1938.) Since 1925 every citizen of the United States who is 21 years old or older and who has resided in the state twelve months, in the county six months, and in the voting precinct, town or ward one month next preceding any election at which he proposes to vote, and who holds a poll tax receipt is a qualified elector. The General Assembly reserves the right to deprive any citizen convicted of a felony from the right of franchise. Aliens are expressly prohibited from voting. (Const. 1874, amend. VIII, app. 1920, declared adopted 1925; Brickhouse v. Hill, 167, Ark., 513, [1925].) During the brief period following the creation of Faulkner County and prior to the adoption of the Constitution of 1874 every male person who was a citizen of the United States or who had legally declared his intention to becoming a citizen, who had attained the age of 21 years, had resided in the state six months and in the county in which he offered his vote ten days preceding the election was deemed a qualified elector, providing he had been registered to vote. Any person who had been convicted of a crime punishable by death or confinement in the penitentiary, who had not been pardoned or given a commutation of sentence, was disqualified from voting. Paupers and persons of unsound mind also were ineligible to vote. (Const. 1868, art. VIII, as amend. March 3, 1873.) From 1874 until 1925 male citizens of the United States, or those who had declared their intention of becoming citizens, who were 21 years old, had resided in the state twelve months, the county six months and the voting precinct or ward one month prior to the date of an election, were authorized to vote. The persons who had been convicted of a felony were denied the right of suffrage. (Const. 1874, art. III, sec. 1.)

During 1873 and 1874 all persons desiring to vote were required to

register with the board of registration of the county. The officials of each voting precinct were furnished with an alphabetical list of the names of persons who had registered to vote in each precinct and this list was used in determining the right of the voter to cast his ballot. After a person had registered to vote, his registration was reviewed by the county board of registration. This board held the right to strike the citizen's name from the voting list, even without cause, if it saw fit. (A. Ark., 1868, 55.) The Constitution of 1874 provides that no law shall ever be enacted "whereby the right to vote at any election shall be made to depend upon any previous registration of the electors named; nor whereby such right shall be impaired or forfeited" (Const. 1874, art. III, sec. 2). Alphabetical lists of citizens who have paid their poll tax are made up by precincts by the county clerk and furnished precinct election officials prior to each election so that the qualifications of each person applying for ballot may be determined (see "County Board of Election Commissioners", p. 187).

Qualifications of Candidates

Certain definite qualifications other than those pertaining to the particular office being sought, are required by the Constitution of 1874 of a candidate for public office. He must be a qualified elector. Any person who has fought a duel, acted as a second in a duel or has sent or accepted or knowingly carried a challenge for a duel, may not hold office for a period of ten years after such an event. An infidel is not allowed to hold office in Arkansas. (Const. 1874, art. XIX, secs. 1-3.)

Conduct of Elections

General elections are held in Arkansas the Tuesday after the first Monday in November of each even numbered calendar year (A. Ark., 1915, 402; ibid., 1927, 1187). This was the law from 1873 to 1874 (A. Ark., 1868, as contained in Gantt's Digest, 1874, 468). From 1875 through 1914, general elections were held on the first Monday in September (A. Ark., 1874-1875, 93, 97). Primary elections are held on the second Tuesday in August of the same year of the general elections, however, the primaries are conducted by the individual political parties (A. Ark., 1891, 32).

General elections have been held in the counties by the County Board of Election Commissioners since 1891 (A. Ark., 1891, 33). During 1873 and 1874 the elections were held under the direction of the County Board of Supervisors (A. Ark., 1873, 54). From 1875 to 1891 the elections were directed by the county court (Const. 1874, schedule, sec. 23; A. Ark., 1874-1875, 93, 97). Precinct boundary lines are designated by the Election Commissioners and a centrally located voting place in each precinct is established. Ballots for the general elections are prepared by the County Board of Election Commissioners and those for primaries by the political parties who conduct primaries. The equipment of each voting place is furnished by the county. This includes poll books, ballots, sample ballots, screens for making booths, ballot boxes, talley sheets, stamp pads, and forms for reporting election returns. Precinct election officials, consisting of two judges and three clerks for each precinct,

are appointed by the County Board of Election Commissioners. The sheriff, or the acting sheriff should the regular sheriff be disqualified, delivers the election supplies to each precinct and is responsible for the preservation of order at the polls. (A. Ark., 1891, 33.) The sale of liquor on a primary election day in Arkansas is prohibited (A. Ark., 1897, 44). Qualified electors who are away from home on election day may vote through the use of absentee ballots (A. Ark., 1935, 346).

The precinct election officials tabulate the election returns for the precinct and certify the total votes for each candidate to the County Board of Election Commissioners. The county board tabulates all returns from the county and makes official proclamation of the election of county and township officers and members of the House of Representatives of the General Assembly. The returns in other state races, congressional races and the presidential race, are certified to the Secretary of State, (A. Ark., 1891, 33; ibid., 1895, 45.)

Vacancies in Office and
Special Elections

A provision of the Constitution of 1874 that governed the filling of vacancies from 1874 until 1939 stated that all vacancies in county and township offices, created by the constitution, be filled by special election called by the governor, unless the vacancies in a county or township office occurred six months or more before the succeeding general election and other offices more than nine months before the succeeding election (Const. 1874, art. VII, sec. 50). A second constitutional provision authorized the governor to fill a vacancy in office by the granting of a commission, providing no other manner of filling the vacancy is given in the constitution. A commission was effective only until the next general election. (Const. 1874, art. VI, sec. 23.) The General Assembly of 1877 passed an act which provided that a temporary vacancy in office caused by the suspension of an official during his trial on a charge of official misconduct could be filled by a temporary appointment by the governor (A. Ark., 1877, 64). The Supreme Court, in 1907, placed a broad interpretation upon this act of the General Assembly. This opinion held that the act would apply to any temporary vacancy in office. It called attention to and upheld the then existing custom of filling vacancies. It had become customary for the governor to issue a commission and then neglect to call a special election for filling the vacancy on the grounds that the calling of an election was a ministerial duty, that the governor could use his own discretion in performing such a duty, and could not be compelled to do so by mandamus. This procedure resulted in the appointee holding office until the next general election. (Cobb v. Hammock, 82, Ark., 584, I 1907 I.)

Education

Public Schools

A system of public schools has been maintained in Faulkner County since the creation of the county, and in accordance with the general pro-

visions of the Constitutions of 1868 and 1874. More specific operating provisions are found in the acts of the General Assembly and rules and regulations of the Arkansas State Board of Education. (See "County Examiner", p. 194.)

These provisions have been applied in the county through different agencies at various times. The same session of the legislature that created Faulkner County in 1873, provided for the office of county superintendent of public instruction. From 1875 to 1907, and from 1933 to the present, the chief administrative officer in school affairs has been the county examiner. From 1907 to 1933 the duties were discharged by the county superintendent. These individual offices are subject to general control of the county court from 1875 to 1921, and from 1933 to the present. This general authority and supervisory control over school districts was exercised by the County Board of Education from 1921 to 1933. (A. Ark., 1875, 71; ibid., 1919, 181; ibid., 1933, 61.)

Faulkner County was divided into school districts of various sizes during the earlier part of the county's history, to an extent that in 1921 there were ninety-six districts in existence, maintaining a total of eighty-eight white and twenty negro schools. Each school district was, and still is, governed by a board of school directors who are elected by the voters of the district. In the beginning these boards exercised broad powers. They elected teachers, fixed their salaries, built and maintained schools, and determined the length of the school term. In some districts the directors had unlimited powers to create indebtedness. Under this system there was no centralized school authority and no co-ordination of the school program. Through consolidation the number of school districts has been reduced in the county to forty-four, (Administrative staff, Arkansas WPA, Study of Local School Units, Educational Survey, Present and Proposed Schools, Faulkner County, Little Rock, 1937, 6-8.) and a more uniform system of school administration has been provided (A. Ark., 1931, 500).

County Library

The establishment and maintenance of the county library by the county, as a separate function in the field of education, has been authorized in Arkansas since 1927. In accordance with a law of 1927 Faulkner County has established and maintains a county library. The affairs of the library are administered by a library board, members of which are appointed by the county judge. The expense of the library is paid from county funds. Although Faulkner County does not do so, the county may operate a library jointly with neighboring counties or with any municipality within the county. (A. Ark., 1927, 831-834; ibid., 1937, 1268; see "County Library Board", p. 199.)

Agricultural Extension Agents

The county cooperates with the state and the United States governments in the maintenance of county farm agents and county home demonstration agents. Their activities consist of educational work conducive to better farming and better living conditions in the farm home, a pro-

gram which affects both the adults and those of school age in the farm family. (See "Agricultural Extension Agents", p. 216.)

Public Health

The county in recent years has acted as the agent of the state in promulgation of a uniform public health program. Counties are authorized to set up individual health units, or two or more counties may join in the establishment and maintenance of a district health unit. Faulkner and Cleburne Counties maintain such a unit, the district being designated as No. 4. The unit's personnel include a director who is a physician, a sanitarian, a public health nurse, and a clerical assistant. (Ark. State Board of Health, Report, Little Rock, 1937, 2, 5; A. Ark., 1931, 725.)

The district health unit co-ordinates its efforts in matters of vaccination and immunization, and the application of measures for the control of other communicable diseases in accordance with the program outlined by the State Board of Public Health (Ark. State Board of Health, Report, 9).

The problem of public health was given legislative consideration for the first time in 1881. The General Assembly of that year authorized the Governor to appoint a State Board of Health, and required that the county court appoint an examining board to license physicians. (A. Ark., 1881, 178, 41.) The county's participation with the state in matters of public health commenced in 1903, with the adoption of a law which authorized the county judge to appoint a county board of health, consisting of three licensed physicians who operated under the general supervision of the State Board in enforcement of health measures (A. Ark., 1903, 71). Subsequent legislation has continued the public health work enlarging the program until it finally attained its present form (A. Ark., 1911, 485; ibid., 1913, 354; ibid., 1925, 1061; ibid., 1931, 725; ibid., 1937, 14).

Welfare

The county acts as an agent of the state and the United States governments in the administration of old age assistance and other forms of direct relief serving in this capacity since 1935. This work is carried on by the county board of public welfare. (A. Ark., 1935, 56; ibid., 1937, 897.) The administration of direct relief through the payment of county funds on order of the county court, the investigation of applicants for Confederate pensions and the maintenance of the poor farm were the chief welfare activities prior to the more modern record of relief administration (Const. 1874, art. VII, sec. 28; A. Ark., 1846, 84; ibid., 1851, 99; ibid., 1901, 86).

To cope with the problem of the dependent, delinquent and underprivileged child, the county was authorized to set up a juvenile court in 1911. The only solution to this problem offered prior to 1911 was legal authority vested in the county court to apprentice minors. (Const.

1874, art. VII, sec. 28; A. Ark., 1840, 87; ibid., 1911, 167.)

Miscellaneous Functions

Various services are made available by the county for the protection and rights of its citizens. Owners of timber may establish their ownership through the registration of a timber mark with the timber inspector (A. Ark., 1901, 207), and owners of livestock are afforded the same protection through the registration of marks and brands with the county clerk (A. Ark., 1837, as contained in Rev. Stat. Ark., 1838, 534). County boundary lines, the routes of public roads, and the boundaries of individually owned property may be legally defined and established through the services of the county surveyor (A. Ark., 1838, as contained in Rev. Stat. Ark., 1838, 219). Persons who may be victimized through the use of faulty scales, weights or measures are protected by a law which authorizes the constable to inspect each year the scales or measures used for commercial purposes within his township (A. Ark., 1913, 1058).

Records System

The clerks of the various courts of the county, the recorder, the county clerk as a financial officer and the county treasurer, are the custodians of the records preserved by the county. Many of these functions are performed in an ex-officio capacity by three elective officers in Faulkner County, the county clerk, the circuit clerk and the treasurer. (See "County Clerk", p. 150, "Treasurer", p. 178 and "Circuit Court", p. 83.) The county judge purchases all books and supplies that are used in maintaining a record system (A. Ark., 1874-1875, 138). Provisions for the registration of lost or destroyed records of any court, clerk or the recorder have been in existence since 1855 (A. Ark., 1855, 113; ibid., 1857, 81). The county court is authorized to have transcribed into new books all records contained in volumes found to be unfit for preservation. These transcribed records, after being examined and approved by the court, are as legally binding and effective as the original record. (A. Ark., 1868, 199.)

Although the county court is authorized to purchase the record books for all the officers and such a system could be conducive to a more uniform system of recording, there exists a lack of uniformity both in the form of records, the classification of instruments and the indexing systems. Each instrument which is filed has a title which indicates its contents. Theoretically all deeds, conveying full title or affecting mineral rights are to be recorded in the deed record book; real estate mortgages are to be recorded in a real estate mortgage book, and mortgages on personal property may be recorded in a chattel mortgage book or merely filed and indexed, depending upon the desire of the mortgagee. Instruments affecting land titles are indexed both direct and reverse by the name of the grantor and grantee or mortgagor and mortgagee. One group of volumes serves the deed records and miscellaneous record, a separate series maintained since 1911, and another group of volumes

serves the real estate mortgage record. Indexes to other records are self-contained.

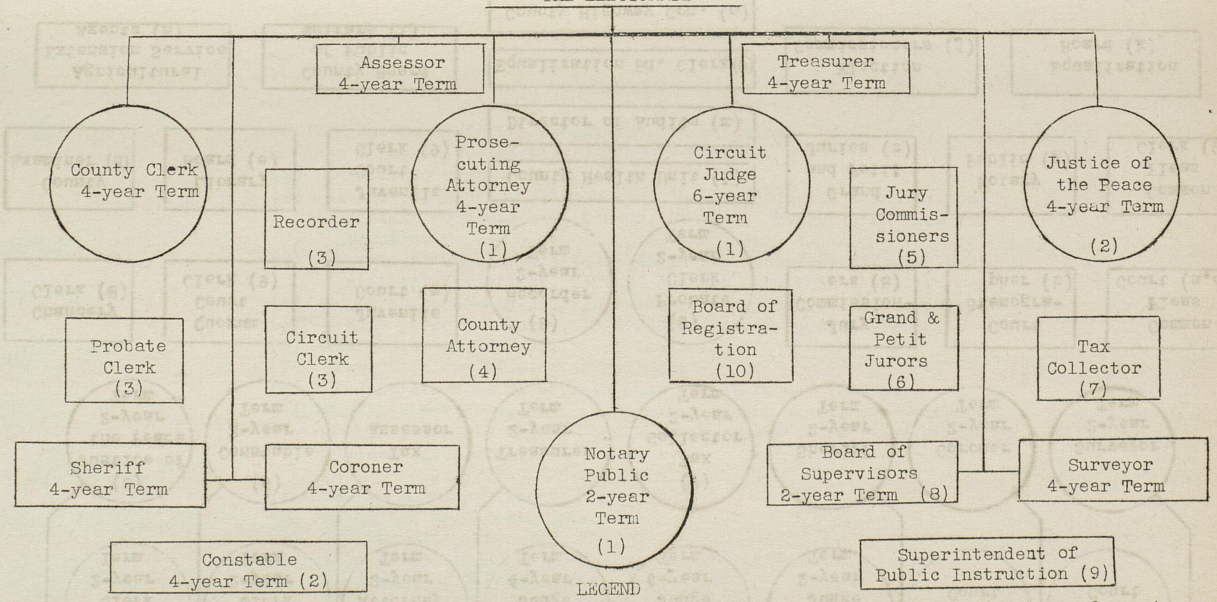
The large number of instruments required by law to be recorded with the recorder and the lack of a specific designation for the place of recording these various instruments have made the record system confusing. In the early years of the county in Arkansas, mortgages are recorded in the deed record and the deeds are found recorded in the mortgage record. Instruments that cannot be definitely classified as a deed or mortgage are found recorded in both records. The setting up in Faulkner County in 1911 of a series of volumes designated as a miscellaneous record was a step toward the elimination of this confusion although there are still many and varied forms of conveyances that are placed in the deed record without regard to the nature of their contents.

A record of the proceedings of each court is kept by the clerk of the court. There is more uniformity in this record system. Each case, at the time it is instituted, is given a number and all papers filed in connection with it are kept in a separate jacket and placed in numerical order by case number in file boxes. A transcribed record of the orders and judgments and decrees of the court is kept in a court record, and minutes of court proceedings are kept in a docket book.

The records in Faulkner County, taken as a whole and compared to the other counties in the state, are above the average in their general condition in the manner and orderliness of their preservation. Despite the fact that the records have been housed in three different courthouses, as well as in temporary quarters at various times, and the destruction of one courthouse by fire, the records are above the average in their completeness.

The Arkansas Historical Records Survey Program, near the close of its present survey of county archives, will prepare a report containing specific recommendations for methods of record keeping which, if followed, will bring about a more uniform system of county records throughout the state.

CHART OF COUNTY GOVERNMENT, FAULKNER COUNTY, 1873-74

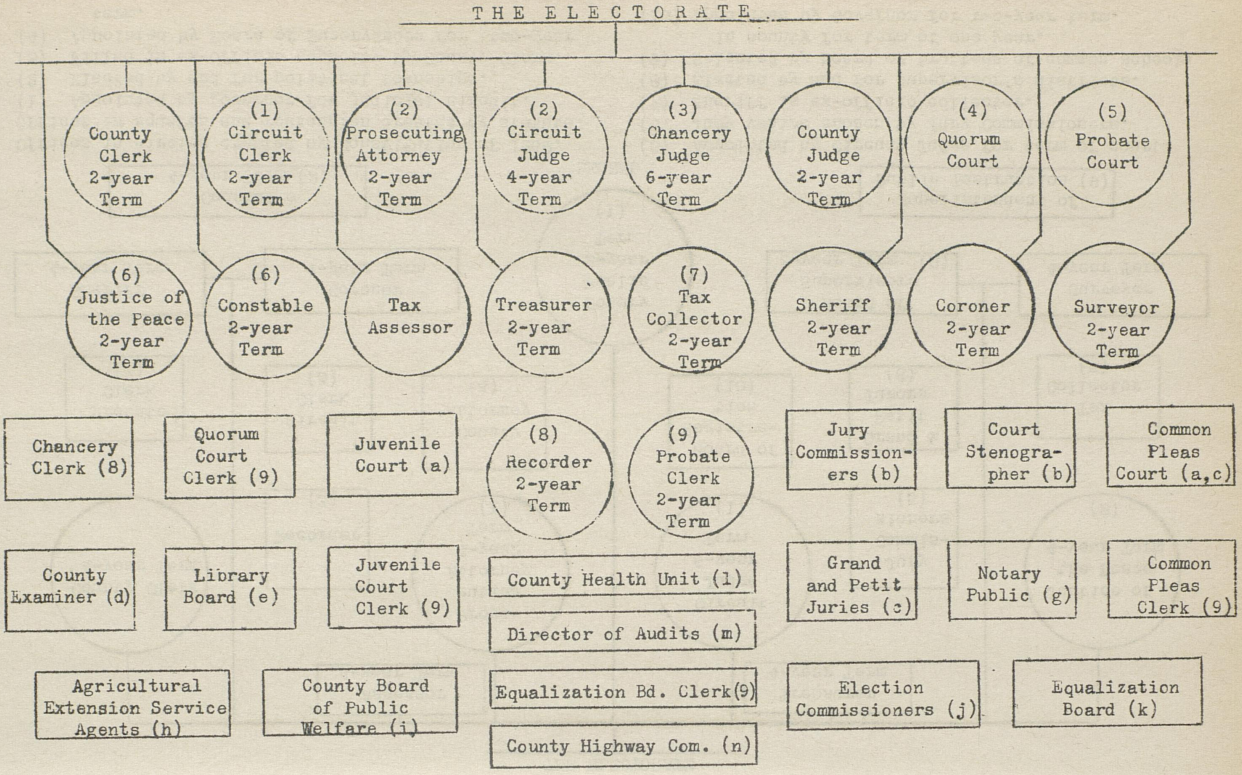


LEGEND

Offices in circles created by Constitution of 1868.
Offices in squares and rectangles created by statute.

(1) Appointed by governor for judicial circuit.
(2) Elected by and for political townships.
(3) Filled in ex-officio capacity by County Clerk.
(4) Appointed by Board of Supervisors for two-year term.
(5) Appointed by Circuit Judge for term of court.
(6) Jury venire chosen by Jury Commissioners.
(7) Sheriff is ex-officio collector.
(8) Elected by and for supervisor's districts.
(9) Selected by board of trustees of common schools in county for term of one year.
(10) Appointed by Governor for two-year term.

FAULKNER COUNTY GOVERNMENT 1874-1939



County Highway Com. (n)

LEGEND

Offices shown in circles created by Constitution.
Offices shown in rectangles created by statute.

(1) Ex-officio county clerk, 1874-90.
(2) Elected by and for all counties in 17th judicial circuit, consisting of Faulkner, Lonoke, Prairie, Monroe, and Arkansas Counties.
(3) Elected by and for all counties in 9th chancery circuit, consisting of Faulkner, Conway, Johnson, and Polk Counties.
(4) Members are county judge, presiding, and justices of the peace.
(5) County judge presiding, 1874-1938; chancery judge, 1939--.
(6) Elected by and for political townships.
(7) Sheriff is ex-officio tax collector.
(8) Circuit clerk is ex-officio chancery clerk and recorder.
(9) County clerk is ex-officio juvenile court clerk, quorum court clerk, probate clerk, equalization board clerk, and common pleas court clerk.

(a) County judge presiding.
(b) Appointed by circuit judge.
(c) In existence, 1875-77.
(d) Selected by teachers in county, appointed by county judge.
(e) Appointed by county court.
(f) Jury venire selected by jury commissioner.
(g) Appointed by governor, four-year term.
(h) Appointed by University of Arkansas, College of Agriculture.
(i) Appointed by State Welfare Board.
(j) Appointed by State Board of Election Commissioners.
(k) Appointed by quorum court.
(l) Personnel appointed by State Board of Health.
(m) State Comptroller is ex-officio Director of County Audits.
(n) County judge is chairman; other members named by quorum court.

(First entry, p. 62)

HOUSING, CARE AND ACCESSIBILITY OF THE RECORDS

On September 19, 1873, a few months after the creation of Faulkner County, Col. A. P. Robinson donated a tract of land in the town of Conway to be used as the site of the first courthouse of the county. The warranty deed executed by Col. Robinson transferring the property to the town of Conway described the tract as follows: "The easterly part of block No. 26 as the same is delineated on a plan of said Town of Conway signed by me and attached hereto. Said land is bounded on the East by Locust Street,on the South by Robinson Street, and on the West by Turner Street, and is six hundred and ten feet long measuring North and South and three hundred and fifty feet wide measuring East and West." The deed stated that in the event a courthouse was not erected on the land the title would revert to the donor.

The county was not financially able to build a courthouse until May of 1877,and prior to that time terms of court were held in the Methodist Church in Conway. All business of the county was transacted in the office of the first county clerk, C. L. Lander, and that of his successor, F. C. Moore. Lander's office was a small frame building located on the site that was later the store of Frauenthal and Schwartz.

The first courthouse was a one-story frame building, with a mansard roof structure which formed a second floor. The foundation was of square-shaped quarry stone set in mortar. The building was 30 by 50 feet, faced east and had a projection 12 by 20 feet on the rear, or west side. Piazzas 10 feet wide were built on the south and east sides of the building and a square stair tower was on the northeast corner.

The first floor contained five rooms,besides the stairway and entry hall. The second floor was divided into an ante-room, a courtroom and a jury room. The building was heated with wood and coal and lighted by coal oil lamps. Part of the records of the county were lost when the building was destroyed by fire on February 1, 1890.

From 1890 until 1893 the county was without a courthouse. During this interim court was held and the records were kept in the Methodist Church, the Knights of Pythias Hall and the depot of the Little Rock and Fort Smith Railroad.

The second courthouse,which was ready for occupancy in 1893, was a two-story stone and brick structure, with wood and plaster interior. The first floor contained county offices. The second floor housed the courtroom, jury and witness rooms and the office and vault of the circuit clerk and recorder. This building also was heated by wood and coal. During the early part of its existence it was lighted by coal oil lamps which later were replaced by electric lights.

The present courthouse was constructed on the site of the original one, during 1935, at an approximate cost of $126,000, which was financed by a PWA loan and the issuance of bonds. It is a four-story and basement structure of buff brick, with stone window sills and coping. The style of architecture is modified classic, with a slight deviation in the windows of the courtroom which are suggestive of both Gothic and Doric.

Housing, Care and Accessibility of the Records (First entry, p. 62)

The foundation of the building is of concrete, re-inforced with steel and the roof is built-up composition, cornered with slate and gravel.

The building is in the center of a square block. The ground has been landscaped and shrubbery planted around the building. Several trees are on the grounds and directly southeast of the building is a granite monument about twenty feet high which was erected to commemorate the Confederate soldiers of the county.

The floors of the corridors are tile set in concrete and the walls have marble wainscoating three feet high, with a 6-inch baseboard. The stairs from the first to the second floor and from the first to the basement are also marble wainscoated. The stairs from these floors are of marble, while the stairs from the second to third floor and from third to fourth floor are of concrete. The walls of the offices are plastered, with a wood molding about eighteen inches from the ceiling. The ceilings are of uniform height, 10½ feet, excepting in the courtroom which is 20 feet.

On the first floor of the building are various county offices. A corridor 6½ feet wide runs from the east to west entrance and one 8½ feet wide from the north to south entrance. At the south, west and north doors of the courthouse, there are concrete stairs leading to the basement. At the left of the main, or east, entrance is the office of the tax assessor. The room is 15½ by 15½ feet, has a large window on the east side and entrances from both corridors. Directly across the corridor is the office and vault of the treasurer. The office is 22½ by 17½ feet and the vault 8 by 9 feet. There are two large windows on the east side of the office and entrances from both corridors. The vault has only one entrance and no windows. On the northeast corner of the building the county judge has a suite of two rooms, a reception room or outer office and a private office. Both of these rooms are connected by doors with the county court room, which is 20½ by 12½ feet. The courtroom has two windows on the east side and three on the north. It has no entrance, except for the judge's quarters. The northwest corner of the building is the county clerk's office, which is 22½ by 20½ feet. It has three windows on both the north and west sides. The clerk's vault, which is 16 by 21 feet, adjoins his office. There is no entrance to the vault except through the office of the clerk. The vault is ventilated by two large windows on the west side. The office and vault of the circuit and chancery clerk and recorder is in the southwest corner of the building. The office is 20½ by 22½ feet and the vault is 16 by 24 feet. The office has windows on the south and west sides and the vault has windows on the west side. Within the vault is a circular iron stairway which leads to the basement vault of the circuit clerk and recorder. There is no entrance to either vault except from the clerk's office. Across the corridor from the circuit clerk's office and in the southeast corner of the building is the office of the sheriff and tax collector. The main office is 20½ by 20½ feet and there is a small private office adjoining which is 8½ by 9½ feet. From the private office there is a door into the sheriff's vault. The vault is 6½ by 9½ feet and has only the one entrance.

Housing, Care and Accessibility of the Records (First entry, p. 62)

The second floor of the building contains the courtroom, jury rooms, the judge's and prosecuting attorney's offices, a ladies' lounge and the offices of the county welfare department.

The courtroom, in the center of the building, is 59 by 41 feet, with a ceiling 20 feet, which is the combined height of the second and third floors of the building. There are five large windows on both the east and west sides of the courtroom. The offices of the judge and the prosecuting attorney are on the southeast corner of the second floor, to the right of the south stairs. The judge's office is 14 by 11½ feet and the prosecuting attorney's office is 15 by 8½ feet. A corridor, five feet wide, connects them with the courtroom. In the southwest corner of the second floor are two jury rooms, each 14 by 10 feet. There is no entrance to the jury rooms except from the courtroom.

The room in the northwest corner of the second floor is a ladies' lounge, 22½ by 20½ feet, and the northeast corner contains the offices of the county welfare department. These offices were originally designed as witness rooms.

On the third floor are the jailer's living quarters across the south end of the building and the north end, beyond the upper part of the courtroom are the offices of the county examiner. The jailer's apartment consists of a living room, two bedrooms, a bathroom and kitchen.

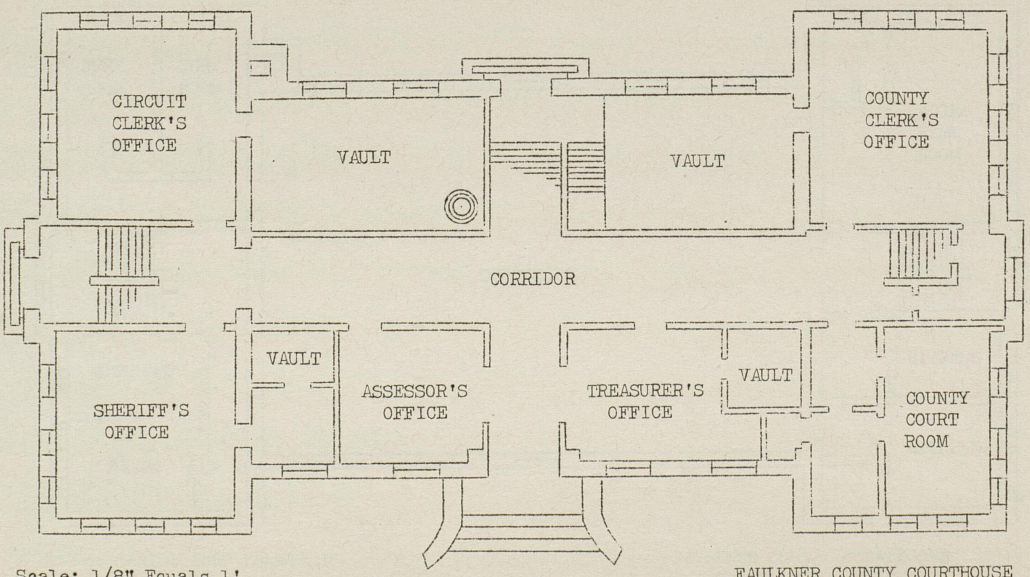
The county jail occupies the entire fourth floor of the courthouse. The only stairway from the third to the fourth floor is on the south side of the building. At the head of the stairway is an entrance hall 14 feet long and 8½ wide which leads into the county jail. There is no other entrance to the jail and at the right of the stairs is the jailer's bedroom, to the left the receiving offices. The jail quarters proper are double walled and separated from the outside wall of the building by a 4-foot guard's corridor. There are separate womens' and mens' compartments and the north end of the floor is a large bull pen. The jail is set in 20 feet from the north and south ends of the courthouse and the roof projections are surrounded with stone coping. (See floor plans of fourth floor of courthouse, p. 48.)

The basement of the courthouse is connected with the first floor by marble stairs from the south entrance. All exterior walls are of reinforced concrete 16½ inches wide, with 8-inch piers on the east and west walls. Interior walls and partitions are of hollow tile. To the right of the entrance are washrooms and the janitor's utility rooms, and a storage vault 11½ by 15 feet. To the left of the entrance are boiler and coal rooms. The circuit clerk's vault has no entrance from the basement floor level. It is 24 by 16 feet and connected with the clerk's vault on the main floor by a circular iron stairway. Directly north of the basement vaults are washrooms for negroes.

The offices of the health unit are in the post office building and the county library is in its own building, which is described in detail in "County Library Board", p. 199.

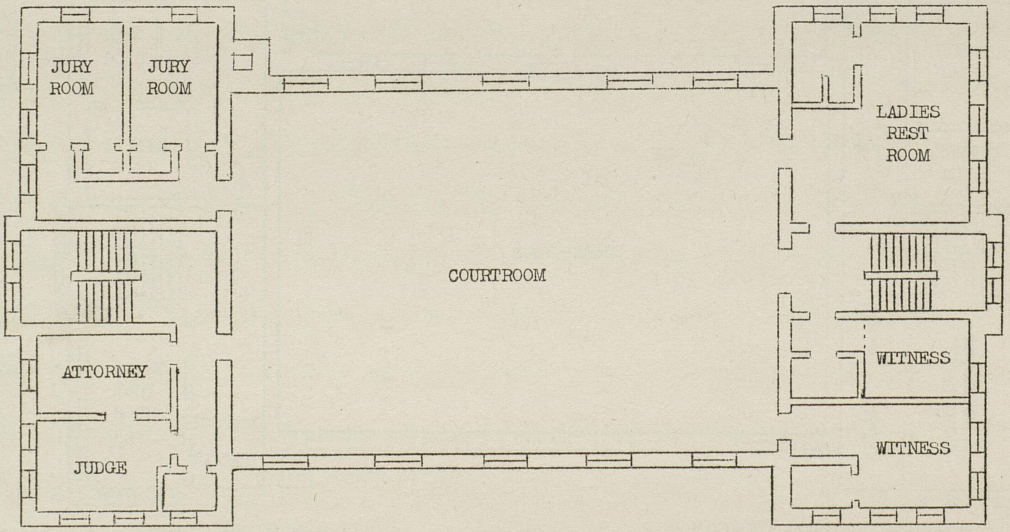
Housing, Care and Accessibility of the Records (First entry, p. 62)

The courthouse is 100 per cent fireproof and approximately 98 per cent of the county records are housed therein. There is ample space in the unused parts of the basement for additional storage vaults.



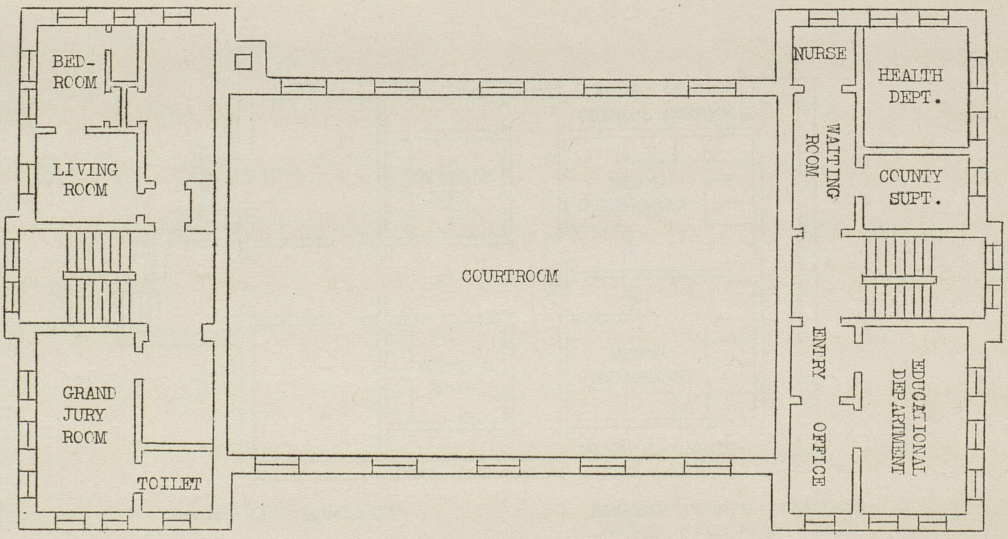
Scale: 1/8" Equals 1'

FAULKNER COUNTY COURTHOUSE
FIRST FLOOR PLAN



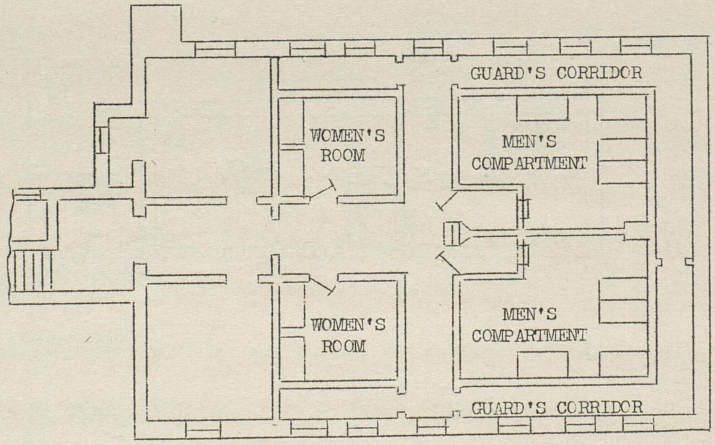
Scale: 1/8" Equals 1'

FAULKNER COUNTY COURTHOUSE
SECOND FLOOR PLAN



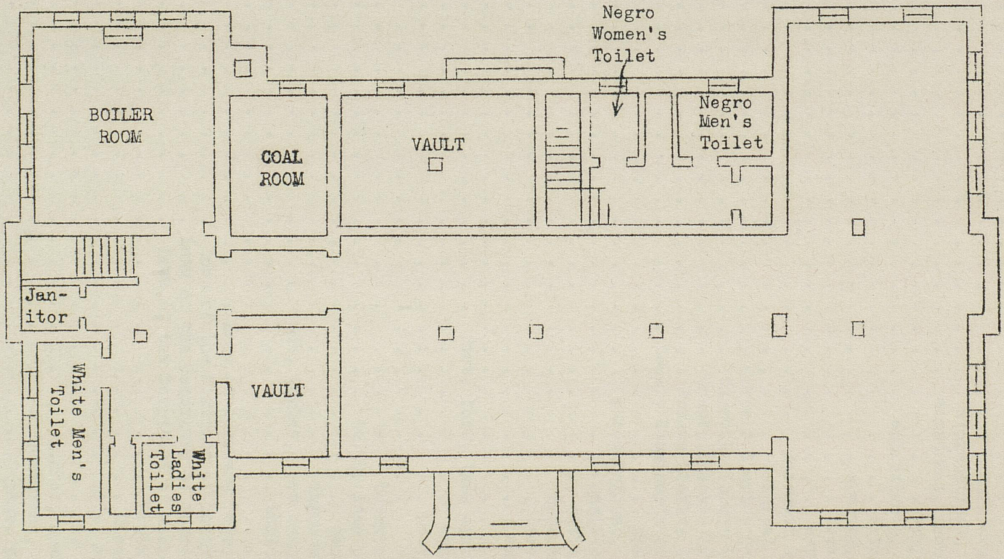
Scale: 1/8" Equals 1'

FAULKNER COUNTY COURTHOUSE
THIRD FLOOR PLAN



Scale: 1/8" Equals 1'

FAULKNER COUNTY COURTHOUSE
FOURTH FLOOR PLAN -- JAIL



Scale: 1/8" equals 1'

FAULKNER COUNTY COURTHOUSE
GROUND FLOOR PLAN

ABBREVIATIONS, SYMBOLS, AND EXPLANATORY NOTES

Abbreviations

A. . . . . Acts
Admr. . . . . Administrator
alph. . . . . alphabetical, (ly)
amend. . . . . amendment, ammended
app. . . . . approved
approx. . . . . approximate, (ly)
Ark. . . . . Arkansas
arr. . . . . arrange, (d)
art. . . . . article
aver. . . . . average
ba. v. . . . . basement vault
Crim. Code . . . . . Criminal Code
C. C. O. . . . . Circuit Clerk's Office
C. C. V. . . . . Circuit Clerk's Vault
Co. C. O. . . . . County Clerk's Office
Co. C. V. . . . . County Clerk's Vault
Co. E. O. . . . . County Examiner's Office
ch. . . . . chapter
chron. . . . . chronological, (ly)
Const. . . . . Constitution
deft. . . . . defendant
dept. . . . . department
dist. . . . . district
ed. . . . . editor
fm. . . . . form
ft. . . . . foot, feet, (see symbols)
gen. . . . . general
gdn. . . . . guardian
hd. . . . . head
hdw. . . . . handwritten
ibid. . . . . in the same place
i. e. . . . . that is
imp. . . . . improvement
in. . . . . inch, inches, (see symbols)
incl. . . . . inclusive
L. . . . . Laws
L. A. T. . . . . Laws of Arkansas Territory
L. D. L. . . . . Laws of the District of Louisiana
L. T. L. . . . . Laws of the Territory of Louisiana
L. T. M. . . . . Laws of the Territory of Missouri
La. . . . . Louisiana
Mo. . . . . Missouri
mi. . . . . mile, miles
n. d. . . . . no date
no., nos. . . . . number, numbers
numer. . . . . numerical, (ly)
p., pp. . . . . page, pages
par., pars. . . . . paragraph, paragraphs
pltf. . . . . plaintiff

Abbreviations, Symbols, and
Explanatory Notes

pr. . . . . printed
rep. . . . . reports
Rev. . . . . Revised
sec., secs. . . . . section, sections
spec. sess. . . . . special session
Stat. . . . . Statute, (s)
st. v. . . . . storage vault
Sher. & Col. O. . . . . Sheriff & Collector's Office
T. L. M. . . . . Territorial Laws of Missouri
twp., twps. . . . . township, townships
U. S. . . . . United States
U. S. Stat. L. . . . . United States Statutes at Large
v. . . . . versus
vol. . . . . volume, (s)

Symbols

--. . . . . current
' . . . . . foot, feet, (see ft.)
" . . . . . inch, inches, (see in.)
% . . . . . per cent

Explanatory Notes

If no statement is made regarding the condition of the records, it may be assumed they are in good condition.

Volume and file box dimensions are given in inches in the order of the length, width and thickness. Map dimensions are given in inches.

Exact titles of records are in capitals; an explanatory title, following the exact title is given in parenthesis; assigned titles and titles of artificial entries are in capitals but enclosed in parentheses.

The records, unless otherwise indicated, are located in the county courthouse and in the office under which they are listed.

A citation to an act of the Legislature of the Territory of Arkansas, or the General Assembly of the State of Arkansas, or an act of a legislative body of another territory or state, refer to the page number of the official publication of the laws.

A citation to a decision of the Arkansas Supreme Court gives the style of the case, the volume and page numbers, and year of publication.

A citation to any other published volume is shown in full the first time used, and in simplified form subsequently throughout the inventory.

A title line cross reference in an entry is intended to show that

the record completes a series, and such a cross reference is complemented by a cross reference in the body of another entry. The entry containing the title line reference usually is an artificial entry designed to distinguish a record which, though different in character, has been kept and recorded with another. For example, in the title line of entry 3, "County Court Record", in the county court entries, there is a cross reference to entry 5, "Record Board of Supervisors." From 1874 to 1879 the record of county court proceedings was kept in the record entitled "Record Board of Supervisors", but since 1879 a separate record, entitled "County Court Record", has been kept. A cross reference to the entry on the "County Court Record" will be found in the body of the entry on the "Record Board of Supervisors."

Where entries are closely related, as, for example, an original instrument, such as a mortgage, and its recorded copy, the third paragraph cross reference is used. These references are intended to demonstrate the record system of offices and the relation between records of different offices.

See pages 37 and 38 for a description of the records system in Faulkner County.

(First entry, p. 62)

I. COUNTY COURT

In the general administration of county business, a characteristic found in Arkansas, although not exclusively peculiar to the state, is the combination of judicial and administrative functions in the hands of the county court and its presiding judge (Fairlie and Kneier, County Government and Administration, 1930, 116).

When the legislature of Arkansas Territory was authorized to pass laws creating its own system of county offices in 1829, a county court and the office of county judge were created and provision was made for his election for a term of two years. He also was made judge of the probate court. Sitting with one justice of the peace from each township of the county, the court had administrative powers in all matters relating to roads and revenue. (L. of U. S., 1829, L. A. T., 1829, as contained in L. A. T., 1835, digest, 157-159.)

The first constitution of the State of Arkansas, adopted in 1836, provided that the county court be composed of the justices of the peace of the county who, from their own group, elected the presiding judge of the court for a term of two years. The justices were deprived of this privilege in 1848 when a constitutional amendment was adopted providing for the selection of a county judge by popular vote, also for a term of two years. (Const. 1836, art. VII, secs. 9, 10; ibid., amend. of 1848, sec. 3.) The county court was perpetuated by the Constitutions of 1861 (Const. 1861, art. VI, sec. 1), 1864 (Const. 1864, art. VII, sec. 1), and 1868. This latter Constitution allowed the General Assembly to abolish the court at its discretion. (Const. 1868, art. VII, sec. 5.) The county court was abolished by an act of the General Assembly, passed April 3, 1873, just nine days before the act which created Faulkner County was approved. The court was supplanted by the board of supervisors, which controlled the county affairs until the county court was re-established the following year, with the adoption of the Constitution of 1874 (A. Ark., 1873, 54, 86-89; Const. 1874, art. VII, sec. 1; see "Board of Supervisors", p. 66).

The county court is presided over by the county judge who is elected by the voters of his county at the general election, for a term of two years, or until his successor is elected and qualified. He also is the presiding officer of the quorum court and the juvenile court. (Const. 1874, art. VII, sec. 28, 30; A. Ark., 1911, 167; see "Quorum Court", p. 146, and "Juvenile Court", p. 120.) In Faulkner County the judge has been ex-officio road commissioner since 1917 (A. Ark., 1917, I, 275). Following the adoption of the Constitution of 1874, the county judge was reinstated as ex-officio judge of the probate court, a position which he held until January 1, 1939, when probate matters were transferred to the chancery court (Const. 1874, art. VII, sec. 32; ibid., amend. 24, adopted 1938; A. Ark., 1939, 6; see "Probate Court", p. 112, and "Chancery Court", p. 104). The county judge was also presiding magistrate of the court of common pleas, which was established in Faulkner County in 1875 and abolished in 1877 (A. Ark., 1875, 123; ibid., 1877, 17; see "Court of Common Pleas", p. 124).

The qualifications required of a candidate for the office of county

judge are that he be at least 25 years of age, a citizen of the United States, a man of upright character, of good business education, a resident of the state for two years before his election and during his term of office (Const. 1874, art. VII, sec. 29).

The county judge takes the same oath of office as other county and state officers (Const. 1874, art. XIX, sec. 20). It is administered at the time he takes office by the clerk of the court or the judge of any other court (A. Ark., 1845, 61). The county judge is disqualified to preside in certain matters coming before his court for the same reasons that disqualify the magistrates of other courts (see "Governmental Organization and Records System", p. 17). In the event of his disqualification, the judge forwards a report to the governor, stating the circumstances of the case, and the governor appoints a special judge to preside (Const. 1874, art. VII, sec. 36).

The judge is subject to removal from office for the same causes and in a similar manner as other county officers, and the vacancy is filled the same as vacancies in other county offices (see "Governmental Organization and Records System", p. 17).

Regular terms of the county court are held in Faulkner County at the courthouse in Conway four times each year commencing on the first Monday of the months of January, April, July, and October. The court remains in session until disposition has been made of all matters pending. (A. Ark., 1875, 138.) If the opening of a term of county court conflicts with the time for holding a term of circuit court in the county, the county court session is postponed for two weeks (A. Ark., 1887, 198). The judge may call a special term of court when, in his opinion, the public good demands (A. Ark., 1879, 60). When civil authorities were harassed by guerilla bands during the latter part of the Civil War, a law, that is still in effect, was passed which authorizes the county judge to change the place of holding his court to any other place in the county that he considers necessary for the security of the public records (A. Ark., 1864-1865, 35).

Faulkner County has paid its county judge a salary of $3,600 annually since 1931, one-half of this salary being paid from the county general fund for his services as judge of the county court, and one-half from the county road fund for his services as ex-officio county road commissioner (A. Ark., 1931, 361; ibid., 1929, 502). The salary is payable quarterly (A. Ark., 1875, 36). The first county judge of Faulkner County was paid $500 annually, in addition to which he was paid $400 per year from 1875 to 1877 for his services as presiding magistrate of the short-lived court of common pleas (A. Ark., 1875, 141, 124; ibid., 1877, 17). His salary was raised to $1,000 per year in 1883, $2,000 per year in 1917, and $2,400 per year in 1925 (A. Ark., 1883, 47; ibid., 1917, I, 275; ibid., 1925, 723).

The county court has exclusive original jurisdiction in all matters relating to roads, bridges, ferries, county taxes, bastardy, vagrants, the apprenticeship of minors, and the disbursement of money for county purposes (Const. 1874, art. VII, sec. 28). Prior to the adoption of the Constitution of 1874, justice of the peace courts had jurisdiction over

vagrants and in bastardy cases (A. Ark., 1837; ibid., 1838, as contained in Rev. Stat. Ark., 1838, 759, 145); jurisdiction in all matters relating to roads, bridges, ferries, county taxes, and the disbursements of county funds was held by the board of supervisors (A. Ark., 1873, 54), and the circuit court held exclusive authority in the matter of apprenticeship of minors (A. Ark., 1837, as contained in Rev. Stat. Ark., 101; A. Ark., 1873, 54).

While the county court is largely an administrative office, it retains jurisdiction to try election contests in which the office of circuit clerk, sheriff, surveyor, county treasurer, county assessor, justice of the peace, constable, coroner, or any township office is involved (A. Ark., 1874-1875, 106).

When the circuit judge is absent from the county, the county judge has the power to issue orders for injunctions and other provisional writs, and may hear and determine applications for, and issue writs of, habeas corpus (Const. 1874, art. VII, sec. 37).

The contracting to individuals by the county court of the labor of prisoners in the county jail is a practice that was authorized by law in Arkansas commencing in 1881, but has never been followed in Faulkner County. The leasing of prisoners to individuals is prohibited by an act passed by the General Assembly in 1939, although one county may lease the services of its prisoners to any other county in the state. (A. Ark., 1881, 148; ibid., 1893, 207; ibid., 1895, 20; ibid., 1899, 180; ibid., 1909, 155; ibid., 1939, 273-276.) Faulkner County has never maintained a county prison farm, although counties in Arkansas have been authorized to establish and operate such institutions since 1868 (A. Ark., 1868, 84).

The county judge makes temporary appointments to fill vacancies on the county board of equalization. The county court hears appeals from the rulings of the county board of equalization when an aggrieved property owner makes a protest against an action by the board in which the assessed valuation of his property was raised. (A. Ark., 1929, II, 865; see "County Board of Equalization", p. 156.)

The county court performed the tax equalization function from 1874 until 1883, prior to the establishment of the equalization board (A. Ark., 1873, 56; Const. 1874, Schedule, sec. 23; see "County Board of Equalization", p. 156). The court also supervised the conducting of elections in the county from 1874 until 1891 (A. Ark., 1874-1875, 93; see "County Board of Election Commissioners", p. 187).

The incurring of public debt through the issuance of bonds, which was authorized during the early history of Faulkner County (see "Board of Supervisors", p. 66), was curbed by the Constitution of 1874 which placed a rigid inhibition against the state and local units of government incurring interest-bearing obligations and prohibiting the levying of a tax to retire any such obligations excepting those existing at the time the constitution was adopted (Const. 1874, art. XVI, sec. 1).

A constitutional amendment adopted in 1924 and vitalized by the

General Assembly of 1925 authorized the county court to retire then existing county treasury deficits by issuing funding bonds. The same laws provided for the removal from office of any county judge who, in subsequent years, contracted for the expenditure of, or authorized the issuance of, warrants for a sum totaling more than the county revenue for the fiscal year in which the action was taken. (Const. 1874, amend. 10, sec. 1, adopted 1924; A. Ark., 1925, 526-528; ibid., 1935, 240.)

When the county courthouse or county jail needs to be remodeled or replaced, or the building of a county hospital is considered necessary, the county court may submit the proposed improvement project to the electors of the county for their approval or rejection at any general election, or at a special election called by the court. The electors not only must approve the proposed construction but must also endorse the levying of a tax to pay the cost. If the vote is favorable, the court is authorized to issue and sell bonds, using the proceeds to defray the construction expense. It is provided that the tax levy must not exceed one-half of one per cent on the dollar of the assessed valuation of property in the county. (Const. 1874, amend. 17, secs. 1-8, approved 1928; ibid., amend. 25, approved 1938.)

In 1935 citizens of Faulkner County voted bonds for the construction of a combined courthouse and jail. The total cost of this project was $77,000, of which $30,000 was a Public Works Administration grant.

If there should be sufficient unappropriated funds available in the county treasury, or a tax could be legally levied for raising a building fund, and the circumstances require it, the county court has been authorized since 1875 to repair, remodel, or even rebuild any county structure. When a courthouse or jail is to be built, a commissioner of public buildings is appointed by the court to supervise the construction. (A. Ark., 1875, 144; ibid., 1873, 111; ibid., 1837, as contained in Rev. Stat. Ark., 1838, 209.)

If at any time the county jail becomes inadequate to secure the prisoners held there, and if the jail cannot be repaired immediately and made secure, the court, when notified by the sheriff of such a condition, may direct the sheriff to employ not more than three guards for the safekeeping of the prisoners (A. Ark., 1877, 72).

When a petition, signed by at least one-third of the qualified electors of the county seeking to change the county seat has been presented to the court, the judge, after determining that there are no obstacles in the title to the property to be acquired, directs that an election be held throughout the county so that the proposal may be approved or rejected by the qualified electors (A. Ark., 1875, 201, as contained in Walter L. Pope's Digest of the Statutes of Arkansas, 1937, I, 893-896).

Two competent persons who are property owners and taxpayers of the county are appointed by the court to act, in conjunction with the county judge, in supervising the construction of all highway bridges that are built by the county over navigable streams more than 400 feet in width. This board selects the location for the bridge and gives at least 30 days' notice by publication in one or more newspapers published in the

county that it is ready to receive plans and specifications for the bridge and bids for its construction. A contract is awarded to the lowest responsible bidder, the board reserving the right to reject all bids. (A. Ark., 1891, 14.)

In building a bridge over a stream which divides two counties, the county courts of the respective counties join in an agreement to let the contract for its construction and maintenance. The costs are paid by the counties in a proportion agreed upon by their respective county courts. (A. Ark., 1907, 111; ibid., 1935, 352.) The county court may take over the maintenance of any bridge that has been constructed in a bridge improvement district under terms that may be agreed upon by the court and the commissioners of the district in which the bridge is situated (A. Ark., 1927, 202).

Full authority for the opening of new county roads, for re-routing or vacating roads within the county, is vested in the court (A. Ark., 1871, 58), as are all other matters relating to road maintenance and the services of road overseers (A. Ark., 1875, 138). On January 1, 1939, Faulkner County had completed 65 miles of a proposed system of all-weather county roads. Eight other projects in the system were under construction and approximately 65 additional miles remained to be completed in the present program. It is estimated that 300 miles of all-weather roads would be required to give the county a complete system of good roads. (Annual Report of the County Judge of Faulkner County, 1938, as contained in "County Court Record", vol. 28, 524.)

The court may permit a landowner to construct cattle guards or gates across any road that is not a state highway traversing his land. The landowner must prove to the court that his property is subject to overflow and, in time of flood, his livestock need a means of escape to higher ground. (A. Ark., 1937, 1367.)

Toll ferries across navigable streams may be established after obtaining a license from the county court of the county in which the ferry site is to be located (A. Ark., 1913, 163). The court regulates the rates of toll (A. Ark., 1873, 53), and, may make and enforce all orders necessary for the establishment of public landings on navigable streams within the county (A. Ark., 1909, 916).

When any boundary line of the county is not clearly indicated, or is in dispute, the county court may order the county surveyor to survey and mark the line in question. A copy of the court's order is served upon the county court of the adjoining county that is affected by the action at least ten days prior to the date set for making the survey. (A. Ark., 1837, as contained in Rev. Stat. Ark., 1838, 212.)

The number of townships may be increased by the court, as the occasion demands, by subdividing those already established, and township lines may otherwise be altered at the discretion of the court (A. Ark., 1837, as contained in Rev. Stat. Ark., 1838, 755).

The county judge may select 17 students from among the residents of the county, who are admitted to the University of Arkansas without charge

for tuition. The full quota has never been filled in Faulkner County, six being the largest number ever selected. The number admitted from each county is set by the board of trustees of the University. (A. Ark., 1895, 187.)

The power to create school districts and change their boundary lines is vested in the county court. By the same authority, it may transfer children from one district to another, dissolve school districts where the best interests of the students justify it, and annex the territory of the dissolved districts to other districts, transfer funds of one district to another, and, where vacancies occur, appoint directors for school districts. (A. Ark., 1931, 504; ibid., 1935, 495-497.)

The court may call an election within a school district when requested by a petition signed by at least ten per cent of the voters of the district, so that a vote may be taken on the question of changing the district boundaries. The court has the ballots prepared for use in these elections. (A. Ark., 1931, 503; ibid., 1935, 495.) It also provides ballot boxes for use in all school elections, canvasses the returns, certifies the election of school directors, and instructs the county clerk to notify each person selected of his or her election (A. Ark., 1935, 70).

All school revenue sent to the county, in accordance with the instructions of the state superintendent of public instruction, is apportioned among the several school districts by the county court in proportion to their respective population of persons of school age (A. Ark., 1875, 66).

The county judge appoints the county examiner of schools who must have the endorsement of a majority of the school teachers in the county (A. Ark., 1933, 779). As chairman of the county textbook board, the county judge has supervisory control over the distribution of free text books in his county (A. Ark., 1937, 1101).

The county court approves the appointment of deputies of several county officers, including deputy county treasurers (A. Ark., 1883, 66), deputy county assessors (A. Ark., 1883, 235), and deputy county clerks (A. Ark., 1893, 146). Approval of the appointments of deputy circuit clerks may be given by the county court or circuit court (A. Ark., 1852, 16).

The establishment of federal relief agencies in 1933 relieved counties of Arkansas of the duty of supporting their own poor, an obligation which was exacted by an act passed by the General Assembly in 1836 (A. Ark., 1836, as contained in Rev. Stat. Ark., 1838, 605; see "County Board of Public Welfare", p. 207).

In accordance with an act of the General Assembly of 1851, Faulkner County maintains a poor farm. In the 1938 annual report of the county court, it was recommended that the poor farm be abandoned. (A. Ark., 1851, 99; "County Court Record", vol. 28, 524.)

In creating the poor farm the county judge appointed three compe-

tent persons as commissioners and imposed upon them the duty of selecting a proper site for the inmates' residence, purchasing the land, and, after the approval of their selection by the court, contracting for the construction of a building in a manner satisfactory to the court (A. Ark., 1851, 99). The Faulkner County Poor Farm consists of 40 acres of land and two buildings. Only one person is being cared for at the county farm at present, and the county pays $17.50 per month to a caretaker for the board and room and maintenance of this inmate.

All paupers that are supported by the county may be compelled to work for the county when the county court considers it expedient (A. Ark., 1875, 2), although this practice is not followed in Faulkner County.

The county judge has been authorized since 1901 to appoint three persons, who compose a Confederate pension board. It is the duty of this board to meet once each year, on the second Monday in July, to hear the applications of residents of the county for pensions paid by the state to Confederate veterans or their widows. The board investigates each applicant, and forwards to the state auditor its findings and recommendations, in each case. (A. Ark., 1901, 86-88.) Appointment of a board of Confederate pensions in Faulkner County has not been made in recent years because there have been no applications filed for its consideration. When the State of Arkansas first began paying pensions to Confederate veterans in 1891, the county judge, sheriff and the county clerk constituted the pension board in each county (A. Ark., 1891, 162).

Municipal corporations are created and dissolved by proceedings that are instituted before the county court. When a petition bearing the signatures of at least 20 qualified electors is presented to the court, requesting the incorporation of a town or city, a hearing is conducted. At this hearing the limits of the proposed town or city are checked for accuracy in description; it is determined that the name proposed is one that will distinguish it from any other town or city in the state; and it is ascertained that an accurate map of the townsite is attached to the petition. If the court's findings are favorable, the judge endorses on the petition an order that the town or city may be organized,and delivers the petition, map or plat, and order to the county recorder. When the dissolution of a municipal corporation has been authorized by a majority of the voters of the municipality, it is the duty of the court to order that the municipal charter be surrendered to the county clerk, who must forward it to the secretary of state. The governor appoints a receiver for the abolished corporation for the purpose of collecting back taxes. The receiver's bond and the amount of his compensation is subject to the approval of the county court. (A. Ark., 1875, 1; ibid., 1883, 33.)

When certain portions of a county in Arkansas, such as Faulkner County, are subject to flood, the county court may designate districts in the flooded area as levee improvement districts. Acting upon its own volition, the court may call an election in the improvement district to vote bonds for the construction of a levee. (A. Ark., 1879, 117; ibid., 1893, 297.) There are two levee improvement districts in Faulkner County. Proceedings essential to the establishment of a drainage improvement

district must be conducted under the supervision of the county court. In this instance, the court must act upon a petition signed by three or more landowners, whose property will be affected by the improvement. (A. Ark., 1911, 193; ibid., 1921, 303.)

Funding bonds may be issued by a levee, road or drainage improvement district for the discharge of existing indebtedness, when authorized by the county court. The terms and conditions of the bonds are prescribed by the court which also makes an order for annual settlement and tax levies to pay the interest installments, principal, and other expenses incident to the retirement of the bonds. (A. Ark., 1927, 389.)

It is the duty of the county judge to prepare and submit to the quorum court, at each of the annual meetings, a report of the condition of the public roads and bridges in the county; the number of paupers cared for at county expense; the condition of the poorhouse and the terms under which it is operated; and the condition of all property of the county, including public buildings and records. In this report he makes recommendations for improvements of roads and bridges, the operation of a poorhouse, and the maintenance of other county property. (A. Ark., 1879, 111; ibid., 1909, 903; ibid., 1937, 401; see "Quorum Court", p. 146.)

After the board of appraisers of county property, who are appointed by the circuit judge, have completed their appraisements as required by law, the county judge incorporates a copy of their appraisal in his annual report to the quorum court. Upon his retirement from office, a county judge transfers the custody of all county property, as shown by the inventory made by the board of appraisers, to his successor who signs a receipt in duplicate for the property. One copy of the receipt is retained by the incoming county judge and the other copy is filed with the county clerk, who keeps it as a public record. (A. Ark., 1937, 401-403; see "Circuit Court", p. 83.)

The county's accumulated funds in the state treasury may be transferred to the county treasury on order of the county court directing the county treasurer to take such action (A. Ark., 1883, 59). Upon receipt of a full settlement of all funds from the county treasurer each year on the first Monday in July, the court is required to make an actual count of the money, and other funds, stated by the settlement to be on hand (A. Ark., 1873, 377; Const. 1874, Schedule, sec. 23). After this annual settlement, the judge must apply all surplus money on hand to the discharge of the bonded indebtedness of the county, cancel the bonds that are retired and cause them to be burned by the sheriff in his presence (A. Ark., 1875, 96).

Examination of the annual settlement of the tax collector is a duty of the county court. If it is found to be correct, the court orders the settlement recorded in full in its records. If the settlement is incorrect, the collector is required to submit a substitute report. (A. Ark., 1887, 172.) Where any error is discovered in the settlement of a county officer, the court within a period of one year from the date of the settlement may reconsider it in adjusted form (A. Ark., 1927, 1086).

When proof is presented to the court that any person has lost a county warrant and that the warrant has not been paid by the county treasurer, it is the duty of the court to order a duplicate warrant issued in lieu of the one lost (A. Ark., 1836, 95). All outstanding warrants of the county may be called in at the discretion of the court, in order that they may be redeemed, cancelled, re-issued, or classified. When such a mandate is issued, outstanding warrants must be presented within three months. (A. Ark., 1875, 189.) When it is discovered that a county warrant has been fraudulently or erroneously issued, the judge is required to endorse the evidence of fraud or error upon the face of the warrant and deposit it in the office of the county clerk (A. Ark., 1875, 147).

The court is authorized to issue certificates of election to constables (Const. 1874, art. VII, sec. 27; see "Constable", p. 144), and may remove from office any constable who fails to perform his required duty (A. Ark., 1838, as contained in Rev. Stat. Ark., 1838, 185). Fees paid by the county to justices of the peace in criminal cases are approved by the court. It is the duty of the county judge to make a careful examination of claims for these fees before their payment is authorized. (A. Ark., 1874-1875, 184; ibid., 1875, 118.) The court is required to furnish each justice of the peace with substantial leather-bound books which are used as civil and criminal dockets (A. Ark., 1871, 312).

Owners of hogs, sheep and goats may be prohibited by an order of the county court from allowing their livestock to run at large. The decree may affect all or any part of the county. It is the duty of the court to make such an order when petitioned by a majority of the electors residing in the area affected. (A. Ark., 1883, 81.) The court is required to provide, at the expense of the county, a pound lot or stray pen large enough to confine all stray horses and mules, jacks or jennies which may be taken up within the county (A. Ark., 1838, as contained in Rev. Stat. Ark., 1838, 368).

The judge of the county court, as a private individual, cannot be financially interested, either directly or indirectly, in the building or repairing of any county-owned structure;or in any toll bridge or toll ferry in the county; or in the care, at the county's expense, of any indigent or insane person; or in the purchase, for the use of his county, of any real estate or personal property or supplies (A. Ark., 1873, 58).

The judgments and orders of the county court cannot be changed by the court after the close of the term during which they have been rendered (Graham v. Parham, 32, Ark., 676, [1877-1878]).

The county judge cannot accept a fee from, or act an an attorney for, any person who has been accused of a crime in his county, whether the trial be held in the county or carried to another county on a change of venue. He cannot be employed as an attorney in a civil action in which his county may become involved. (A. Ark., 1913, 1014.) No fee or allowance may be paid to any county officer on authority of the county court unless specifically authorized by law (A. Ark., 1873, 277).

The county court keeps a seal (A. Ark., 1838, as contained in Rev. Stat. Ark., 1838, 231), which makes the same impression as the seal of the state, except that the words surrounding the seal must indicate the court of the county which it represents (A. Ark., 1864-1865, 32).

All of the orders and proceedings of the court of each day are read in open court on the morning of the succeeding day, except on the last day of the term, when the minutes are read and signed by the judge at the close of that day's session (A. Ark., 1838, as contained in Rev. Stat. Ark., 1838, 232).

All records that have been transcribed in books that are found to be unfit for the preservation of the records they contain may be re-transcribed into well-bound books by authority of the county court (A. Ark., 1868, 199).

All records of the actions of the county court in all its functions are kept by the county clerk in the manner prescribed by law.

County Clerk as Clerk of the County Court

It is the duty of the county clerk to attend all regular and special sessions of the county court, making the minutes of the court's proceedings and transcribing a record of the proceedings into books which are kept as a permanent record in his office. The court records that he keeps include a county court record (see entry 3), case papers, and copies of the settlements and reports made by various county and township officers and filed with the court. The county court record includes minutes of claims allowed by the court, showing the name of the claimant, the amount of the claim, and the date of its allowance or rejection, as well as a full summary of other court proceedings. The records of the clerk are preserved in the vault in the county clerk's office in the county courthouse at Conway unless otherwise designated.

Case Papers

1. COUNTY COURT PAPERS, 1874--. 720 file boxes.
Miscellaneous papers of cases heard in county court, giving number and style of case; names of litigants and their attorneys; date of filing with clerk or other action; names of witnesses; offense charged or other cause, and disposition of case. Also contains: Juvenile Court Papers, 1912-32, entry 127. Arr. numer. by case no. Hdw. 8 x 4 x 4. 1874-1934 in ba. v.

2. CLAIMS AGAINST COUNTY, 1935--. 28 file boxes. Labelled by date of court term.
Original claims filed by various persons for moneys due them from the county for services rendered or supplies furnished, giving name of claimant; date of filing; amount claimed; whether approved or disapproved, and judge's signature. Arr. chron. by term of court and chron. thereunder by date of filing. For index, see entry 4. Hdw. on pr. fms. 16 x 13 x 6.

Proceedings

3. COUNTY COURT RECORD, 1879--. 28 vols. (B-D, 5-29). 1874-79 in "Record Board of Supervisors", in unused portion of volume, entry 5. Title varies: Record County Court, 1886-90, 1893-94.
Record of proceedings and orders of county court, giving name of petitioner or claimant; number of claim; purpose for which claim or petition is made; date of hearing; order of court, and signature of county judge. Also contains: Juvenile Court Record, 1915-24, entry 128; Appropriation Record, 1878--, entry 136; Quorum Court Proceedings, 1878--, entry 135; Record of Insane, 1874--, entry 125; Notary Public Bonds, 1862-1912, entry 48. Arr. chron. by term of court. For index 1873-1918, see entry 4;1918-38 self contained, indexed alph. by first letter of name of claimant or petitioner; 1939-- indexed alph. by first two letters of name of claimant or petitioner and chron. thereunder. Hdw. Aver. 640 pp. 18 x 11 x 3.

4. INDEX COUNTY COURT RECORD, 1873-1918. 3 vols. (2, 3, and one vol. not labeled).
Index to County Court Record, entry 3, and Record Board of Supervisors, 1873-74, entry 5, giving name of claimant; book and page on which recorded, and file box in which papers pertaining to case may be found. Arr. alph. by name of claimant or petitioner and chron. thereunder. Hdw. Aver. 350 pp. 18 x 12 x 2.

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II. COUNTY HIGHWAY COMMISSION

Provision for the creation of a county highway commission in each county in Arkansas was made by the General Assembly in 1939. The law is to become effective following the annual meeting of the quorum court in November 1939. (A. Ark., 1939, 1018; see "Quorum Court", p.146.) A similar provision was made by the General Assembly in 1929. The earlier law provided, however, that the highway commission not be established in any county until it had been ratified by the electorate at a county-wide election. (A. Ark., 1929, I, 712.) No attempt was ever made to establish a highway commission in Faulkner County, as provided by the 1929 law.

County highway commissions are to be composed of three members, all qualified electors of the county. The county judge is to be a member of and serve as chairman of the commission, the quorum court selecting the other two members at its regular session. One member will be chosen for a term of one year and the other for a term of two years. The successor of each appointee is chosen for a term of two years. Each member is to serve until his successor has been elected and qualified. The commissioners are required to elect one of their members as secretary. (A. Ark., 1939, 1018, 1022; see "Quorum Court", p.146.) The regular oath taken by the county judge upon his induction into his office will be regarded as his oath as a member of the highway commission. Within 15 days after their selection, and before entering upon their duties, the other two members of the county highway commission are required to take the oath prescribed by the constitution for county officers. (Const. 1874, art. XIX, sec. 20; A. Ark., 1939, 1020.) Vacancies in the membership of the highway commission, except the one filled by the county judge, are filled at either a special or a regular meeting, at the discretion of the county judge (A. Ark., 1939, 1019).

The county highway commission will be required to hold its regular meetings at the office of the county judge on the first Monday of January, March, May, July, and November or at any time considered proper by the chairman, provided they do not meet more than one day in each calendar month (A. Ark., 1939, 1022).

Each commissioner elected by the quorum court will receive for each day the commission is in session the sum of $5 to be paid out of the county road fund (A. Ark., 1939, 1020).

The county highway commission will be allowed to contract for construction and work on all county roads, and, as a corporate body, to sue and be sued. The commissioners will have the authority to do anything reasonably necessary to enable them to carry out the functions of laying out, constructing, repairing and maintaining all county roads except those included in the state highway system. They will not be liable individually for any civil action that may be taken against them as commissioners. It shall be considered a felony, and punishable as one, for any member of the highway commission to be interested, either directly or indirectly, in any contracts made by the commission. This act will not take from the county judge or the county court any original jurisdiction conferred upon them by the constitution of the state. (A. Ark., 1939, 1019;

County Highway Commission (Next entry 5, p. 67)

see "County Court", p. 53.)

The secretary of the commission will be required to keep a complete record of all proceedings of its meetings to be presented to the quorum court at its regular session together with an annual report of the activities of the commission. Copies of all orders and contracts of the commission, when properly certified by its chairman and secretary are to be filed with the county clerk for recordation. The county is required to furnish the clerk with a special record book for this purpose. (A. Ark., 1939, 1019-1021.)

All common or county road districts were abolished by this act of 1939 and the entire county becomes one highway district. All moneys and lands belonging to any county or common road district, or any moneys collected after this law goes into effect are to be credited to the county road and bridge fund. All outstanding valid debts of these districts are to be paid and all valid contracts carried out by the county highway commission. (A. Ark., 1939, 1021.)

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III. BOARD OF SUPERVISORS

The board of supervisors was created April 3, 1873 by an act of the General Assembly, which specified that the three members of the board were to be appointed by the governor subject to the approval of the state senate (A. Ark., 1873, 54).

One of the supervisors was appointed to hold office until January 1, 1874 and two until January 1, 1875. The law provided that the county be divided into three districts, numbered one, two and three, and that district number two should elect one member of the board at an election held in November of 1873. Districts number one and three were authorized to elect one member each to the board at an election that was to have been held in November 1874. They chose one of their number as president at the first meeting held in each year. The supervisors were required to be residents of the county and the respective districts which they represented. A vacancy in the office was filled by appointment by the governor. (A. Ark., 1873, 54.) The supervisors took the same oath of office as other state and county officers (Const. 1868, art. XV, sec. 17; A. Ark., 1873, 54).

Regular sessions of the board were held on the first Monday in January, April, July and October of each year and were allowed to continue for no longer than six days, however, the president of the board was authorized to call a special session when he considered it necessary. The county clerk was required to attend all sessions of the board and keep a record of its proceedings. The sheriff also attended each of the sessions and was required to execute all orders and mandates of the board. (A. Ark., 1873, 54.)

The board of supervisors was created for the purpose of taking over the administrative duties of the county court. The creative law assigned it jurisdiction in all matters relating to county taxes,the equalization of assessments, the appropriation of county funds, the supervision of roads and bridges, the superintendence of paupers, the granting of licenses provided for by law, the authorization of the payments of claims against the county, and the control and management of all property belonging to the county. (A. Ark., 1873, 54.)

On April 29, 1873, less than a month after the creation of Faulkner County,the board of supervisors was authorized to issue bonds in the aggregate value of 10 per cent of the total assessed valuation of all taxable property in the new county for the purpose of aiding in the construction of railroads or for other projects of internal improvement. The supervisors were allowed to act on their own authority in calling an election to vote bonds which could bear interest at the rate of 10 per cent. The levying of a tax for the annual payments of their principal and interest was authorized to be compelled through the filing of mandamus proceedings in any court of competent jurisdiction. (A. Ark., 1873, 467-469, 473-482.)

In accordance with this provision, the board of supervisors of Faulkner County in 1873 called an election to be held on November 4 of

that year, for the purpose of voting bonds in the sum of $30,000 for the erection of a courthouse and jail. County records fail to show the result of the election, however, the board of supervisors on April 10,1874 appropriated $30,000 of funds then in the county treasury for the building of a courthouse and jail which was to have been located on the east half of Lot 26, Town of Conway, which was a part of NW¼ of Section 12,of Township 5N, Range 14W. The same order appointed Charles H. Lander commissioner of public buildings and bestowed upon him full authority to proceed with the letting of the contract for the courthouse and jail. This appropriation and the subsequent orders were canceled on July 7, 1874 by a resolution adopted by the board of supervisors.("Record, Board of Supervisors",vol. A, 38, 83, 102.)

The board of supervisors was abolished on October 13,1874,simultaneously, with the adoption of the Constitution of 1874 and its powers and duties were bestowed upon the county court, which was re-created (Const. 1874, art. VII, sec. 1; ibid., schedule, sec. 23; see "County Court", p. 53).

Proceedings

5. RECORD BOARD OF SUPERV'S (SUPERVISORS), 1873-74. 1 vol. (A). Minutes of meetings of board of supervisors, giving date of meeting, detailed account of business transacted, appointments, resolutions, and claims allowed. This also contains a record of proceedings of the board of supervisors sitting as the equalization board. Also contains: County Court Record, 1874-79, entry 4, kept in unused portion of book. Arr. chron. by date of meeting. For index, see entry 3. Hdw. 500 pp. 16 x 12 x 2. co. c. v.

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IV. CIRCUIT CLERK AS RECORDER

The recorder is the official responsible for the recordation and preservation of all deeds, mortgages, conveyances, deeds of trust, bonds, covenants, defeasances or other instruments of writing which affect titles to real and personal property (A. Ark., 1838, as contained in Rev. Stat. Ark., 1838, 656). The office is filled in an ex-officio capacity by the circuit clerk; a provision which holds true in all counties in the state (Const. 1874, art. VII, sec. 19). The Arkansas Supreme Court has held that the offices are one when administered by one person (Durden v. Sebastian County, 73, Ark., 305, [illegible] 1904 [illegible]).

In view of this decision, the qualifications of the recorder are the same as those of the circuit clerk. The manner of selecting the incumbent, the term of office, compensation, official seal, and causes for and manner of removal from office are identical. (See "Circuit Court", p. 83.)

The first recorders in the territory that now comprises the state were appointed in 1804 by the territorial governor, and their duties were much the same as they are today (L. D. L., 1804, as contained in T. L. M. 1824 digest, 46). When Faulkner County was created in April 1873 (A. Ark., 1873, 86), the office of circuit clerk and recorder had long been the combined, elective post it is today (A. Ark., 1838, as contained in Rev. Stat. Ark., 1838, 177).

The clerk must make a separate and distinct bond as recorder. The bond is in the sum of $2000 and must be posted within 15 days after he receives his commission from the governor and before entering upon his duties as recorder. If the clerk fails to furnish the additional bond, the office of recorder is declared separate and vacant, (A. Ark., 1838, as contained in Rev. Stat. Ark., 1838, 654) and may be filled by appointment by the governor. (Const. 1874, amend. XXIX, app. 1938.)

The recorder receives his compensation on a fee basis, the fees ranging from 10¢ to $1, which he collects for filing, witnessing, or recording instruments handled in his office (A. Ark., 1867, 288; ibid., 1875, 113; ibid., 1895, 116; ibid., 1933, 489). He draws upon the county treasury to defray expenses of maintaining his office, the items of the expense being approved by the county court (A. Ark., 1838, as contained in Rev. Stat. Ark., 1838, 655).

If the recorder refuses or neglects to enter an instrument in his records within a reasonable time after the fee for the service is paid, or if he records an instrument before recording another that was previously deposited with him and is entitled to be entered first, or fails to keep any of the required indexes, he may be fined in any amount not to exceed $500. He also is liable on his official bond for damages sustained by any person as the result of his failure to properly perform his duties. (A. Ark., 1838, as contained in Rev. Stat. Ark., 1838, 656.)

When an instrument, authorized to be recorded, is filed in the recorder's office, he must enter in a book, generally termed a reception record (see entry 8), the names of the persons concerned, the date of

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execution and nature of the instrument and the time it was filed. The recorder issues a receipt for all instruments he receives for filing, showing on the receipt the nature of the instrument. Recording of the instrument must be made immediately. All instruments filed are recorded in the order of their reception, together with a notation at the foot of each record entry designating the day, month, and year the instrument was filed. (A. Ark., 1838, as contained in Rev. Stat. Ark., 1838, 655.) All mortgages or liens on personal property, which are filed but not recorded, are kept in a chattel mortgage minute book. When the instruments are either satisfied or canceled, the fact is noted in this book. A chattel mortgage, also, may be recorded, if the person filing it so requests and pays for this added service. (A. Ark., 1877, 80; ibid., 1883, 65.) Prior to 1877, chattel mortgages were recorded in full (A. Ark., 1838, as contained in Rev. Stat. Ark., 1838, 578).

It is the duty of the recorder, if so requested, to file copies of laborers' contracts which serve as liens. He may file either the copy or the original. In connection with this duty, he is required to keep some suitable book, with a convenient index, in which he records all liens filed, showing in each case the names of the parties, the date of filing, the date of the contract and the date of its expiration. (A. Ark., 1883, 177; ibid., 1873, 262.)

The certificates of sale of land conveyed to the state for non-payment of taxes and tax deeds issued to individuals who have purchased land at tax sales are recorded by the recorder in his office in the same manner that other real estate conveyances are recorded (A. Ark., 1883, 271-274).

When suits in equity which affect the title to lands or chattels are in progress and notices of such suits have been filed in the recorder's office, he must keep an indexed record of them (A. Ark., 1903, 119). Separate books are kept on claims concerning mineral rights in the county. The original record must show the hour and minute the claim is filed, and an index to this record is arranged alphabetically in a book which gives the names of claimants. A plat book showing a plat of each claim is also kept. (A. Ark., 1899, 114.) If the recorder refuses to keep this record he is considered guilty of a misdemeanor and is subject to a fine of not less than $25 or more than $100 (A. Ark., 1895, 116).

It is the duty of the recorder to assist the assessor by preparing an alphabetical list of the names of all persons who have filed or recorded mortgages, timber deeds, mineral deeds, and royalty deeds (A. Ark., 1929, I, 560). The purchasers of second-hand oil field materials or equipment are required to make complete inventories of such property and file them with the recorder who is required to enter abstracts of them in a special record and to compile an alphabetical index of its contents (A. Ark., 1925, 377).

The recorder is required to keep a register of the credentials of all ministers and priests in the county. When the credentials are filed, the recorder must issue a certificate which entitles the holder to perform marriage ceremonies. (A.Ark., 1838, as contained in Rev. Stat.Ark.,

1838, 538; A. Ark., 1873, 2.) The recorder is custodian of the county surveyor's records which contain plats and notes. These records show all the subdivisions of the county as mapped by the surveyor and also an accurate transcription of every entry made by the surveyor relative to each subdivision. (A. Ark., 1887, 243.) A transcript of the bonds of all county officials is kept by the recorder in a special book (A. Ark., 1937, 1243; ibid., 1875, 192; ibid., 1873, 152, 375; L. Ark., 1836, 1; ibid., 1874-75, 61).

A record of marriage contracts, which is a declaration of the individual property rights of man and wife, is kept by the recorder (A. Ark., 1838, as contained in Rev. Stat. Ark., 1838, 539), as well as a record of United States soldiers' and sailors' discharges which are presented for recording (A.Ark., 1919, Gen., 232), and a record of old age pension liens (A. Ark., 1937, 1185).

Persons in the abstract business desiring to make abstract books, and to keep their books up-to-date, may have free access to all public records. They must take an oath to preserve the records and make a bond in an amount not less than $2000 nor more than $10,000, the exact amount to be determined by the circuit judge. In the event of the absence of the circuit judge, the county judge is empowered to fix the amount of this bond. It is the duty of the recorder to provide reasonable office space for any person, firm or corporation engaged in the abstract business, as the books may not be removed from the recorder's office under any circumstance. The recorder is in no way liable for the preservation of the records, however, while they are in the hands of the abstractors. (A. Ark., 1927, 616.)

The recorder must keep a record of the expenses incurred in the maintenance of his office which, after an audit of his account, is approved or disapproved by the county court (A.Ark., 1838, as contained in Rev. Stat. Ark., 1838, 655). He must also keep a record of all fees and other emoluments he receives. He makes an annual report to the judge of the circuit court, of all fees collected during the preceding year. (A. Ark., 1875, 125.)

The recorder may demand fees in advance for recording or endorsing an instrument and he may refuse to perform this service unless his demand is complied with. Unless the proper fee is paid in advance, the recorder is not required to endorse any instrument for record or to record it, and is not subject to any penalty for refusal to perform this service. (A. Ark., 1875, 178.)

A system of preserving records has been approved by law whereby the recorder may have the original record photographed and file the photostatic copy. These photostatic copies are accepted as originals when introduced as evidence in court. (A. Ark., 1929, II, 987.) The recorder of Faulkner County has not adopted this system, however. He keeps his records in the circuit clerk's vault unless otherwise designated.

Real Property Conveyances

Deeds

6. RECORD (Transcription of Deeds from Pulaski County), 1824-72. 1 vol. (½A). No record for 1873.

Transcribed record of instruments filed in Pulaski County from 1824 to 1872, affecting titles to land taken from Pulaski County in 1873 to become a part of Faulkner County. Arr. chron. in an irregular manner. For index, see entry 16. Hdw. 600 pp. 13 x 6 x 1½.

7. RECORD (Transcription of Deeds and Land Grants from Conway County), 1826-59. 1 vol. (Sam). No record, 1859-73.

Transcribed record of instruments filed in Conway County from 1826-59, affecting titles to land taken from Conway County to become a part of Faulkner County in 1873. Arr. chron. in an irregular manner. For index, see entry 16. Hdw. 600 pp. 13 x 6 x 1½.

8. RECEIVER'S RECORD (Reception Record), 1933--. 1 vol. (1). 1931-33 destroyed by fire in Circuit Clerk's Office; not kept prior to 1931.

Record of instruments received by recorder for recordation, giving identification number;names of grantor and grantee; kind of instrument; time of filing;time of delivery; to whom delivered; how delivered; county tax charged; fee for filing. Arr. chron. by date of filing and numer. by identification no. of instrument. No index. Hdw. on pr. fm. 640 pp. 19 x 12 x 3.

9. DEED RECORD, 1873--. 46 vols.(One with no label, A-H, 9, 11-15, 17, 18, 20, 21, 23, 25, 28, 31, 35, 40, 45, 51, 52, 54, 57-60, 63, 64, 65, 67, 75, 77, 78, 81, 82, 84, 86, 88, 90, 92). Title varies: Record, 1873, 1875-79; Record Deeds & Mortgages, 1873-75.

Record of instruments executed for the purpose of conveying title to real property, giving names of grantor and grantee; description of property; date of execution;consideration; copy of signature of grantor; acknowledgment, and certificate of recordation. Also contains:

Real Estate Mortgage Record, 1873-80, entry 20.
Chattel Mortgage Record, 1873-79, entry 44.
Miscellaneous Record, 1873-1910, entry 41.
Minister's Credentials, 1873-75, 1878-1914, entry 48.
Record of Clerk's Deed of Tax Sale, 1873-1917,1930--, entry 13.
Right-of-Way Permits, 1927, entry 42.
Oil, Gas and Mineral Leases, 1917--, entry 19.
Warranty Deed Record, 1873-83, entry 10.
Plat Book, 1873-1916, entry 37.
Power of Attorney, 1873-1910, entry 41.
Release Deeds and Real Estate Mortgage Releases, 1873--, entry 30.
Commissioner's Deeds, 1928--, entry 12.
Forfeited Lands Certified to the State, 1878, 1880-82, 1885, 1886, 1889, 1890,1920, 1924,1926, 1928, 1929, 1931, 1932, 1939, entry 55.
Quit Claim Deeds, 1873--, entry 15.

Arr. chron. by date of recording. For index, see entries 16, 17, 18. Hdw. and typed, ruled fm. Aver. 640 pp. 18 x 11 x 3.

10. WARRANTY DEED RECORD, 1884--. 40 vols. (10, 16, 19, 22, 24, 26, 29, 32-34, 36-39, 41-44, 50, 53, 55, 56, 61, 62, 66, 68-74, 76, 79, 80, 83, 85, 87, 89, 91). Title varies: Deed Record, 1884-1906, 1917-26, 1928-34; Warranty Deed, 1919. 1873-83 in Deed Record, entry 9.

Record of conveyances of real property in which title is warranted, showing names of grantor and grantee; consideration; legal description of property; copy of signature of grantor; acknowledgment, and certificate of recordation. Also contains: Quit Claim Deeds, 1906-10, entry 15; Release Deeds, 1923-26, entry 30. Arr. chron. by date of recording. For index, see entries 16, 17, 18. Hdw. and typed, pr. fm. Aver. 640 pp. 18 x 11 x 3.

11. DEED RECORD (Conveyance of Railroad System to Missouri Pacific Railway Company), 1917. 1 vol. (47-48-49).

Record of deed executed May 12, 1917, by Lee W. Hagerman, special master, and others, to Missouri Pacific Railway Company conveying title to right-of-way and other physical assets of railway system, and certificate of recordation. Also contains: Mortgage Record, Missouri Pacific Railway Company, 1917, entry 26. For index, see entries 17, 18. Pr. and hdw. on pr. fm. 419 pp. 10 3/4 x 8½ x 1½.

12. DEED RECORD (Commissioner's Deeds), 1903-28. 2 vols. (30, 46). 1928-39 in Deed Record, entry 9.

Record of deeds to property sold to satisfy judgments in foreclosure of the chancery court, giving date by month, day and year, of indenture; names of mortgagor and mortgagee; consideration; description of property; amount of mortgage; date of sale; terms of sale; name of newspaper in which notice of sale was published; date when sale was reported to court; name of chancellor or commissioner, and certificate of recordation. Also contains: Clerk's Deed of Tax Sale, 1904-30, entry 13. Arr. chron. by date of recording. Indexed alph. by names of grantor and grantee. Hdw. on pr. fm. Aver. 640 pp. 18 x 11 x 3.

13. (RECORD OF CLERK'S DEED OF TAX SALE), 1904-30. In segregated portions of Deed Record (Commissioner's Deeds), entry 12. 1930-- in Deed Record, entry 9.

Record of tax deeds issued by the county clerk to holders of sheriff's certificates of purchase, giving date of instrument; names of grantor and grantee; consideration; legal description of property; copy of signature and seal of county clerk, and certificate of recordation.

14. DEED RECORD (Special Deeds), 1903-26. 1 vol. (27).

Record of land sold to individuals by the St. Louis, Iron Mountain and Southern Railway Company (1904-26), and the Little Rock and Fort Smith Railway (1903-26), and recorded on special deed forms, giving date of instrument; names of grantor and grantee; consideration; legal description of property; signature of grantor; acknowledgment, and certificate of recordation. Deeds executed by St. Louis, Iron Mountain and Southern Railway Company also contain waiver of mortgage lien on property conveyed.

Arr. chron. by date of recording. For index, see entries 17, 18. Hdw. on pr. fm. 640 pp. 18 x 11 x 3.

15. (QUIT CLAIM DEEDS), 1873--. In Deed Record, entry 9. 1906-10 also in Warranty Deed Record, entry 10.
Record of instruments executed for the purpose of relinquishing titles of real property, giving names of grantor and grantee; consideration; description of property; date of execution; copy of signature of grantor; acknowledgment, and certificate of recordation.

16. GENERAL INDEX TO DEEDS (grantor and grantee), 1824-95. 4 vols. (A, C, D, and one with no label). Title varies: Grantee & Grantor, 1824-81; Index to Deeds Grantee & Grantor, 1824-85.
Index to Deed Record, entry 9, Warranty Deed Record, entry 10, and Record, entries 6, 7, giving names of grantor and grantee; date of filing; date and character of instrument, and book and page number of recordation. First part of vol. arr. alph. by first letter of surname of grantee and roughly chron. by date of recording thereunder. Second part of each vol. arr. alph. by first letter of surname of grantor and roughly chron. thereunder by date of recording. Hdw. on ruled fm., pr. head. Aver. 500 pp. 18 x 13 x 2⅛.

17. INDEX TO DEEDS DIRECT, 1896--. 5 vols. (5-9).
C. M. Cott's Index and index tables for state, county, and other records, patented 1890, 1892, giving names of grantor and grantee; book and page of recordation; kind of instrument; date of instrument; date of filing, and remarks. Arr. alph. by first letter of surname of grantor, and irregularly thereunder by first letter of given names of grantor, and chron. thereunder by date of recording. Also contains: Index to Miscellaneous Record, entry 41. Hdw. on ruled fm., pr. head. Aver. 470 pp. 18 x 13 x 3.

18. INDEX TO DEEDS REVERSE, 1896--. 5 vols. (5, 6, no label, 8, 9).
C. M. Cott's Index and index tables for state, county, and other records, patented 1890, 1892, giving names of grantee and grantor; book and page of recordation; kind of instrument; date of instrument; date of filing, and remarks. Arr. alph. by first letter of surname of grantee, and irregularly thereunder by first letter of given names of grantee, and chron. thereunder by date of recording. Hdw. on ruled fm., pr. head. Aver. 470 pp. 18 x 13 x 3.

Leases

19. (OIL, GAS AND MINERAL LEASES), 1917--. In Deed Record, entry 9.
A record of instruments that convey to the lessee the right of ingress and egress for the purpose of exploring for oil, gas and minerals, and reserving an undivided royalty interest to the lessor, giving names of lessor and lessee; legal description of real estate concerned; consideration; term of lease; date of lease; copy of signature of lessor; acknowledgment, and certificate of recordation.

Mortgages

20. REAL ESTATE MORTGAGE RECORD, 1881--. 58 vols. (B, C, F, G, J, 12, 13, 17, 20, 21, 26, 27, 35-54, 56-60,62-82). Title varies: Mortgage Record, 1881-93, 1913-39; Mortgage Real Estate, 1892-96; Real Estate Mortgages, 1907-10. 1873-80 in Deed Record, entry 9; 1893-1900 also in Chattel Mortgage Record, entry 44.
Record of mortgages on real estate, giving date of instrument; names of mortgagor and mortgagee; consideration; legal description of property; terms of mortgage; copy of signature of mortgagor; acknowledgment, and certificate of recordation. Also contains: (Mortgage Record, Midland Savings & Loan Co.), 1922-25, entry 21; Chattel Mortgage Record, 1881--, entry 44; Old Age Pension Liens, 1936-37,entry 34; Mortgage Record, Home Owners Loan Corporation, entry 25; Mortgage Record, Federal Land Bank, entry 24. Arr. chron. by date of recording. For index,1881-- see entries 27, 28, 29. 1883-88 also has self contained index, alph. by first letter of surname of mortgagor and mortgagee. Hdw. 1881-1911;typed 1911--; hdw. on pr. fm., 1922--. Aver. 640 pp. 18 x 11 x 3.

21. (MORTGAGE RECORD, MIDLAND SAVINGS AND LOAN CO.), 1922-25. In Real Estate Mortgage Record, vol. 60, entry 20.
Record of mortgages on real estate held by Midland Savings and Loan Company, giving date of execution of instrument; names of mortgagor and mortgagee; consideration; legal description of property; terms of mortgage; copy of signature of mortgagor; acknowledgment, and certificate of recordation.

22. MORTGAGE RECORD (GEORGIA STATE SAVINGS ASSOCIATION), 1920-31. 1 vol. (55).
Record of mortgages held by Georgia State Savings Association, giving date of execution of instrument; names of mortgagor and mortgagee; consideration; legal description of property; terms of mortgage; copy of signature of mortgagor; acknowledgment, and certificate of recordation. Arr. chron. by date of recording. For index, see entries 28, 29. Hdw. on pr. fm. 640 pp. 18 x 11 x 3.

23. MORTGAGE RECORD (CONSERVATIVE LOAN CO., SHAWNEE, OKLAHOMA), 1922-24. 1 vol. (61).
A record of real estate mortgages held by Conservative Loan Company, Shawnee,Okla.,giving date of execution of instrument; names of mortgagor and mortgagee; consideration; legal description of property; terms of mortgage;copy of signature of mortgagor; acknowledgment, and certificate of recordation. Arr. chron. by date of recording. For index, see entries 28, 29. Hdw. on pr. fm. 640 pp. 18 x 11 x 3.

24. (MORTGAGE RECORD, FEDERAL LAND BANK), 1918--. In Real Estate Mortgage Record, entry 20.
Record of real estate mortgages held by the Federal Land Bank of St. Louis, giving date of execution of instrument; names of mortgagor and mortgagee; consideration; legal description of property; terms of mortgage; copy of signature of mortgagor; acknowledgment, and certificate of recordation.

25. (MORTGAGE RECORD, HOME OWNER'S LOAN CORP., MORTGAGES),1934-39.

In Real Estate Mortgage Record, entry 20.
Record of mortgages on real estate held by Home Owners Loan Corporation, giving date of execution of instrument;names of mortgagor and mortgagee; consideration; legal description of property; terms of mortgage; copy of signature of mortgagor; acknowledgment, and certificate of recordation.

26. (MORTGAGE RECORD, MISSOURI PACIFIC RAILWAY CO.),1917. In part of Deed Record, entry 11.
A printed recorded record of a first and refunding mortgage by the Missouri Pacific Railway Company to Guarantee Trust Company, New York City, and a general mortgage to Banker's Trust Company, New York City and Benjamin F. Edwards, Trustee. Mortgages cover real estate and physical assets of the Missouri Pacific Railway system. Gives date of instrument; name of mortgagor; legal description of property; terms of mortgage; signature of mortgagor; acknowledgment, and certificate of recordation.

27. INDEX OF DEEDS OF TRUST AND MORTGAGE (Direct and Reverse), 1873-1909. 3 vols. (A, 2, 3). Title varies: Index to Mortgages, Grantee & Grantor, 1873-83; Index Deeds Trust & Mortgages, 1883-97.
Index to real estate and chattel mortgages; giving names of grantee and grantor;date of filing; date of instrument; kind of instrument; book and page of recordation, and description of property. Arr. alph. by first letter of surname of grantee in first half of book and by first letter of surname of grantor in second half of book. Hdw. on ruled fm., pr. head. Aver. 720 pp. 18 x 13 x 3. c. c. v.

28. DIRECT INDEX TO MORTGAGES, 1909--. 1 vol. (4).
Public Record Index Co., loose leaf index to mortgage records, giving names of grantor and grantee; date of instrument; date of filing; book and page of recordation,and description of property. Arr.in alph. secs., and alph. thereunder by the first three letters of the surname of the grantor and chron. thereunder by date of filing. Hdw. on ruled fm., pr. head. Loose leaf, 19 x 14 x 4⅛.

29. INDIRECT INDEX TO MORTGAGES, 1909--. 1 vol. (4).
Public Record Index Co., loose leaf index to mortgage records, giving names of grantee and grantor; date of instrument; date of filing; book and page of recordation,and description of property. Arr. in alph.secs., and alph. thereunder by the first three letters of the surname of the grantee and chron. thereunder by date of filing.

Mortgage Releases

30. (RELEASE DEEDS AND REAL ESTATE MORTGAGE RELEASES), 1873--. 1873-1911 in Deed Record, entry 9. 1912-- in Miscellaneous Record.
Record of instruments executed by mortgagee for the purpose of releasing mortgage liens upon real property, giving names of mortgagor and mortgagee; date of original mortgage; book and page of recordation of mortgage; description of property;release of lien;copy of signature of mortgagee; acknowledgment, and certificate of recordation.

Liens and Lis Pendens

31. MECHANIC'S AND MATERIAL MAN'S LIENS; 1892--. 3 file boxes. 1-247, 248-, and one not labelled).
Original instruments filed for the purpose of establishing liens, giving name and address of person or firm imposing lien;amount of lien; name of person against whom lien is filed; character of lien; description of property; signature of lien holder; acknowledgment, and certificate of filing. Also contains: U. S. Tax Liens, 1939, entry 32. Arr. roughly numer. by assigned no. No index. Hdw. and typed, also hdw. and typed on pr. fm. 13 x 11 x 5.

32. (U. S. TAX LIENS), 1939--. In Mechanic's and Material Man's Liens, entry 31.
Notice of United States Tax Liens filed under the authority of the internal revenue laws for the purpose of establishing a lien against the estates of delinquent taxpayers, showing number of lien; date; name and address of taxpayer;nature of tax; date of taxable period; amount of tax assessed; amount of penalty; signature of collector; acknowledgment, and certificate of filing.

33. ABSTRACT OF LIENS, 1890--. 1 vol. (A). 1877-79 in unused portion of Common Pleas Record, entry 129.
Record of liens filed against property, giving number of lien; date of filing; names of parties filing lien;amount; character of lien; description of property, date and manner of satisfaction. Arr. chron. by date of filing, also numer. by no. of lien. Indexed alph. by first letter of surname of lien holder. Hdw. on ruled fm., pr. head. 318 pp. 18 x 11 x 1½.

34. (OLD AGE PENSION LIENS), 1936, 1937. In Real Estate Mortgage Record, entry 20.
Record of order of approval and old age pension certificates recorded in 1936, 1937 for the purpose of establishing liens against the estates of persons granted old age pensions, and record of release of lien, showing assigned number of grant; amount of pension; name of person receiving pension;date pension payment commenced; names of governor and members of Arkansas State Board of Public Welfare; marginal notation of release of lien, and signature of recorder.

35. LIS PENDENS, 1918--. 1 file box.
Original copies of notices of suits pending, giving style of case; court in which case was filed; name of person holding property; description of property; amount of judgment sought; date of execution; names of attorneys for plaintiff, and certificate of filing. Arr. chron. by date of filing. No index. Hdw. and typed. 13 x 11 x 5.

36. RECORD OF LIS PENDENS, 1905--. 2 vols. (1, 2). No prior records. Title varies: Lis Pendens Record, 1905-32.
Record of notices of suits pending in court, declaring that a lien might be established against certain designated property to satisfy a judgment of the court, giving names of plaintiffs and defendants; name of person holding property; legal description and location of property, and certificate of recordation. Arr. chron. by date of recording. Indexed alph.

by name of plaintiff. Hdw. and typed. Aver. 480 pp. 18 x 11 x 3.

Surveys and Plats

37. (PLAT BOOK), 1901--. 2 vols. Last entry 1939. 1873-1916 also in Deed Record, entry 9.
One volume contains illustrated descriptions of towns, and additions and subdivisions of towns and cities of Faulkner County, and plats of estates and subdivisions thereof made in accordance with court's decrees of heirship. Second volume contains blue prints of original townsite and subdivisions of and additions to the town of Conway, compiled in 1930. Arr. roughly by sec. no. of legal description. Indexed by first letter of name of townsite, subdivision, or estate. Hdw. and hand drawn. 240 and 60 pp. 17 x 15 x 1.

38. FIELD NOTES, 1873. 1 vol.
Field notes of government surveys of boundaries of Faulkner County, its townships, and subdivisions of townships, giving boundary, subdivision, or township to be surveyed; the beginning points; direction of survey; distance proceeded in that direction; marks at the end of distance; description of land surveyed, giving countour and moisture; fitness for culture; timber and undergrowth; date of survey sometime given, and sometimes signature of surveyor. Arr. numer. by range and township no. No index. Hdw. 575 pp. 14 x 6 x 2. co. c. v.

Miscellaneous
Real Property Conveyances

39. INSTRUMENTS FILED FOR SAFEKEEPING, 1928--. 1 file box.
Original instruments filed by individuals with the recorder for safekeeping. Arr. chron. by filing date. Indexed alph. by first letter of surname of person filing instrument. Hdw. and typed. 14 x 8 x 3.

40. POWER OF ATTORNEY PAPERS, 1915-23. 1 file box.
An original document executed by a person for the purpose of conferring upon another person express or general authority to act for the first person in the conveyance of title and in other legal matters, giving name and address of person conferring power; purpose for which power was conferred; date of execution of instrument; names of parties to instrument; acknowledgment, and certificate of recordation. Arr. alph. by name of person upon whom power of attorney is conferred. No index. Typed. 28 instruments. 13 x 11 x 5.

41. MISCELLANEOUS RECORD, 1911--. 7 vols. (1-7). Title varies: Power of Attorney and Miscellaneous Record, 1911-35; Power of Attorney and Miscellaneous Instruments, 1873-1910 in Deed Record, entry 9.
Record of powers of attorney and miscellaneous instruments filed for recordation. Power of attorney record gives name of person conferring power; address of person conferring power; purpose; name of person upon whom power is conferred, and certificate of recordation. Miscellaneous record is a record of various instruments affecting title to real or personal property, showing nature of instrument; date of execution; names of grantor and grantee; consideration; terms; copy of signature of grantor;

acknowledgment, and certificate of recordation. Arr. chron. by date of filing. For index, see entries 17, 18. Typed. Aver. 600 pp. 18 x 11 x 2½.

42. (RIGHT-OF-WAY PERMITS), 1927. In Deed Record, entry 9.
Record of easements executed by property owners, granting right-of-way for the building of power, telephone and telegraph lines on real property, giving name of grantee; date and terms of grant; copy of signature of grantor; acknowledgment, and certificate of recordation.

Personal Property

43. CHATTEL MORTGAGES, 1890--. 251 file envelopes. 32 file boxes. Prior records missing.
Original instruments, giving names of mortgagor and mortgagee; date and amount of mortgage; description of property given as security; terms of mortgage; acknowledgment, and certificate of filing. Arr. chron. No index. Hdw. on pr. fm. File envelopes, 8 x 4 x 2; file boxes, 13 x 11 x 5.

44. CHATTEL MORTGAGE RECORD, 1880--. 21 vols. (A, D, E, H, I, 11, 14-16, 18, 19, 22, 24, 25, 27, 29-34). Title varies: Chattel Mortgages, 1886-90. 1873-80 in Deed Record, entry 9; 1881-- also in Real Estate Mortgage Record, entry 20.
Recorded copies of chattel mortgages filed in the office of the recorder, giving date of filing; names of mortgagor and mortgagee; date and amount of mortgage; description of property given as security; terms; copy of signature of mortgagor; acknowledgment, and certificate of recordation. Arr. chron. by date of recording. Indexed alph. by name of mortgagor and mortgagee. Hdw. on ruled page 1880-1893. Hdw. on pr. fm. 1893--. Aver. 620 pp. 18½ x 13 x 3.

45. ABSTRACT OF FILED MORTGAGES, 1877--. 37 vols. (A-C, 4-38). Title varies: Guardian's Docket, A, 1877-80; Mortgages Filed, 1880-84; Minutes Mortgages and Deeds Trust Filed, 1885-91; Minutes of Mortgages and Deeds of Trust Filed, 1891-1918.
Record of the abstract of chattel mortgages filed, giving assigned serial number of mortgage; names of mortgagor and mortgagee; date of mortgage; date filed; amount secured; due date of payment; description of property, and remarks. Arr. in alph. tabbed secs. and numer. thereunder by assigned no. of mortgage, 1880-84, 1912--; arr. numer. by assigned no. of mortgage, 1877-80, 1885-1911. Indexed by first letter of surname of mortgagor, 1877-80, 1885-1911. 1880-84, 1912-- not indexed.

Bonds, Credentials and Commissions

46. NOTARY PUBLIC BONDS, 1891--. 1 file box. 1904 in Arkansas State Normal Bonds (Contractor's Bonds) and Stay Bonds, entry 72.
Original bonds of notaries public made as a guarantee for the faithful discharge of official duties, showing name of notary; amount and terms of bond; signature of notary and sureties; acknowledgment; certificate of approval; signature of circuit clerk, and certificate of recordation.

Arr. chron. by date of filing. No index. Hdw. 13 x 11 x 5.

47. BONDS COUNTY OFFICERS, 1891--. 2 file boxes. Title varies: Official Bonds, 1891-1905.
Original bonds filed by county officers to guarantee the faithful discharge of their duties, giving name of office to which elected or appointed; date of filing of bond; date approved; name of officer; names of sureties; amount of bond; time for which made; signatures of official and sureties,and acknowledgment. Arr. roughly chron. by date of filing. No index. Hdw. 13 x 11 x 5.

48. NOTARY BOND AND MINISTERS' CREDENTIAL, 1911--. 1 vol. (1). Notary Bonds,1873-1910 in Official Bond Record, entry 49; Ministers' Credentials, 1876 in Marriage Record, entry 159 and 1873-75, 1878-1914 in Deed Record, entry 9.
First section of volume is record of bonds executed by notaries public to guarantee the faithful performance of their duties, giving name of notary;amount of bond;approval of circuit clerk. Last section of volume is record of credentials issued to ministers authorizing performance of marriage ceremonies, giving name of minister; date credentials were granted; minister's creed, and reference to records of other counties in which credentials are recorded. Arr. chron. by date of recording. Index self contained, alph. by first letter of surname of notary or minister. First part of book hdw. on pr. fm.; second part, typed. 480 pp. 16 x 11 x 2.

49. OFFICIAL BOND RECORD, 1873--. 4 vols. (1-4). Title varies: Record of Official Bonds, 1873-88;Record Official Bonds, 1888-1903.
Record of official bonds filed by county and township officers to insure the faithful performance of their duties, giving names of principals; sureties and bonding company; amount of bond; date of execution; date of recording; certification of witnesses to bond,giving date of principal's election or appointment to office; name of office; conditions of bond; copy of signatures of principal, sureties and witnesses. Arr. chron. by date of recording. Index self contained, alph. by first letter of surname of officer. Hdw. and typed. Aver. 400 pp. 16 x 11 x 2. 1873-1921 in ba. v.

50. REGISTER OF OFFICERS, 1873-1920. 2 vols. Title varies: Register of School and County Officers, 1873-77.
Register of commissions of county officers,giving name of officer; title of officer; date commission granted; qualifications of officer; date of bond; names of sureties; date officer qualified for commission; address of officer;fee due Secretary of State for commission;date fee collected; date remitted to Secretary of State,and occasionally,remarks. Also contains: Juvenile Court Record, 1912-14, entry 128. Arr. chron. by date of recording. Index self contained, alph. by first letter of surname of officer. Hdw. Aver. 240 pp. 16 x 6 x 3. ba. v.

51. DEPUTATION, 1881--. 1 file box.
Original instrument of appointment of deputies,giving name of deputy appointed; date of appointment;name of appointing officer; oath of deputy;

signature of deputy;acknowledgment;date of approval by county judge, and signature of county judge. Also contains: Articles of Incorporation, Benevolent and Municipal, 1891, 1923, 1928, entry 53. Arr. chron. by date of appointment. No index. Hdw. 13 x 11 x 5.

Miscellaneous

52. SCHEDULE OF MARRIED WOMEN AND INDIVIDUALS, 1893--. 1 file box. List of property, real and personal, belonging to and owned by a married woman, setting forth that portion of her estate in which her husband has no vested interest. Also schedule of property owned by individuals which is declared to be exempt from execution. Arr. chron. by date of filing. No index. Hdw. 13 x 11 x 5.

53. (ARTICLES OF INCORPORATION, BENEVOLENT AND MUNICIPAL), 1891, 1923,1928, in Deputation, entry 51. 1935-38 in Levee District No. 1 and Articles of Incorporation, entry 59.
Articles of incorporation of benevolent associations and towns and cities, and orders of court in connection with their incorporation, giving names of applicants; statement of purpose of corporations; date of proceedings; order of court, and certificate of filing.

54. DISCHARGE RECORD, 1919--. 2 vols. (1, 2). Title varies: Soldiers' and Sailors' Discharge Record, 1919-36.
Record containing verbatim copies of honorable discharge certificates of citizens who served, or were called into service, in military or naval forces of the United States during the World War, giving name of discharged person; reason for discharge; place of birth; age at enlistment; civilian occupation; physical description; commanding officer's certificate of discharge; date of discharge; enlistment record, giving details including name; grade; whether enlisted or inducted; length of service; rank; skill in markmanship and horsemanship; engagements in which served and wounds received; physical condition; marital status; character; name of discharged person and commanding officer, and certificate of filing and recordation. Arr. chron. by date of filing. Index self contained, alph. by first letter of surname of soldier or sailor. Typed. Aver. 600 pp. 18 x 11 x 3.

55. (FORFEITED LANDS,CERTIFIED TO THE STATE), 1878, 1880-82, 1885, 1886, 1889, 1890, 1920, 1924, 1926, 1928, 1929, 1931, 1932, 1939. In Deed Record, entry 9.
Record of lands certified to the state,giving name of person owning land prior to forfeiture; parts of section, section; acreage; year forfeited; date of collector's sale;total value; total taxes; penalty and cost, and certificate of county clerk.

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V. NOTARY PUBLIC

A notary public is a civil officer vested with the power of taking acknowledgments and the administering of oaths in all matters pertaining to the exercise of his notarial office. In Arkansas, the supreme court of the state has ruled that the office of notary public is a county office (Lanier v. Norfleet, 156, Ark., 216-223, I 1922-1923 I).

The office in Faulkner County came into existence with the county's creation and organization in 1873 (A.Ark., 1873, 85), in accordance with the provisions of the Constitution of 1868 (Const. 1868, art. VI, sec. 16).

At the present time, the governor appoints a convenient number of notaries public in each county (A. Ark.,1874-1875, 61). Faulkner County has 59 commissioned notaries public registered in the Secretary of State's office in Little Rock. Beginning in 1837, one notary public for each county was appointed by the governor, subject to the ratification of the senate, for a term of two years (A. Ark., 1837, as contained in Rev. Stat. Ark., 1838, 588). When the Constitution of 1868 was adopted, provision was made for the appointment of notaries public, the number not to exceed six for each county, for terms of two years or until their successors could be qualified (Const. 1868, art. VI, sec. 16).

The only present qualification for the office of notary public is that the applicant be a citizen of the county for which he is appointed (A. Ark., 1874-1875, 61). Prior laws did not require even this qualification. A notary public must file in the office of the recorder of the county,a bond to the state in the sum of $1,000, with security to be approved by the circuit clerk of the county (A. Ark., 1874-1875, 61).

A notary public may be removed from office in the same manner and for the same causes as any other county or township officer (Const.1874, art. VII, sec. 27; see "Governmental Organization and Records System", p. 17). Prior to 1868, while there was only one notary public in each county, vacancies in the office were filled by appointment by the governor (A. Ark., 1837, as contained in Rev. Stat. Ark., 1838, 588). Since 1868, there has been no specific provision for the filling of a vacancy in the office.

It is the duty of a notary public to attach to any certificate of acknowledgment or other official act, a statement of the date on which his commission expires. If any notary fails to attach this statement, he will be considered guilty of a misdemeanor, and be punished by a fine not to exceed five dollars. However, this omission does not affect the validity of the instrument. (A. Ark., 1891, 57.)

He may take acknowledgments of all instruments of writing relating to commerce and navigation,deeds, powers of attorney, and to make declarations and protests (A. Ark., 1837, as contained in Rev. Stat. Ark., 1838, 588). His authority is co-extensive with the state for purposes of swearing witnesses, taking affidavits and depositions, and all other instruments in writing to be acknowledged. All acknowledgments taken by a notary public and certified copies of his records and official papers

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are to be accepted as evidence in all the courts of the state. (A. Ark., 1905, 687.)

Every notary public in Faulkner County must provide a seal of his office, engraved so as to present by its impression, the emblem of the seal of state, to be surrounded by the words "Notary Public, County of Faulkner, Arkansas". All papers acknowledged before him must be certified under this official seal. (A.Ark., 1837, as contained in Rev. Stat. Ark., 1838, 588.) The absence from a notary's seal of the emblems required by the statutes does not affect the validity of the acknowledgment of a deed (Sonfield v. Thompson, 42, Ark., 46, [1883]).

Each notary public is required to keep a record of all his official acts in a special book, and, when requested, give a certified copy of any record in his office, upon receipt of the fee allowed by law (A. Ark., 1837, as contained in Rev. Stat. Ark., 1838, 588). In the event of the death of a notary public, his removal from the county, or his resignation, his record book and all public papers are to be delivered to the county clerk, to be turned over to his successor (A. Ark., 1837, as contained in Rev. Stat. Ark., 1838, 588).

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VI. CIRCUIT COURT

The original, and all subsequent constitutions, provide for the grouping of the several counties in the state into convenient judicial circuits and the maintenance of a circuit court in each of them (Const. 1836, art. VI, sec. 1; Const. 1861, art. VI, sec. 1; Const. 1864, art. VII, sec. 1; Const. 1868, art. VII, sec. 1; Const. 1874, art. VII, sec. 1). Faulkner County has been in the 17th judicial circuit since 1893 (A. Ark., 1893, 85). The act of the General Assembly of 1873, which created the county, placed it in the 7th judicial circuit, but upon the adoption of the present constitution, a year later, it was moved to the sixth circuit (A. Ark., 1873, 86, 89; Const. 1874, art. XVIII).

Officers of the circuit court include the circuit judge, and the circuit clerk and sheriff of the county in which court is being held (Const. 1874, art. VII, sec. 13; see "Sheriff", p. 136).

The judge is required to have attained the age of 28; to have been a citizen of the state for at least two years; to have had the combined experience of six years as a practicing lawyer or a judge of a court of record (Const. 1874, art. VII, secs. 13, 16). He is elected by the voters of the various counties comprising his judicial circuit, for a term of four years (Const. 1874, art. VII, sec. 17). Prior to 1874, the judge was appointed by the governor for a term of six years (Const. 1868, art. VII, sec. 5). Before entering his office he is required to subscribe to the constitutional oath of office, provided for all state and county officials (Const. 1874, art. XIX, sec. 20). He may be removed from office by impeachment proceedings before the General Assembly. The House of Representatives has the sole right to institute such removal, but the Senate must conduct the trial. A two-thirds concurrence of the members of the Senate is necessary to sustain a conviction. Upon conviction for commission of a misdemeanor, a high crime or gross immorality, a circuit judge may be removed from office and disqualified to hold any office of honor, trust, or profit, in the future. (Const. 1874, art. XV, secs. 1, 2; see "Governmental Organization and Records System", p. 17.)

Vacancies in the office are filled by appointment by the governor. If the judge's office is to be filled at the next general election following the date of the appointment, the vacancy is filled for the unexpired term. If the office is to be filled at the second subsequent general election following the date of appointment, and the vacancy occurs, and is filled, more than four months prior to the first subsequent general election, then the appointment is only temporary and the office is filled by election at the first subsequent general election. If the vacancy is filled by appointment less than four months prior to the next general election, then the appointment is for the full unexpired term. (Const. 1874, amend. XXIV, app. 1938.)

If the office of circuit judge became permanently vacant for any cause during the period from 1874 until 1938, the Constitution of 1874 provided that the vacancy be filled by a special election called by the governor. Had the vacancy occurred, however, within nine months prior to the time for the holding of a general election it was filled by temporary appointment by the governor and the vacancy was permanently fill-

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ed at the general election. (Const. 1874, art. VII, sec. 50.) The filling of vacancies in this manner was not strictly adhered to during that period (see "Governmental Organization and Records System", p. 17).

If a circuit judge fails to appear on the day set for the beginning of a term of court, or if the office is vacant, for any reason, the regular practicing attorneys attending the court may meet at 10 A. M. on the second day of the term and elect a judge to preside until the regular judge appears, or for the duration of the term. Also, if a judge becomes ill or has to be absent, or is disqualified from presiding at the trial of any case pending in the court during a term, the attendant attorneys may, upon notice from the judge or clerk, elect a judge to try the cases remaining on the docket. Any acting judge, so selected, must be a practicing attorney and a resident of the state, and is endowed with all the powers as the regular judge, for the duration of his tenure of office. (Const. 1874, art. VII, sec. 21; Const. 1868, art. VII, sec. 9.)

The constitution provides that the circuit judge may exchange circuits with, and hold court for, the judge of any other circuit or chancery court in the state, so long as he conforms to the regulations of the law (Const. 1874, art. VII, sec. 22; Const. 1868, art. VII, sec. 10). A circuit judge is not allowed to practice law, or appear as counsel in any court in the state, during his tenure of office (Const. 1874, art. VII, sec. 25), nor is he allowed to preside over any case where he is related to, interested in, or has appeared as counsel for either party concerned in the trial (Const. 1874, art. VII, sec. 20; Const. 1868, art. VII, sec. 7).

A constitutional amendment, voted on in 1928 and effective in 1929, set the annual salary of all circuit judges in the state at $3600 (Const. 1874, amend. XV). The General Assembly of 1879 set the salary at $2000 (A. Ark., 1879, 137), but in 1909, it raised the amount to $3000 (A. Ark., 1909, 87). From 1874 until 1879, the circuit judge was paid an annual salary of $2500 (Const. 1874, Schedule, sec. 28). Prior to 1874, the salary was $3500 (A. Ark., 1868, 35). In the event a special judge is elected and serves during any term of circuit court, he is entitled to $10 for each day he presides (A. Ark., 1875, 163; ibid., 1897, 42). When a circuit judge attains the age of seventy, and has served a total of twenty years as presiding officer of any circuit court, he is entitled to retire and receive a lifetime pension of one-half of his last regular salary (A. Ark., 1931, 714).

The circuit judge is allowed the sum of $1800 per year to pay expenses incurred in travelling in his circuit to hold court. This expense is prorated among the several counties comprising the circuit according to the ratio of their population. (A. Ark., 1927, 139.) From 1921 to 1927, the county was required to pay the actual travel expense of the judge (A. Ark., spec., 1921, 114). Earlier legislation provided that the county could be compelled to pay its pro rata part of the expense of holding court (Ark. Civil Code, 1869, sec. 759; A. Ark., 1871, 250).

Court terms are held twice a year in Faulkner County, opening on the second Monday in January and the third Monday in July (A. Ark., 1937, 113). At the time of the creation of the county, Faulkner was placed in

the seventh judicial district and the terms were begun on the second Mondays of January, May and September (A. Ark., 1873, 89), but the Constitution of 1874 moved Faulkner to the sixth circuit and fixed the time for holding circuit court as the fourth Mondays in January and July (Const. 1874, art. XVIII). The length of the terms are not regulated by law, but the court must continue until all cases are disposed of, or until it is necessary to adjourn the session in order that the judge may have time to reach the next court over which he is to preside (A. Ark., 1869, 109). If the judge adjourns the court, it cannot open again until the next regular term, unless a five-day notice is posted at the courthouse and the circuit clerk notifies all litigants and their attorneys (A. Ark., 1937, 729). If court is not convened by the third day of the term, it stands adjourned until the next regular term and all cases, civil and criminal, are continued until the next term (A. Ark., 1838, as contained in Rev. Stat. Ark., 1838, 233).

The constitution gives the circuit courts original jurisdiction in all civil and criminal cases in which exclusive jurisdiction is not assigned to other courts (Const. 1874, art. VII, sec. 11).

By an act of Congress passed in 1906, the circuit courts are authorized to naturalize aliens (U.S. Stat. L., vol. 34, part 1, 596, app. 1906).

The Constitution of 1874 provides that the circuit court is fully empowered to remove from office, any county or township official following a conviction for incompetency, gross immorality, corruption, criminal conduct, malfeasance, misfeasance, or nonfeasance in office. Upon presentment, or knowledge of such offenses, the court may suspend the officer concerned, and if convicted of any of the above charges, he is permanently removed from office. (Const. 1874, art. VII, sec. 27; A. Ark., 1877, 64.) Any person guilty of contempt of court may be fined up to $50 by the court, or imprisoned in the county jail for a term of ten days (A. Ark., 1838, as contained in Rev. Stat. Ark., 1838, 235).

An election contest in which the office of circuit judge, prosecuting attorney, chancery judge or county judge is involved is tried by the circuit court (A. Ark., 1874-1875, 105).

Following abolishment of the county and probate courts April 3, the General Assembly enacted a law, April 16, 1873, which gave the circuit court jurisdiction in probate matters. The following year when the Constitution of 1874 was adopted, the probate court was re-established and jurisdiction in probate matters was returned to it. (A. Ark., 1873, 53, 120; Const. 1874, art. VII, secs. 28, 34; see "Probate Court", p. 112.) Prior to 1885, when the General Assembly established a separate court of chancery in Faulkner County, the circuit court held jurisdiction in equity cases (A. Ark., 1885, 172; Const. 1868, art. VII, sec. 5; Const. 1874, art. VII, sec. 15). The present constitution abolished all existing criminal courts in 1874 and transferred criminal jurisdiction to the circuit court (Const. 1874, art. VII, sec. 45).

The circuit and justice of the peace courts hold concurrent jurisdiction in matters of contract in which the amount in controversy is in excess of $100 and does not exceed $300. The two courts also hold con-

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current jurisdiction in suits for the recovery of personal property, valued within the above amounts; in all matters of damage to person or property, if the amount in question does not exceed $100, and in criminal misdemeanor cases. (Const. 1874, art. VII, sec. 40.) Circuit courts hold concurrent jurisdiction with chancery courts in conferring majority rights upon a minor (A. Ark.,1869, 44; A. Ark.,1911, 251; A. Ark., 1903, 244).

Circuit court has supervisory control and appellate jurisdiction over county, justice of the peace, municipal and common pleas courts (Const. 1874, art. VII, sec. 14). In cases appealed from any of the inferior courts, the circuit court may conduct a trial de novo as though original jurisdiction had been conferred on it by law (A. Ark., 1871, 252). All appeals to the circuit court in criminal cases must be tried at the next term of court after the transcript is filed. The circuit court may, at its discretion, postpone or continue any case until a later date. In the event the magistrate of the lower court fails to file the transcript, or the defendant fails to appear at the time set for the trial of the case, the circuit judge is empowered to affirm the judgment of the lower court and impose the same penalty, plus court costs. (A. Ark., 1905, 375.) Appeals in civil cases heard before a justice of the peace must be made within thirty days after the judgment is rendered. The same law applied to appeals from county courts from 1873 to 1883, after which time the period for filing the appeal was extended to six months. (A. Ark., 1873, 430; ibid., 1883, 49.)

A change of venue in any pending civil or criminal action may be taken. The case is transferred to the circuit court of another county upon the approval of the court in term time, or the judge in vacation. (Ark. Crim. Code, 1869, sec. 414; A. Ark., 1873, 234; ibid., 1909, 570.)

When a public record in any office of the county is lost or destroyed, the circuit court may order the record restored. In a case of this type, the restored record is as authentic as the original. (A. Ark., 1855, 113; ibid.,1857, 81.) The circuit judge may perform marriage ceremonies (A. Ark.,1873, 151). In the event the office of sheriff or clerk is vacant at the time of the beginning of a term of court, the circuit judge may make a temporary appointment to fill the vacancy (A.Ark.,1877, 64).

The court in term time or the judge in vacation may issue writs of mandamus and prohibition. A writ of mandamus is an order commanding a ministerial officer to do or to refrain from doing a certain act, regulated by the constitution or by statute. A writ of prohibition is an order restraining an inferior court from exceeding its jurisdiction. (Ark. Civil Code, 1869, secs. 519, 521.) A writ of prohibition is never issued, unless the inferior court has clearly over-stepped its authority (Jones v. Coffin, 96, Ark., 332, [1910]).

It is the duty of the circuit judge to countersign the statement of the clerk's certification of contingent expense of each term of court held. The statement is delivered to the county court, which must order warrants issued to cover the expense. (A. Ark., 1851, 74; ibid., 1873, 94.) The circuit court must approve the official bonds of all county

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and township officers, with the exception of the bond of the tax collector. If, at any time, the security on a bond is proved to be insufficient, the court is empowered to order a new bond made within fifteen days. (A. Ark., 1875, 192.) At least 20 days prior to the annual meeting of the quorum court, which precedes the end of the term of the incumbent county judge, the circuit judge must appoint a board of three resident electors as appraisers to inspect the county property, and file their findings with the county clerk (A. Ark., 1937, 401).

In the event a mayor, police judge, or any other elective officer of a town or city is proven guilty of nonfeasance in office, the court is empowered to remove him from office (A. Ark., 1929,I, 567). The court may reject a petition asking for the annexation of territory to any town or city, if it appears that the petition is not signed by sufficient electors or the amount of the proposed annexation is unreasonably large (A. Ark., 1909, 510).

The judge appoints three jury commissioners, who, in turn, select venires for the grand and petit juries (see "Jury Commission", p. 100). In examining a juror,the judge is permitted to require that any question asked the prospective juror must be answered, providing the question has been asked in good faith in order to determine the competency of the juror (Sylvester Polk v. State, 45, Ark., 165, I 1886 I). He may give instructions to a jury in matters of law (Hinson v. State, 133, Ark., 149, I 1918 I), and if the instructions are not understandable to the jurors, it is the duty of the judge to reduce his instructions to writing, when so requested by either party concerned in a case (Const. 1874, art. VII, sec. 23). An act of the General Assembly of 1913 empowered the judge of Faulkner County to forbid any lecture or speech in his courtroom during term time (A. Ark., 1913, 674).

The circuit court is a court of record and accurate records are kept of all of its proceedings. The orders and proceedings each day are read in open court on the morning of the succeeding day, except on the last day of the term, at which time the minutes are read and signed at the rising of the court, ending the term. All writs, processes and proceedings of the court are recorded in the English language. (A. Ark., 1838, as contained in Rev. Stat. Ark., 1838,230.) The circuit court has a seal, which presents the same impression as the seal of the State of Arkansas, except that the words surrounding it designate the court for which it is being used (A. Ark., 1838, as contained in Rev. Stat. Ark., 1838, 230; A. Ark., 1864, 32).

Official Stenographer

The presiding judge of each judicial circuit in the state was empowered by the General Assembly of 1897 to appoint an official court stenographer for his circuit. The official stenographer is required to be a resident of the circuit he serves. He is appointed for the duration of the term of office of the appointing judge. (A. Ark., 1897, 64.)

By a special act of the General Assembly of 1919, the salary of the stenographer for the seventeenth judicial circuit, including Faulkner

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County, was fixed at $2000 per year, to be paid in equal portions by the counties comprising the circuit (A. Ark.,1919, 230). At the time of the creation of the office, in 1897, the stenographer was paid $800 a year and each county in the district was taxed a pro rata share, on a population basis (A. Ark., 1897, 64). An act of 1901, affecting the seventeenth judicial circuit only, fixed the salary at not to exceed $1000, the amount being set by the court (A. Ark., 1901, 324). The salary of the stenographer is paid out of a fund derived from costs assessed in cases heard before the court and from transcription fees. Three dollars is charged for each case heard and five cents for each 100 words transcribed. (A. Ark., 1897, 64.) The stenographer may be removed from office, at any time, by the presiding circuit judge for incompetency, misconduct, or neglect of duty (A. Ark., 1897, 64).

The law requires that the stenographer attend all sessions of the court in his district; make stenographic report of all oral proceedings in a case, upon the request of either party concerned; record the oral instructions of the judge to the jury; and, upon request of either counsel, make notes of the objections, the judges rulings, and exceptions to the rulings. He is required to furnish each litigant, in a case, with a bill of exceptions. Upon request,the stenographer must furnish the circuit clerk with a complete transcript of the proceedings in each case. (A. Ark., 1897, 65.)

The original stenographic notes of the official stenographer are filed in the office of the circuit clerk of the county in which the notes were made. The stenographer may carry them from one county to another,within his circuit, until he has had time to transcribe them. (A. Ark., 1897, 64.)

Circuit Clerk

At the time of the creation of Faulkner County, in 1873, the office of circuit clerk was filled in an ex-officio capacity by the county clerk (A. Ark., 1873, 88; ibid., 1868, 20). The present constitution, adopted a year after Faulkner was created, reversed the provision by authorizing the election of a circuit clerk who was ex-officio county clerk until 1890 when the county attained a population of 15,000. It also provided that the circuit clerk serve as clerk of all the courts of record in the county and as county recorder,until the county reached the population requirement. When the office was divided in 1890, the county clerk became ex-officio clerk of the probate,quorum and juvenile courts. (Const. 1874, art. VII, sec. 19; see "County Clerk", p. 150.)

The clerk is required to be a resident elector of the county, and is elected for a term of two years (Const.1874, art. VII,sec. 18). From 1868 to 1874 the term of office was four years (Const. 1868, art. XV, sec. 18). The clerk is commissioned by the governor and must subscribe to the constitutional oath of office provided for all state and county officials (Const. 1874, art. XIX, sec. 20).

The clerk is now required to execute a surety bond (A. Ark., 1937, 1243), the amount is fixed by the State Bond Board (A. Ark., 1929, II,

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1000), subject to the approval of the circuit judge, or county judge in vacation, and to the final approval of the circuit court. Prior to January 1, 1939, the clerk was allowed to make a personal bond in a sum not to exceed $15,000. If he fails to make the required bond, the office is declared vacant. (A. Ark., 1868, 20; ibid., 1875, 192.)

If the circuit court should decide that the bond of the clerk is insufficient, that tribunal may require that a new bond be executed, within a given time, or the clerk is subject to removal from office (A. Ark., 1838, as contained in Rev. Stat. Ark., 1838, 178). The circuit court is empowered to remove a clerk from office for incompetency, corruption, gross immorality, criminal conduct, malfeasance, misfeasance, or nonfeasance in office (Const. 1874, art. VII, sec. 27). Prior to the adoption of the Constitution of 1874 the clerk was subject to removal upon conviction of an indictment for malfeasance or misfeasance in office or for wilful neglect of any of his duties (Ark. Crim. Code, 1869, sec. 287). In the event the office is vacant at the beginning of a term of court, the presiding judge may make a temporary appointment for the duration of the term (A. Ark., 1877, 64). Vacancies in the office of circuit clerk are filled by special election or by appointment of the governor (Const. 1874, art. VII, sec. 50; see "Governmental Organization and Records System", p. 17). Prior to 1874 all vacancies were filled by appointment of the governor and the appointments were for the duration of the unexpired term of the clerk (A. Ark., 1873, 83).

Faulkner County officers are compensated on a fee basis and the clerk is entitled to all the fees of his office, up to $5000 (A. Ark., 1868, 238; ibid., 1874-1875, 113; ibid., 1875, 167; ibid., 1925, 649; Const. 1874, art. XIX, sec. 23). From 1917 to 1919 the county officers were paid by salary, during which time the clerk received $3000 per year (A. Ark., 1917, I, 275; ibid., 1919, spec. sess. 33).

Any aggrieved person may obtain judgment against a circuit clerk and his sureties for his failure to issue an execution upon a forfeited delivery bond within five days after the return of the bond to his office and for failure to issue execution upon a judgment, decree or order of the court when requested to do so by the interested party. For failure to issue an attachment, summons or other process for which any party applying may have a right, the clerk may be subjected to a forfeiture of not less than $50 nor more than $500. The amount of this forfeiture must be determined by a jury and obtaining such a judgment against a clerk does not preclude the injured party from other legal restitution. (A. Ark., 1857, 141.)

The clerk is allowed to appoint one or more deputies, who must possess the same qualifications and subscribe to the same oath as the clerk. All appointments must be approved by the circuit court or the county court in term time, or by the judge of either tribunal in vacation. Appointments are recorded in the office of the recorder. When a deputy is qualified, he is empowered to perform any act delegated to the clerk, but the clerk is responsible for all official acts and the conduct of his deputies. (A. Ark., 1838, as contained in Rev. Stat. Ark., 1838, 178; A. Ark., 1852, 16.)

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The clerk is required to maintain his office at the county seat, where he must keep all records, papers, seals and other property of the court and his office. It is the duty of the clerk to record the judgments, orders, rules and other proceedings of the circuit court; to issue and attest all process for which he is responsible; to keep account of all money that passes through his office, and to make settlement with his court at each term. (A.Ark., 1838, as contained in Rev. Stat. Ark., 1838, 178; A. Ark., 1935, 781.) At least 20 days before the beginning of each term of court, the clerk is required to post in his office a list of the cases to be tried and the date of trial of each. This list must remain on display, during the term, for the inspection of the litigants and their attorneys. (A. Ark., 1837, as contained in Rev. Stat. Ark., 1838, 639.) He is required to record all indictments returned by the grand jury (A. Ark., 1881, 106), and to prepare all bonds to be taken by or given before him or his court. He may refuse any surety offered which he considers insufficient. He is required to endorse all papers filed in an action and upon the return of every summons served, he must enter it on the docket. (Ark. Civil Code, 1869, secs. 770, 553.)

In the event a change of venue is taken in a case in circuit court, it is the duty of the clerk to furnish a complete transcript on all original case papers to the court to which the case is removed (Sumner v. Gray, 4, Ark., 469, [1842]). It is mandatory that the clerk, at the close of each term of court, prepare an abstract of all fines, penalties and forfeitures adjudged against defendants during the term. The abstract must show the name of each party, the style of each case and the amounts assessed against each. (A. Ark., 1883, 291.) Upon demand, and the payment of the fees required by law, the clerk must issue subpoenas for witnesses to appear on a specified day. Failure to perform this duty subjects the clerk to a penalty not to exceed $100. (A. Ark., 1837, as contained in Rev. Stat. Ark., 1838, 639.)

Since 1885, when a separate court of chancery was established in Faulkner County, the circuit clerk has served in an ex-officio capacity as the clerk of the chancery court. At the same time, it became the duty of the circuit clerk to transfer all cases in equity which were pending in the circuit court to the docket of the chancery court. All records and proceedings of all cases in equity which had been tried and settled in circuit court became a part of the chancery record. (A. Ark., 1885, 172; ibid., 1903, 323.)

Immediately following the rendering of a judgment or decree of the circuit court, the clerk is required to make an entry on the subject in the judgment docket, which must be alphabetically indexed by the first letter of the surname of the plaintiffs and defendants in each case (A. Ark., 1909, 26). A record of all jurors' certificates is kept by the clerk and he is required to certify the amount due the jurors to the county court, at its next regular term (A. Ark., 1877, 42). When notified by the Arkansas State Revenue Department of the non-payment of privilege tax, due from a resident of the county, it is the duty of the clerk to record the delinquent privilege tax on the judgment docket of the court. The clerk may then direct the sheriff to levy upon any property owned by the delinquent for the collection of the tax. (A. Ark., 1923, 75; ibid., 1929, II, 1193.)

The clerk is empowered to administer any oaths required, in pursuance of his duties (A. Ark., 1845, 61), or to take acknowledgments to deeds or any other instruments of writing (A. Ark.,1873, 78), and to approve the bonds of notaries public in the county (A. Ark., 1874, 61).

The clerk is required to keep a record of all articles of incorporation of benevolent and fraternal associations, together with the petition presented to him at the time the application for incorporation is filed (A. Ark., 1875, 131). Another required record is an indexed record of medical,nursing and hospital liens. These liens are to establish claims against any funds derived by an injured person through the prosecution of a personal injury suit. It is the duty of the clerk to enter in this book, in the order of their receipt, the names and addresses of patients, practitioners, nurses, hospitals and any other persons or establishments on whose behalf a notice of lien has been filed, together with the names of the defendants and their insurors. Upon the release of any such lien the clerk must note the same in the record. (A. Ark., 1933, 389.) Waivers of all landlord's liens are filed in the circuit clerk's office (A. Ark., 1935, 74), and the record of all naturalization proceedings in the circuit court is kept by the clerk (U. S. Stat. L., XXXIV, 596, app. 1906).

If an emergency arises, he is allowed to remove the records for safekeeping. If he should resign, be removed from office or die during his term, he or his executor must deliver all books, papers, files and other property to his successor in office. If any resigned, removed or deceased clerk is indebted to the county, he or his administrators must make settlement at the next term of court, in the same manner as if the clerk was still in office.

The clerk served on the nominating committee for the County Board of Public Welfare from 1935 to 1937 (A. Ark., 1935, 56).

Case Papers

56. CIVIL CASE PAPERS, 1877--. 69 file boxes (Labelled numer. by case nos. therein).
Papers of civil cases tried in circuit court, giving number and style of case; names of litigants; list of witnesses; motions; pleadings; subpoenas; summons, and court orders. Arr. chron. by term of court. For index, 1875-1911, see entry 59. Recorded instruments indexed, 1912-- in Civil Record, entry 84. Hdw. and typed. 13 x 11 x 5.

57. CRIMINAL (Circuit Court Criminal Case Papers),1888--. 33 file boxes (Labelled numer. by case nos. therein).
Papers of cases tried in criminal division of circuit court,giving names of defendants and their attorneys; number of case; list of witnesses; list of jurors; motions; pleadings, and warrants issued. Arr. numer. by case no. For index, 1888-1911, see entry 69. Hdw. and typed. 13 x 11 x 5.

58. CRIMINAL, COW DIPPING (Case Papers), 1917. 2 file boxes.
Segregation of misdemeanor cases filed in circuit court against farmers

who refused to dip their cattle during 1917. Volume 4 of Criminal Docket, entry 74, contains record of proceedings in these cases. Arr. numer. by case no. No index. 13 x 11 x 5.

59. LEVEE DISTRICT NO. I (Condemnation Proceedings) and ARTICLES OF INCORPORATION (Benevolent and Municipal), 1905-07, 1935-38. 1 file box.

Application to circuit court by levee district commissioners in condemnation proceedings, giving date of petition; name of levee district; description of land being condemned; names of owners of land; date of proceedings, and order of court. Also contains: Articles of Incorporation, Benevolent and Municipal, entry 53. Arr. chron. by date of filing. No index. Hdw. and typed. 13 x 11 x 5.

60. INDEX TO CIRCUIT COURT PAPERS, 1875-1911. 2 vols. (1, 2).

Index to Circuit Court Criminal Case Papers, entry 57, and Civil Case Papers, entry 56, giving names of litigants; number and style of case, and file box in which filed. Arr. alph. and chron. thereunder by date of litigation. Hdw. Aver. 200 pp. 18 x 11 x 3. ba. v.

Inquests

61. INQUISITION, 1882--. 1 file box.

Reports of coroner's inquests, giving name of deceased person; date of death; date and place of inquisition; list of witnesses; material testimony of witnesses; signatures of witnesses; certificate of examining physician; list of jurors; verdict of jury; signatures of jury foreman and coroner, and remarks. Arr. chron. by date of inquest. No index. Hdw. 13 x 11 x 5.

Grand and Petit Jurors

62. GRAND AND PETIT JURY RETURNS, 1874--. 3 file boxes. Title varies: Jury Lists, Grand and Petit, 1874-1921. 1896-1904 also in Grand Jury Reports, entry 64.

Record of lists of grand and petit jurors and alternate jurors, giving names and addresses of jurors; term of court in which they served, and names of jury commissioners. Also contains: Grand Jury Witness Subpoenas, 1935--, entry 62. Arr. chron. by date of term of court. No index. Hdw. and typed. 13 x 11 x 5.

63. (GRAND JURY WITNESS SUBPOENAS), 1935--. In Grand and Petit Jury Returns, entry 62.

Subpoenas issued by the grand jury to summons witnesses, giving name of witness; date witness is to appear; date of subpoena; signature and seal of circuit clerk; style of case; date of service; statement of fees charged by sheriff; signature of sheriff, and date of filing.

64. GRAND JURY REPORTS, 1875--. 1 file box.

Reports of grand jury to the circuit court, giving number of cases investigated; number of true bills of indictment; report of investigation of county officers and institutions; criticisms of county officers, and

signature of grand jury foreman. Also contains: Grand and Petit Jury Returns, 1896-1904, entry 62. Arr. chron. by date of report. No index. Hdw., typed, and hdw. on pr. fm. 13 x 11 x 5.

65. DISMISSED BY GRAND JURY, 1912--. 2 file boxes.
Record of cases in which defendants were held for grand jury investigation and later discharged by grand jury, giving name of defendant; offense charged; date of filing; name of justice of the peace presiding at trial, and date of dismissal. Arr. chron. by date of dismissal. No index. Hdw. 13 x 11 x 5.

66. BOUND OVER CASES DISPOSED OF, 1931--. 1 file box.
Record of criminal cases in which defendant was arrested on information filed before a justice of the peace and bound over to the grand jury, giving name of defendant; offense charged; date of filing; date of justice's order; name of justice; date of filing, and transcript of justice court proceedings. Arr. chron. by date filed in circuit court. No index. Hdw. and typed. 13 x 11 x 5.

67. ABSTRACT OF MISDEMEANORS, 1914-30. 1 file box.
Reports of justices of the peace to circuit court of misdemeanor cases tried in justice of the peace courts, giving name of justice of the peace;name of township in which he had jurisdiction;term of court; style of case; nature of offense;how jurisdiction was obtained; disposition of case; date of final action; certificate and signature of justice of the peace. Arr. chron. by date of report. No index. Hdw. and typed on pr. fm. 13 x 11 x 5.

Indictments and Informations

68. INDICTMENTS, 1880--. 2 file boxes.
Original copies of indictments returned by circuit court grand juries in cases in which defendant has not been arrested,giving style of case; offense charged; date of alleged offense; name of prosecuting attorney; number of indictment;signature of grand jury foreman;names of witnesses; date of filing, and signature of clerk. Arr. chron. by date of indictment. No index. Hdw. on pr. fm. 13 x 11 x 5.

69. INDICTMENT RECORD, 1881--. 8 vols.(A, B, 3-8). Title varies: Record Indictments, 1881-85; Record Indictment, 1885-92.
Recorded copies of true bills of indictment voted by the grand jury and filed with the circuit clerk for recording after apprehension of person charged with violation of law. Record gives style of case; crime with which defendant is charged; date and place of alleged crime; names of prosecuting attorney, grand jury foreman, and clerk; date of filing; amount of bond; name of trial judge; names of witnesses; where case recorded (book and page), and signature of recording officer. Also contains: Criminal Information, 1935--, entry 70. Arr. chron. by date of indictment. Indexed alph. by name of deft. Hdw. and typed. Aver. 500 pp. 18 x 11 x 2½.

70. (CRIMINAL INFORMATIONS), 1935--. In Indictment Record, entry 69.

A record of informations filed by the prosecuting attorney against individuals charged with commission of felonies and misdemeanors, giving style and nature of case; name of prosecuting attorney; date of filing; name of defendant; waiver of defendant; where recorded (book and page), and signature of clerk.

Bonds

71. RECORD OF BAIL BONDS, 1919-20. 1 vol. (1). No prior or subsequent records.

Record of bail bonds given by defendants in criminal cases to obtain release from custody pending trial, giving names of principals; offense charged; amount of bail; names of sureties and their addresses; name of court in which trial is to be held; term of court; date of trial; signatures of witnesses, and date of bond. Arr. chron. by date of bond. Indexed alph. by first letter of surname of person making bond. Hdw. on pr. fm. Aver. 640 pp. 18 x 11 x 3.

72. ARKANSAS STATE NORMAL BONDS (Contractor's Bonds), and STAY BONDS, 1890-1925. 1 file box.

Contractor's bonds (1913-25) guaranteeing faithful performance of work under construction contract, giving names of contracting parties; amount of bond; kind of construction work to be done; location of structure; terms; signature of contractor and sureties, and date of filing.

Stay bonds (1890-1910) given to guarantee payment of judgment rendered in civil court, showing names of plaintiff and defendant; amount of judgment; date of payment; signature of judge, debtor and surety; approval by clerk; signature of clerk, and date of filing. Also contains: Bond of Notary Public, 1904, entry 46. Arr. chron. by date of filing. No index. Hdw. and typed. 30 documents 13 x 11 x 5.

Dockets

73. CIVIL DOCKET, 1873-1911. 7 vols. (A, B, 3, four vols. not labelled). 1912-- in Civil and Criminal Docket (Disposed of Cases), entry 77, and Civil and Criminal Docket (Current), entry 76. Title varies: Circuit Court Docket (Civil) A, 1873-82; Judge's Docket, 1893-1908.

Judge's minutes, giving title of action; name of writ; date of issue; date of return; date of filing bill of particulars or other pleadings; motions to continue; names of jurors sworn in; at whose request; verdict; judgment or penalty of court; motion for new trial; prayer for appeal, and time granted to perfect appeal. Arr. numer. by case no. Indexed alph. by name of deft. Hdw. Aver. 240 pp. 18 x 11 x 3. ba. v.

74. CRIMINAL DOCKET, 1873-1911, 1917. 4 vols. (A, B, 3, 4). Title varies: Circuit Court Docket (Criminal) A, 1873-86; Judge's Docket Criminal, 1893-1911.

Judge's minutes, giving number of case; name of defendant; names of attorneys; offense charged; motions and demurrers; court rulings; verdict, judgment, and sentence of court. Unused portion of volume 4 contains record of proceedings in segregated group of cases in which farmers were

accused of violation of regulations for dipping cattle in 1917. Arr. numer. by case no. Indexed alph. by name of deft. Hdw. on pr. fm. Aver. 240 pp. 18 x 11 x 3.

75. BAR DOCKET (Civil and Criminal), 1893-1901. 2 vols. (Law-3, Criminal-3).
Listing of criminal and civil cases, giving number of case; offense; names of defendant and attorney; court orders of previous and present terms, and disposition of case. Arr. numer. by case no. Indexed alph. by name of deft. Hdw. Aver. 240 pp. 18 x 11 x 3.

76. CIVIL AND CRIMINAL DOCKET (Current), 1932--. 1 vol. (1).
Docket of civil cases, 1932--, giving number of case; names of litigants; attorneys; kind of action; date of filing; order of court; date of order; where judgment recorded (book and page); process; service; amount of jury fees; by whom paid, and remarks.
Criminal docket, 1938--, gives number of case; names of litigants; names of attorneys; offense charged; date of filing; order of court; date of order; where judgment recorded (book and page); names of witnesses, and appeal or indictment. Also contains: Index to vols. 2-5 of Civil and Criminal Docket (Disposed of Cases), entry 77. Arr. numer. by case no. Index self contained, for civil cases, by first letter of surname of pltf., for criminal cases by first letter of surname of deft. Hdw. on pr. fm. 200 pp. 14 x 11 x 3.

77. CIVIL AND CRIMINAL DOCKET (Disposed of Cases), 1912--. 5 vols. (1-5).
Docket of civil cases, giving number of case; names of litigants; attorneys; kind of action; date of filing; order of court; date of order; where judgment recorded (book and page); process; service; amount of jury fees; by whom paid, and remarks.
Criminal docket, gives number of case; names of litigants; names of attorneys; offense charged; date of filing; order of court; date of order; where judgment recorded (book and page); names of witnesses, and appeal or indictment. Arr. numer. by case no. No index to vol. 1; for index to vols. 2-5, see entry 76. Hdw. Aver. 350 pp. 14 x 11 x 4.

Judgments and Executions

78. JUSTICE JUDGMENTS, 1915--. 1 file box.
Transcript of proceedings in justice of the peace courts in cases appealed to circuit court, giving names of plaintiff and defendant; minutes of proceedings; judgment of court; name of justice of the peace, and township in which he holds court. Arr. chron. by date of filing. No index. Hdw. and typed. 13 x 11 x 5.

79. CHANCERY AND CIRCUIT COURT JUDGMENTS FROM OTHER COUNTIES, 1916--. 1 file box.
Copies of judgments of chancery and circuit courts of other counties filed in Faulkner County for the purpose of execution, giving names of plaintiff and defendant; case number; amount of judgment; date of judgment; signature of presiding judge; certificate and signature of clerk of court, and date of filing. Also contains: Reports of County Officers

to Circuit Court, entry 90. Arr. chron. by date of filing in Faulkner Co. No index. Hdw. and typed. 13 x 11 x 5.

80. JUDGMENT BOOK (Docket), 1873--. 5 vols. (A, B, 2-4). Title varies: Judgement Docket,1873-1912; Transcripts of Judgments, 1914-21.

Record of judgments of circuit court and transcripts of judgments of justice of the peace courts certified to circuit court for execution, giving case number; name of parties to suit; party against whom judgment is rendered; date of judgment; amount and costs; interest date; where recorded (book and page); date of reversal; date of payment, and by whom paid. Also contains: Judgment Docket, Chancery Court,1873--, entry 104. (There is an overlap of dates from 1891-1921 in vols. A, B and 2) Arr. chron. by date of judgment. Index 1873-1921, self contained by first letter of surname of pltf., 1891-- self contained direct and indirect by first letter of name of pltf. in front of book and by first letter of name of deft. in back of book. Hdw. on pr. fm. Aver. 470 pp. 18 x 11 x 3.

81. EXECUTIONS ON J. P. JUDGMENTS, 1887-99. 1 file box. No prior or subsequent records.

Original execution orders issued to enforce payment of judgments of justice of peace court, giving number of case; names of plaintiff and defendant; date of judgment and its nature;date of execution order; amount of damages and costs assessed. Arr. numer. by case no. No index. Hdw. 13 x 11 x 5.

82. (EXECUTIONS, ORDERS AND RETURNS), 1904-24. In Habeas Corpus and Executions, entry 94.

Executions issued in circuit court for the collection of judgments in civil cases and costs and fines in criminal cases, showing case number; style of case; amount of judgment,fine or costs;accrued interest; statement of fees; date of filing; name of sheriff; name of judgment debtor or defendant; signature of clerk; statement of fees due sheriff,and signature of sheriff or deputy.

83. EXECUTION DOCKET (Circuit Court), 1873--. 1 vol.

Record of execution orders issued by the circuit court to carry out the judgments of the court,giving number of case; names of plaintiff and defendant; date of judgment; date of execution; amount of debt or damages, interest and costs; name of county in which orders are issued; fees of officers; amount of fees; returns made,and remarks. Arr. numer. by case no. Indexed alph. by name of person against whom judgment is secured. Hdw. 160 pp. 18 x 11 x 3.

Proceedings

84. CRIMINAL RECORD, 1888--. 5 vols. (5, 7, 9-11). Title varies: Criminal Court Record,1888-1920. 1873-88 in Civil Record, entry 85.

Record of proceedings of circuit court in criminal cases, giving style and number of case; date of proceedings; name of prosecuting attorney; offense charged; penalty; order of custody; names of grand and petit ju-

rors,and appointment by jury commissioners. Arr. chron. by date of proceedings. Indexed alph. by first letter of surname of deft. Hdw. and typed. Aver. 600 pp. 18 x 11 x 3.

85. CIVIL RECORD, 1873--. 9 vols.(A, B, C, 4-5, 6, 8, 9, 10, 11). Title varies: Record Circuit Court, 1873-79; Circuit Court Record, 1879-84; Circuit and Criminal Court Record, 1884-88.
Record of proceedings of circuit court in civil cases, and of criminal cases from 1873-88, giving number and style of case; reference to file box in which case papers are filed; names of litigants and their attorneys; date of trial; offense charged or cause of action; plea of defendant; list of witnesses; order of custody of person or property; prayer for new trial; motions and pleadings; court orders,judgment and penalty. Arr. chron. by date of trial. Indexed alph. by first letter of proper name of pltf. Hdw. and typed. Aver. 600 pp. 18 x 11 x $2\frac{1}{2}$.

Financial

86. CIVIL FEE BOOK, 1873-75, 1880--. 9 vols. (A-I). 1876-79 in Registration of 1873,entry 165 in unused portion of book. Title varies: Fee Book, 1927-38.
Itemized record of fees due in civil cases, giving number and style of case; name of litigants; witnesses; attorneys; date fee incurred; total amount, and remarks. Arr. numer. by case no. Indexed alph. by name of pltf. Hdw. Aver. 400 pp. 18 x 11 x 3. 1874-1926 in ba. v.

87. CRIMINAL FEE BOOK, 1873--. 6 vols. (B, C, C, E-G).
Itemized record of fees due in criminal cases,giving number of case, offense; name of defendant; attorneys; witnesses; date fee incurred; total amount, and remarks. Arr. numer. by case no. Indexed alph. by first letter of surname of deft. Hdw. Aver. 500 pp. 18 x 11 x 4. 1873-1929 in ba. v.

88. CIRCUIT AND CHANCERY CLERK'S CASH BOOK,1936-37. 1 vol. 1937-- in Receiver's Record, entry 8, and Civil Fee Book, entry 86, and Chancery Court Fee Book, entry 106.
Record of receipts and disbursements of fees by the circuit clerk, recorder and chancery clerk, giving under receipts: date of filing of instrument and, if a court paper, the case number; gross fee itemized as to purpose of fee; under disbursements,date; case number,and description of credit item. Arr. chron. by date of filing. No index. Hdw. on ruled fm., pr. head. 400 pp. 18 x 11 x 3.

89. WITNESS CLAIM DOCKET, 1881--. 3 vols. (A-C).
Record of claims filed by various persons for moneys due for service as witness,giving term of court; kind of case; names of witnesses; style of case; cause of action; names of attorneys;signatures of witnesses; mileage, and costs. Arr. chron. by term of court. Indexed alph. by first letter of surname of claimant. Hdw. Aver. 400 pp. 18x11x3. 1881-1932 in ba. v.

Officers' Reports

90. (REPORTS OF COUNTY OFFICERS TO CIRCUIT COURT), 1919-31. In Chancery and Circuit Court Judgments from Other Counties, 1916--, entry 79.

Reports of county treasurer, circuit clerk, tax assessor, county clerk and sheriff of cash received by each official, giving amount of cash received; form of money (cash or scrip); signature of reporting officer, and date of filing.

91. REPORTS OF COMMISSIONERS' OF ACCOUNTS, 1886-1930. 1 file box. Reports to circuit court of audits of various officials made by commissioner of accounts, giving date of report; names of office and official; itemized statement of receipts and disbursements and other pertinent information; signatures of commissioners, and date of filing. Arr, chron. by date of filing and alph. thereunder by name of office. No index. Hdw. 13 x 11 x 5.

92. COMMISSIONERS (OF ACCOUNTS) TRANSCRIPTS OF COUNTY WARRANTS, 1921-29. 9 pamphlets.

Reports of canceled county warrants, giving number, date, and amount of warrant; to whom paid, and date of cancellation. Arr. numer. by warrant no. No index. 18 x 14 x $\frac{1}{2}$.

Naturalization

93. DEPARTMENT OF COMMERCE AND DIVISION OF NATURALIZATION, RECORD OF DECLARATION OF INTENTION,1911--. Last entry, 1921. 1 vol.

Record of declaration by aliens of intention to become citizens of the United States, giving name; age; occupation; personal description; place of birth; last foreign residence and allegiance; date of arrival in this country; in some cases,name of vessel; present place of residence in the United States;oath of intention to renounce allegiance to any government other than that of the United States and in good faith to become a citizen of the United States and permanently reside therein. Arr. chron. by date of filing. Indexed alph. by first letter of surname of alien. Hdw. 100 pp. 13 x 8 x $\frac{1}{2}$.

Miscellaneous

94. HABEAS CORPUS AND EXECUTIONS, 1902-24. 1 file box (1).

Application for writs of habeas corpus, 1902-17, giving name of judge of court to which petition is addressed; name of petitioner; date of petition; order of court; date of order; signature of presiding judge; date of filing, and signature of clerk. Also contains: Executions, 1904-24, entry 82. Arr. chron. by date of filing. No index. Typed and hdw., hdw. on pr. fm. 13 x 11 x 5.

95. ELECTION COMMISSIONERS (RECORD OF), 1891--. 1 file box. Last entry, 1936.

Reports of election commissioners, giving name of commissioner; oath of office; notice of appointment, and length of term for which appointed.

File box also includes election returns. Arr. chron. by dates of appointments and elections. No index. Hdw. and typed. 13 x 11 x 5.

96. NOTICE TO VACATE, 1935--. 1 file box.
Notices of property owners to tenants to vacate rental property, giving date of notice; date to vacate; name of tenant; name of property owner; certificate and date of service by sheriff, and name of sheriff and deputy. Arr. chron. by date of filing. No index. Hdw. and typed on pr. fm. 13 x 11 x 5.

97. EXPRESS AGENT'S BONE DRY REPORT, 1917. 1 file box. No prior or subsequent records.
Weekly reports of express agent to circuit clerk, showing receipts of liquors cleared through express office and delivered for medicinal purposes. Arr. chron. by date of report. No index. Hdw. on pr. fm. 40 documents 13 x 11 x 5.

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VII. JURY COMMISSION

The jury commission, as a component part of the judicial system in the State of Arkansas, was provided for in the Criminal Code, which is a codification of laws adopted as a group by the General Assembly of 1871 to govern procedure in the trial of criminal cases (A. Ark., 1871, 264).

The commission came into existence in Faulkner County at the first term of the circuit court held after the creation of the county in 1873 (A. Ark., 1873, 86-89).

The commission is composed of three residents of the county, formerly men (but now men or women) who, the law requires, must be possessed of good character, sound integrity, good judgment, and reasonable information (A. Ark., 1871, 264; ibid., 1881, 92; Const. 1874, amend. VIII, sec. 1, adopted 1920, declared effective 1926).

The commission members are appointed by the judge of the circuit court and serve from the time of their appointment until the end of the term of the court for which they select jurors. At the time of their selection, they take the following oath administered by the circuit court: "You do swear faithfully to discharge the duties required of you as jury commissioners; that you will not, knowingly, select any man as a juryman whom you believe unfit and not qualified; that you will not make known to anyone the name of any juryman selected by you and reported on your list to the court until after the commencement of the next term of this court; that you will not, directly or indirectly, converse with anyone selected by you as a juryman concerning the merits of any suit to be tried at the next term of court until after said cause may be tried or continued, or the jury may be discharged" (A. Ark., 1871, 264).

Should the judge of the court fail to appoint a jury commission, or should the commissioners who have been appointed fail to select panels for the grand and petit juries, the court directs the sheriff to summon a grand or petit jury, or both, the members of which are required to perform their duties in the same manner as though they had been selected by the jury commission (A. Ark., 1871, 269).

After the commissioners assemble and swear to the required oath, they retire to a jury room or some other apartment designated by the judge. They are kept free from the intrusion of any person and are not allowed to separate or adjourn, without permission of the court, until they have completed the duties assigned to them. (A. Ark., 1871, 265.)

Each jury commissioner is paid $3 per day out of the county treasury for his services (A. Ark., 1891, 2; ibid., 1842, 34).

Failure of a jury commissioner to perform his required duties subjects him to a fine of $25 unless he has a reasonable excuse (A. Ark., 1871, 265).

It is their duty to select from among the electors from divers parts of the county 16 persons, whose qualifications are the same as their own, to serve at the next term of court as grand jurors. If di-

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rected by the court to do so, they select not more than nine additional persons of the same qualifications for alternate grand jurors. (A. Ark., 1881, 92.)

The list of grand jurors is sealed so that its contents may not be seen. The outside of the container is endorsed "list of grand jurors", followed by designation of the term of court for which the jurors have been chosen to serve. The endorsement is signed by the commissioners and the list delivered to the judge in open court. (A. Ark., 1871, 266.)

Twenty-four petit jurors also are selected by the commissioners, if the court directs them to make such selections. Petit jurors are required to have the same qualifications as prescribed for jury commissioners and serve at the succeeding term of the circuit court. When ordered by the court, they also select 12 additional persons as alternate petit jurors. The two groups of names are certified to the court separately as regular and alternate jury lists. They are placed under seal, then endorsed "lists of petit jurors" and delivered to the court. The commissioners select separate lists of jurors for each two weeks of the term of court, unless the term exceeds four weeks, in which event separate lists are chosen for each four weeks, or fractional part thereof. At the discretion of the court, the commissioners may be instructed to select a list of not less than 25 qualified persons for use in all cases in which the regular jury panel is exhausted. This list is placed in a separate box, each name being written on a separate piece of paper, and the box sealed. It must not be opened except during court sessions, and then only upon order of the presiding judge. If this list is exhausted bystanders may be summoned for jury service by the sheriff. (A. Ark., 1891, 111.)

The jury commission itself keeps no permanent records. The records of the grand and petit jury lists it selects eventually become a part of the permanent record in the office of the circuit clerk. (A. Ark., 1871, 265, 266; ibid., 1881, 92; ibid., 1891, 111.)

Grand and Petit Juries

The grand and petit juries are, respectively, the accusing and trial juries. The purpose of the grand jury is to examine the evidence presented to determine whether the accused should be indicted. The petit jury weighs evidence presented and delivers its verdict.

The General Assembly of 1837 provided for grand juries in the existing counties of Arkansas (A. Ark., 1837, as contained in Rev. Stat. Ark., 1838, 481-485), and for petit juries in the territorial system of justice. Virtually the same laws were adopted when Arkansas became a state (L. A. T., 1835, digest, 353; A. Ark., 1837, as contained in Rev. Stat. Ark., 1838, 481-485).

The first grand and petit juries served in Faulkner County in September 1873 at the first term of circuit court held in the newly-created county. 13 indictments were returned by the grand jury. Since a jury commission was not appointed until three days later, the commissioners

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were selected and summoned to duty by the sheriff of the county, under authority of existing law. ("Circuit Court Docket", vol. A, p. 2; A. Ark., 1838, as contained in Rev. Stat. Ark., 1838, 233; A. Ark., 1859, 279.)

Both the grand and petit juries are selected from panels chosen by the jury commission. The grand jury consists of 16 members;and 12 votes are sufficient to return an indictment. At the time the jury commission selects the grand jurors, it also selects nine alternate jurors, who are to serve in the event any of the other members are disqualified. Twelve petit jurors are required to sit in every trial by jury. (A. Ark., 1881, 92.)

One member of the grand jury is appointed by the court to act as foreman of the group and a clerk is selected by the jurors. The circuit judge may request that the official stenographer attend the sessions of the grand jury. A transcript of all proceedings is required by either the stenographer or the selected clerk. (A. Ark., 1871, 268; A. Ark., 1838, as contained in Rev. Stat. Ark., 1838, 295.)

No person who is not a qualified elector of the county is eligible for service on either jury (A. Ark., 1871, 265; Const. 1868, art. XV, sec. 20),nor is any person eligible to serve as a petit juror who is related within the fourth degree of consanguinity or affinity to either party in a suit to be tried (A. Ark., 1919, Gen., 400).

The 1909 General Assembly passed a law specifying that no physician, practicing attorney, minister of the gospel, officer of a court, ferry-keeper, or any person over 65 years old could be compelled by law to serve on either a grand or petit jury. The same act made it discretionary with the court to excuse from service on either jury a person over 60 years old, a school director, an overseer of roads, a fireman, or a constable,in the event they did not wish to serve. (A. Ark., 1909, 148; ibid., 1871, 269.) Upon the presentation of his license or registration card, an undertaker or embalmer may be excused from jury duty (A. Ark., 1919, 380). At present, it is not compulsory that a woman, when selected, serve on either jury, but her refusal must be made at the time she is notified of her selection on the panel and not at a later date. It is not the purpose of the law,however, to prevent a woman from serving, if she is willing and qualified. (A. Ark., 1921, 418.) A dentist may be relieved from jury service by making his objections known to the court prior to the time of swearing in the jury (A. Ark.,1921, 358). No person is compelled to serve on either jury more than one term of court in any calendar year (A. Ark., 1871, 269).

The clerk of the circuit court is custodian of the lists of jurors selected by the jury commission, and he is required, within 30 days before the opening of a term of court, to open the lists and give a copy of each of them to the sheriff, whose duty it is to summon the persons named. Grand jurors are summoned to appear on the opening day of court and petit jurors on any day designated by the jury commission. In the event no date is specified, the petit jurors are required to report on the second day of the term of court. A notice is served by the sheriff in person or by leaving a note at the juror's home (A. Ark.,1871, 266.),

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or by telephone (A. Ark., 1907, 606).

In the event of the failure of the jury commission to select a grand or petit jury, or the panel selected is set aside, or the list lost or destroyed, it is then the duty of the court to order the sheriff to summon a jury, which serves in the same manner as if it had been regularly selected (A. Ark., 1871, 269). In the event a sufficient number of grand jurors are not present on the opening day of court to form a jury panel, the court is authorized to compel the attendance of the absent jurors or to enlist bystanders to complete the jury. If there are not enough petit jurors and alternates present on the designated day to form a panel of 24, the absentees and bystanders may be summoned in the same manner. (A. Ark., 1871, 267.)

Jurors are required to take an oath pledging fearless and unbiased discharge of their duties (A. Ark., 1871, 266, 268).

Each juror is paid $3 for each day he serves in the discharge of his duty and is allowed five cents a mile for each mile traveled between his home and the court. He is compensated for bridge or ferry tolls incurred in attending court. (A. Ark., 1911,59.) If a juror or an alternate juror fail to appear after being summoned, he may be fined from $1 to $30 (A. Ark., 1871, 267).

Specific duties of the two juries are outlined in various laws. The grand jury is required to investigate the condition of roads; individual cases of all persons in jail or those released under bond for criminal charges against whom an indictment has not already been returned; disclose corrupt conduct in any office (A. Ark.,1871,66);inspect the county jail, the treatment of the inmates; report its findings to the court; to recommend repairs or improvements for county-owned property (A. Ark., 1838, as contained in Rev. Stat. Ark.,1838, 472). In the event any member of the grand jury knows of a public offense, he is required to report the offense to the group, whose duty it is to investigate the report (A. Ark., 1881, 92). It is the duty of the grand jury to return an indictment against all offenders, who, in its opinion, should be tried in open court. Through the clerk of the court,the grand jury is authorized to summon and compel the attendance of any person who, it believes, may possess knowledge of a case being considered. (A. Ark., 1881, 92.)

All offenses formerly required to be prosecuted by indictment by grand jury may now be prosecuted by information filed by the prosecuting attorney (Const. 1874, amend. 21, adopted Jan. 12, 1937;see "Prosecuting Attorney", p. 131).

Minutes of the proceedings of the grand jury are made by the member chosen as clerk,or by the official stenographer of the judicial circuit (A. Ark., 1838, as contained in Rev. Stat. Ark., 1838, 295).

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VIII. CHANCERY COURT

The chancery court is a court of equity and its purpose is to administer justice and fairness in cases outside the narrow scope of the rigid rules set up by the common law.

A separate court of chancery was established in Faulkner County in 1885 by an act of the General Assembly passed that year. It placed the county, along with Lonoke and Pulaski, in the first chancery circuit. (A. Ark., 1885, 172.) In 1868 and again in 1874, Constitutional provisions were made for the establishment of separate court of chancery to be set up at the discretion of the General Assembly. Until they were established, all matters of equity came under the jurisdiction of the circuit court. (Const. 1868, art. VII, sec. 1; Const. 1874, art. VII, sec. 15.) The General Assembly of 1903 established separate courts of chancery in all counties throughout the state. The same act also reclassified the counties into convenient chancery circuits and Faulkner County was made a part of the ninth circuit. At that time 11 circuits were established in the state but subsequent legislation has increased the number to 14. (A. Ark., 1903, 314; ibid., 1911, 186; ibid., 1925, 279; ibid., 1927, 55, 131.)

The presiding judge of the chancery court, commonly designated "chancellor", is elected by the voters of his circuit, for a term of six years. When the court was first created in Faulkner County the term of office was eight years. The general law, which created separate courts of chancery reduced the tenure of office to six years. (A. Ark., 1885, 173; ibid., 1903, 322; ibid., 1937, 642.)

A chancery judge must possess the same qualifications as a circuit judge in that he must be a citizen of the United States and a resident of the state for at least two years; have practiced law or served on the bench of a court of record a total of six years; have attained the age of 28, and possess a "good moral character" (A. Ark., 1903, 323; Const. 1874, art. VII, sec. 16). Prior to taking office, the judge is required to take the constitutional oath (Const. 1874, art. XIX, sec. 20).

A chancery judge may be impeached for a high crime, misdemeanor, or misconduct in office. The House of Representatives is the only body politic that can institute impeachment proceedings and the Senate tries the case. A conviction cannot be sustained except on a two-thirds concurrence of the members of the Senate. The judgment may go no farther than removal from office and a bar from holding any office of honor, trust, or profit in the future. An impeachment, however, is no bar to an indictment. (Const. 1874, art. XV, secs. 1, 2.)

In the event the office of chancery judge becomes vacant, for any reason, it is filled in the manner prescribed by law (see "Governmental Organization and Records System", p. 17). If a chancery judge is absent from the county, the presiding county or circuit judge may issue a writ of injunction or a restraining order in an action that may be pending in chancery court (A. Ark., 1903, 323). Chancery judges are permitted to exchange circuits in the same manner as circuit judges (A. Ark., 1903, 324; see "Circuit Court", p. 83). In the event a chancery judge is ma-

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terially interested in a suit; has been a counsel to or is related to either party concerned, or their attorneys; or should,for any other reason, be disqualified to hear the case, it is his duty, upon a motion of either party, to disqualify himself as presiding magistrate in the case (A. Ark., 1925, 372). This difficulty may be remedied by the exercise of the right to exchange circuits (A. Ark., 1903, 324). Chancery and circuit judges are also permitted to exchange circuits and hold court for each other. An agreement must be signed by both judges concerned and entered upon the record of their respective courts. (A. Ark., 1881, 134, as amend. A. Ark., 1933, 491.)

The present salary of the chancellor is $3600 a year (A. Ark.,1929, II, 1520). When the court was first established in Faulkner County, the compensation was fixed at $2500 annually (A. Ark., 1885, 173), but was reduced to $2000 in 1903 (A. Ark., 1903, 323). Upon attaining the age of 70 and having served a total of 20 years on the bench, a chancery judge is eligible to receive a lifetime pension of one-half the amount of his most recent salary (A. Ark., 1931, 714).

The chancellor of the ninth circuit is required to keep and maintain an office within his district where he may hear petitions, applications,or motions which are not required to be made in open court. The office also may be used to hear and determine questions,and render judgments and decrees, and from it he may issue all orders he is allowed to make while the court is in vacation. Each county in the district pays the sum of $15 monthly to pay the rent and maintenance of the office. (A. Ark., 1925, 362.)

Terms of chancery court are held in Faulkner County on the fourth Mondays of March and September, which were the dates set by the act creating the court in the county, in 1885. The 1915 General Assembly changed the date of the terms to the third Mondays in February and September, but in 1929 the time of meeting was again stipulated as the fourth Mondays in March and September. (A. Ark., 1885, 172; ibid., 1915, 195; ibid., 1929, I, 23.)

The judge may adjourn the court from time to time and hold adjourned terms so long as they do not conflict with the existing regular terms of the circuit court in the county (A. Ark., 1903, 324). If a regular or adjourned term of the court is unable to convene on the scheduled date due to illness, death in the family of the chancellor or another officer of the court; or if reason for the session ceases to exist; or in case of an epidemic or some other unpredictable obstacle makes it unwise or impossible to open the court at the date set for it to convene; or if the time set should conflict with a meeting of the Arkansas Bar Association, the chancellor may adjourn the court to a future date without being personally present at the place fixed for the session to convene (A. Ark., 1925, 373).

The various counties are required to bear the expense of holding any term of chancery court. A statement of the expenses must be certified as correct by the presiding judge. (A. Ark., 1903, 324.)

The chancery court has exclusive, original jurisdiction in all mat-

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ters in equity. Appeals may be taken from its decisions to the supreme court in the same manner that appeals are taken from the circuit court. (A. Ark., 1903, 321; see "Circuit Court", p. 83.)

Jurisdiction is conferred upon the chancery courts, in term time and the chancellors in vacation, to hear and determine petitions for all actions affecting the submission of proposed initiative acts. Proceedings of this type have precedence over all other pending litigation. If such an action is filed during vacation of the court, it is the duty of the chancellor to call a special term of court to convene within ten days to consider it. (A. Ark., 1935, 11.) The court has jurisdiction in cases involving insolvent debtors. In actions of this kind, the court appoints a receiver to take charge of the debtor's property and distribute it among his creditors, who are made defendants in the case. All personal property and real estate of the debtor, except the property allowed to him as exempt from execution, is deeded to the receiver for distribution. (A. Ark., 1897, 115.)

Chancery courts have concurrent jurisdiction with circuit courts in removing the disabilities of minors (A. Ark., 1903, 244), and in the partition of real estate, provided the circuit court has not already taken jurisdiction in the same case (Dunbar v. Bourland, 88, Ark., 153, [1908-1909 I]).

The chancery court has jurisdiction in cases where the owner of a life estate in property desires to execute an oil and gas lease. The court must consider the petition and at its discretion, summon other interested persons to be made parties to the proceedings, and then determine whether the execution of the lease is advisable. In such proceedings, it is the duty of the court to determine what part of the consideration therefor, the rentals accruing thereunder, and the proportion of the oil, gas, and minerals produced are to be allowed to the life tenant as compensation for the damage to his life estate on account of the execution of the lease. If the court, after the hearing, decides that the lease should be executed, it is its duty to enter an order allowing the life tenant to execute the instrument. (A. Ark., 1929, I, 371.)

Original jurisdiction is vested in the chancery court in the matter of reforming or canceling a deed or other instrument of conveyance, executed by a married woman, in the event an error was made in the description of property sold or fraud was practiced in the execution of the instrument (A. Ark., 1893, 38; Miller v. State, 94, Ark., 541, [1910 I]). The General Assembly of 1905 attempted to clothe the chancery court with power to hear election contests (A. Ark., 1905, 782), but the following year, the supreme court held the act unconstitutional (Hester v. Bourland, 80, Ark., 145, [1906 I]).

If there are any cases which are to be determined by oral evidence, the chancellor must schedule them on the docket at least 15 days prior to the date set for the trial. This 15-day period may be waived, however, by either party or their attorneys. (A. Ark., 1925, 1048.) The action of the chancellor in vacation is just as authoritative as in term time (A. Ark., 1937, 17; ibid., 1913, 319). The chancellor may deliver opinions and make and sign decrees in vacation, with the consent of the

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interested parties. The opinions and decrees must be entered and recorded on the records of the court in which the case is pending, and they have the same force and effect as if made, entered and recorded in term time, and appeals may be had from them the same as in other cases. The court may overrule a demurrer and so long as the court has not entered a final order adjudging the rights of the parties, it may, at a later time, reconsider the demurrer while the case is still pending and change its decision. (Radford v. Samstag, 113, Ark., 185, [1915].)

If a party in a suit has lost his right of appeal through an unavoidable accident and an unjust and inequitable judgment has been rendered against him, the chancellor may grant him relief by compelling the successful party to submit to a new trial at law (Little Rock & Ft. Smith Ry. Co. v. Wells, 61, Ark., 354, [1895-1896]).

It is within the power of the court to adopt any rules it finds necessary to expedite its proceedings so long as these rules conform with the rules of practice governing chancery courts, generally (A. Ark., 1873, 122). The chancellor may perform marriage ceremonies (A. Ark., 1873, 2), administer oaths in all cases before him and certify acknowledgments of deeds and other written instruments, required to be acknowledged (A. Ark., 1903, 321).

The chancellor may make an order for the sale of property which may be in the custody of the court. He may confirm the sale in vacation as well as in term time. If the sale is made in vacation however, it cannot be confirmed until all interested parties have been given reasonable notice and have had an opportunity to be present and resist the confirmation. (A. Ark., 1913, 319.) The chancellor may also restore validity in a will that has been lost or destroyed. He has the same power to take proof of the execution of the will, and to establish it as he has in the case of lost deeds. (A. Ark., 1838, as contained in Rev. Stat. Ark., 1838, 771.) The court has the power to quiet titles by confirming title in a petitioner, if a notice has been published declaring that intention. Liens against the property may be held by the court to be barred by the statute of limitations (A. Ark., 1899, 134).

The ninth chancery circuit, of which Faulkner County is a part, has a stenographer who is appointed by the chancellor. The stenographer receives a salary of $1200 per year (A. Ark., 1937, 483).

The court is required to have a seal, and if it has no seal of its own, it may use the seal of the circuit court (A. Ark., 1897, sp. sess., 92). The chancery court is a court of record, and its clerk is required to keep and preserve all papers, books, entries, dockets, and records of all proceedings of the court (A. Ark., 1903, 323).

Circuit Clerk as Chancery Clerk

In Faulkner County, the circuit clerk is ex-officio chancery clerk. The office was created in 1885, following the establishment of a separate chancery court in the county. (A. Ark., 1903, 323; ibid., 1885, 173; Const. 1874, art. VII, sec. 1.)

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His manner of selection, salary, manner of and cause for removal from office, and other matters pertinent to his office are the same as those pertaining to the office of the circuit clerk(see "Circuit Court", p. 83).

The chancery court was assigned jurisdiction in certain classes of litigation at the time of its establishment that had previously been assigned to the circuit court. Consequently, many of the laws regulating the functions of the court and its clerk antedate by many years the creative laws.

It is the duty of the chancery clerk to endorse and show the date of filing upon every paper filed in a case, and upon every order, bond, or other instrument which may be presented to him. He must index alphabetically, by names of litigants,and record, in chronological order, the judgments, rules, orders, penalties, motions, pleadings, and all other proceedings of the chancery court. It is his duty to issue and attest all orders of the court; keep an account of all money coming into his hands through the collection of fines and taxes, or from other sources, and make settlement with the court. (A. Ark., 1869, 109; A. Ark., 1838, as contained in Rev. Stat. Ark., 1838, 178.)

A list of all cases, showing their individual trial date during an approaching term of court, must be posted in a convenient place at the courthouse, at least twenty days prior to the opening of the term (A. Ark., 1838, as contained in Rev. Stat. Ark., 1838, 639).

The legal description of all real estate against which there exists unpaid improvement taxes that have been levied by any road improvement, fencing, levee, or drainage district must be entered in a book kept for that purpose by the chancery clerk. This record sets forth the penalties and costs, as well as the amount of the taxes that have accrued against each tract of land so listed, because of delinquency in tax payments. This list is certified to the clerk by the collector on or before the second Monday in June of each year. The clerk must compile his records from it on or before the first day of July. When an owner of a tract of land upon which improvement district taxes are delinquent, applies to the clerk for redemption of his property, it is the clerk's duty to collect the taxes, penalties, and the cost assessed against the land being redeemed and issue a redemption certificate in triplicate. One copy of the certificate is given to the landowner, another is sent to the secretary of the board of commissioners of the improvement district, and the third is forwarded to the treasurer or official depository of the improvement district. The money the clerk collects is sent to the treasurer of the district. (A. Ark., 1923, 395, 397.)

Unless otherwise provided for by law, the clerk is required to account for and pay over to his court all money he receives. If there is a deficit in his accounts, the court may compel payment by the clerk or his bondsmen. (A. Ark., 1838,as contained in Rev. Stat. Ark., 1838, 179, 180.)

The clerk possesses all of the power conferred by law on a master or commissioner in chancery. Acting in this capacity, he is the agent

of the court in the sale of properties which the court has ordered sold for the satisfaction of its judgments. (A. Ark., 1903, 323.) He also is authorized to administer oaths, take affidavits, and prepare bonds to be taken or given before him or his court (A. Ark., 1869, 109).

Records of the chancery court that are kept by the clerk include the findings in each case, together with all papers, files, seals, books, and other instruments of record. Some of these papers are transcribed into bound volumes. The volumes and papers, which are kept in file boxes, are stored in the vault at the circuit clerk's office at the courthouse at Conway. When the clerk vacates his office, he is required to turn over all records to his successor. (A. Ark., 1838, as contained in Rev. Stat. Ark., 1838, 179.)

Some of these records were transferred to the custody of the chancery clerk by the circuit clerk in 1903, when the chancery court was established and chancery cases that were then pending before the circuit court were transferred to the latter court for trial (A. Ark., 1903, 324).

Case Papers

98. CHANCERY COURT PAPERS, 1882--. 213 file boxes. (By case no.). Papers of cases heard in chancery court, 1885--, and cases heard by the circuit judge sitting in chancery (1882-85), giving names of litigants and their attorneys; number of case; cause of action; list of witnesses; prayer for new trial; motions; pleadings; petitions, and orders of court. Arr. numer. by case no. Index to entry 102 gives reference to case no. and file box in which filed. Hdw. and typed. 13 x 11 x 5.

Dockets

99. CHANCERY COURT DOCKET, 1873-82, 1885-1913. 9 vols. (A, 2-4, A, 5-7, 7). 1883-85 in unused portion of Circuit Court Docket (Civil) A, entry 73. Title varies: Chancery Docket, 1885-92; Judge's Docket, 1893-1913.
Listing of cases heard in chancery court, giving number and style of case; date filed; names of litigants and their attorneys; cause of action; date of trial; term of court; minutes of proceedings; orders of court; verdict, and motions. Arr. numer. by case no. Indexed alph. direct and indirect by first letters of surnames of litigants. Hdw. Aver. 300 pp. 18 x 11 x 3.

100. DISPOSED OF CASES, CHANCERY COURT DOCKET, 1911--. 4 vols. (5-8).
Judge's minutes, giving number and style of case; names of attorneys; cause of action; date of filing; order of court; date of order, and book and page of recordation in court record. Arr. numer. by case no. For index, see entry 99. Hdw. on pr. fm. Aver. 300 pp. 18 x 11 x 3.

101. INDEX TO DISPOSED OF CASES (CHANCERY COURT DOCKET), 1911--. In Chancery Court Docket (Pending Cases), entry 102.
Alphabetical direct index by first letter of surname of plaintiff, show-

ing names of plaintiff and defendant,book and page numbers of docket entries.

102. CHANCERY COURT DOCKET, (PENDING CASES), 1933--. 1 vol.
Judge's minutes, giving number and style of case;name of attorney; cause of action; date of filing; order of court; date of order, and book and page of recordation in court record. Also contains: Index to Disposed of Cases, Chancery Court Docket, entry 101. Arr. numer. by case no. Indexed alph. by first letter of surname of pltf. Hdw. on pr. fm. 300 pp. 18 x 11 x 3.

103. BAR DOCKET (Chancery), 1895-1909. 1 vol. (Chancery 3).
Listing of cases heard in chancery court,kept for use by attorneys, giving number and style of case; names of litigants and their attorneys; date filed; cause of action; date of trial; term of court; minutes of proceedings; order of court; verdict, and motions. Arr. numer. by case no. Indexed alph. by first letter of proper name of litigant. Hdw. 300 pp. 18 x 11 x 3.

Judgments

104. (JUDGMENT DOCKET, CHANCERY COURT), 1873--. In Judgment Book (Docket), entry 80.
Record of judgments of chancery court,giving case number; style of case; name of judgment debtor; date of judgment; amount; interest date; book and page numbers of record entry; date of reversal; date of payment, and by whom paid.

Proceedings

105. CHANCERY COURT RECORD, 1873--. 19 vols. (A-C, 4-19). Title varies: Record Chancery Court, 1887-91; Chancery Record, 1906-18.
Record of proceedings in chancery court, 1885--, and of circuit court sitting in chancery, 1873-85, giving term of court; number and style of case; names of attorneys; date of trial; cause of action; names of witnesses; verdict of court; judgment or penalty assessed in court; order of custody of person or property; prayers for new trial; motions and pleadings. Arr. chron. by date of filing. Alph. cross index by first letter of surname of pltf. and deft.giving reference to case no. and location of papers in file boxes, entry 98. Hdw. Aver. 600 pp. 18 x 11 x $2\frac{1}{2}$.

Financial

106. CHANCERY COURT FEE BOOK, 1873--. 9 vols. (A, B, 3-9). Title varies: Fee Docket, Chancery Court, 1873-92.
Record of fees due in chancery court, giving number and style of case; itemized statement of fees charged,and date and amount of payments. Arr. numer. by case no. Alph. cross index by first letter of surname of pltf. and deft. Hdw. Aver. 500 pp. 18 x 11 x 3. 1873-1923 in ba. v.

Delinquent Improvement District Tax Records

107. DELINQUENT IMPROVEMENT TAX RECEIPTS, 1937--. 1 vol. (By no. of receipt, 1 to 500).
Record of receipts and redemption certificates kept on copy of the receipt book, giving number of receipt; name of clerk; name of person making redemption;number of improvement district;legal description of property; amount of taxes; penalty; interest accrued; fees for collection; total amount paid; date of payment, and signature of clerk. Arr. numer. by receipt no. No index. Hdw. on pr. fm. 14 x 9 x 2.

108. RECORD OF DELINQUENT IMP. DISTRICT TAXES,1922--. 1 vol. (1).
Record of land against which delinquent improvement taxes have accrued and redemption record of same, giving name of original owner; legal description of land; year of tax levy; total taxes; penalties and fees; date of advertising for sale;advertising fee; total fee; date sold; name of purchaser; number of redemption certificate; date of redemption; name of person redeeming land; date of commissioner's deed; name of grantee, and attestation of clerk. Arr. in tabbed sections by name of imp. dist. and numer. thereunder by legal description of property. No index. Hdw. on pr. and ruled fm. 200 pp. 26 x 18 x 2.

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IX. PROBATE COURT

Jurisdiction in probate matters was assigned to the circuit court at the time of the creation of the Territory of Arkansas, July 4, 1819, in accordance with a law of the Territory of Missouri, which was adopted as one of the laws of the Territory of Arkansas (L. M. T., 1815, as contained in T. L. M., 1824, digest, 345-350;L. of U.S., 1815, as contained in L. A. T., 1835, digest, 37-40).

When county courts were established in the Territory of Arkansas all probate proceedings were assigned to their jurisdiction, remaining there until statehood (L. A. T.,1829,as contained in L. A. T., 1835, digest, 157). Beginning with 1836, the various constitutions of the state have provided for the establishment and maintenance of probate courts, sometimes referred to as courts of probate. However, nine of the constitutions have provided a separate presiding judge for the court, neither has there been an act of the General Assembly making such a provision. It has always been stipulated that the presiding magistrate of some other court conduct these proceedings. (Const. 1836, art. VI, sec. 10; Const. 1861, art. VI,sec. 12; Const. 1864,art. VII, sec. 12;Const. 1868, art. VII, sec. 1, 5; Const. 1874,art. VII,sec. 34.) When Faulkner County was created on April 12, 1873 (A. Ark., 1873, 86), the court had been abolished and jurisdiction in all probate matters had been assigned to the circuit court (A. Ark., 1873, 54, 120).

The county judge was made judge of the probate court when it was re-established by the Constitution of 1874 (Const. 1874,art. VII,sec. 1, 34), this setup continuing until January 1, 1939, when the judge of the chancery court became its presiding magistrate (Const. 1874,amend. XXIV, app. 1938; A. Ark., 1939, 6).

The qualifications,term of office,and salary of the presiding judge of the probate court; the manner of, and cause for, his removal from office; and the manner in which a vacancy in the office is filled, are all discussed in the "County Court", p. 53; "Circuit Court", p. 83, and "Chancery Court", p. 104.

The probate clerk and the sheriff constitute the other officers of the probate court (see "Sheriff", p. 136).

Terms of probate court run concurrently with the terms of chancery court, according to a law enacted by the General Assembly in 1939 (A. Ark., 1939, 7). Since 1933 the court has remained in continuous session so that it may give immediate attention to any emergencies which may arise in connection with the performance of its duties (A. Ark., 1933, 310). So that this custom could be continued, the 1939 General Assembly authorized the chancery judge to hear probate proceedings originating in any one county in his circuit in any other county in the circuit (A. Ark., 1939, 7). After the adoption of the Constitution of 1874, a law was passed providing that terms of the probate court be held in Faulkner County commencing on the third Mondays in January, April, July and October of each year. This law remained in effect until 1939 (A. Ark., 1875, 79; ibid., 1939, 7).

Probate Court

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The probate court has exclusive original jurisdiction, co-extensive with the territorial confines of the county, in the probate of wills, in matters relating to the estates of deceased persons, and the affairs of executors, administrators and guardians, minors, and persons of unsound mind (Const. 1874, art. VII, sec. 34), and may issue whatever writs and orders are necessary in the exercise of its authority (A. Ark., 1838, as contained in Rev. Stat. Ark., 1838, 232).

The court has the power to appoint and retain supervisory control over guardians for insane persons and habitual drunkards who are incapable of conducting their own affairs, and over minor children. If a minor child has no parents or if his parents are adjudged unfit to care for him, the court may appoint another person as a guardian for those under the age of 14. Those over 14 are privileged to select their own guardians, subject to the approval of the court. The authority which is exercised over the persons and estates of their wards by guardians thus appointed is subject at all times to the approval of the court. (A. Ark., 1838, as contained in Rev. Stat. Ark., 1838, 456; A. Ark., 1873, 186.)

Probate courts are charged with the responsibility of administering the estates of deceased persons in the most expeditious and frugal manner, consistent with the rights and interests of all concerned. They are the conservators of the estates and retain their custody through the appointment of administrators or executors for the purpose of settling the debts and performing the contracts that had been entered into by the decedent (Ark. Valley Trust Co. v. Young, 128, Ark., 42, [1917 I]).

The circumstances of every orphan residing within the county may be inquired into by the presiding judge of the probate court. If it is found that an orphan has no estate for his or her maintenance or education, the judge may, according to a law passed by the General Assembly in 1837, appoint a guardian and instruct him to bind his ward as an apprentice until he has reached the age of 21, if male, or the age of 18, if female. The master or mistress selected by the guardian must agree to teach the apprentice a useful art, trade, or business, and to teach reading, writing and arithmetic "to the rule of three, inclusive" (the rule of simple proportion). The court must hear all complaints of the apprentices and their masters and mistresses. (A. Ark., 1837, as contained in Rev. Stat. Ark., 1838, 101.)

Bonds of all guardians, administrators or executors on file in the probate court must be examined by the court at least once each year to re-determine the sufficiency of each bond in relation to its coverage. The court must order additional bond in case any are found to be inadequate. (A. Ark., 1887, 38.)

In the event an insane person is confined in an asylum outside the state, the probate court in the county in which the insane person last lived may appoint a guardian for him. The presence of the patient in court during this proceeding is not required. (A. Ark., 1937, 396.) When the court finds, after proper investigation that an indigent person is insane, that person must be committed to the State Hospital for Nervous Diseases where support and treatment are given at the expense of the state (A. Ark., 1881, 75). Under the direction of the probate court, the

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guardian of a person of unsound mind may sell any portion of his ward's estate to pay the debts of his ward. The sale is made after 30 days' notice has been given by publication in a newspaper published in the county in which the court has jurisdiction. (A. Ark., 1905, 198, 199.)

Authority to determine the amount owed by an estate to the state as inheritance tax is vested in the probate court. In matters of this kind, the court in the county in which the deceased person died takes jurisdiction over his estate. If the deceased was not a resident of the state, the court of the county in which he owned real estate or personal property is, as a general rule, given jurisdiction. However, in probating the estates of deceased non-residents who had owned property in other counties of the state, the state commissioner of revenues may elect to have the probate proceedings instituted in Pulaski County, where the State Capitol is located, for the purpose of determining the amount of tax due the state. (A. Ark., 1929, I, 536.)

A minor heir to an estate which is in a solvent condition may apply to the court, through his guardian, for an allowance for maintenance and education. It is the duty of the court to make an equitable allowance. When the estate is divided among the heirs, the total that has been paid to the minor is deducted from his proportionate share of the estate. (A. Ark., 1921, 226.) According to a ruling of the Supreme Court of the State of Arkansas, the probate court cannot order lands of the minor exchanged for other lands (Meyer v. Rousseau, 47, Ark., 460, [1887]).

A person who desires to adopt a child must file a petition for adoption in the probate court of the county in which the child lives. If the court finds that it is for the best interest of the child that it be adopted by the petitioner, a decree of adoption is issued. (A. Ark., 1885, 32.)

Administrators or executors of estates who, during the Civil War, received Confederate money on behalf of the estates over which they had been given jurisdiction, were not held accountable for the loss when, at the close of the war, the money became valueless (Jones et al v. Graham et al, 36, Ark., 383, [1880]).

The probate court must keep a seal (A. Ark., 1838, as contained in Rev. Stat. Ark., 1838, 231), which is required to make the same impression as the seal of the state except that the surrounding words must give the name of the court and the county in which it exercises jurisdiction (A. Ark., 1864-1865, 32).

County Clerk as Probate Clerk

The establishment of probate courts in Arkansas in 1836 (Const. 1836, art. VI, sec. 10), was followed by the creation of the office of probate clerk which was first filled, in an ex-officio capacity, by the circuit clerk (A. Ark., 1838, as contained in Rev. Stat. Ark., 1838, 177).

Although the probate court had been abolished at the time of the creation of Faulkner County (A. Ark., 1873, 86), the office of probate

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clerk continued in existence and was filled in an ex-officio capacity by the county clerk. Law digesters at that time changed the exact title of the office, designating it as "Clerk of the Circuit Court in Matters of Probate". (A. Ark., 1873, 54; ibid., 1868, 326; Edward W. Gantt, Code of Ark., Little Rock,1874, 292.) The office was perpetuated by the Constitution of 1874, being filled in an ex-officio capacity by the circuit clerk from 1874 until 1890. After the county clerk became an elective officer in 1890, this official became ex-officio probate clerk. (Const. 1874, art. VII, sec. 19.)

The probate clerk's term of office, manner of selection, manner of, and cause for, removal from office, and the manner in which vacancies in the office are filled are fully discussed in "Circuit Court", p. 83, and "County Clerk", p. 150.

It is the duty of the clerk to attend, either in person or by deputy,all sessions of the probate court and preserve a complete and correct record of every proceeding of the court. In keeping these records, he assigns a number to each case filed, indexes it alphabetically by names, and makes entries in chronological order of the judgments, rulings, orders, penalties, motions, pleadings, and all other proceedings in each case. He must issue and attest the orders of the court; keep an account of all money that comes into his hands in the form of court costs or as custodian of the funds of certain estates; and make settlement with the court when directed to do so. (A. Ark., 1875, 269.) He also keeps a record of bonds given by executors and administrators, and of letters testamentary and letters of the administration (A. Ark., 1889, 50); of inventories, appraisements, and the sale bills fixed by executors, administrators, and guardians, and also abstracts of claims established and allowed by executors and administrators against estates (A. Ark., 1838, as contained in Rev. Stat. Ark., 1838, 79). A list showing the names of the executors and administrators who have not made their final settlements with the court and whose settlements will be required at the next term of court is prepared by the clerk before each term of the probate court. This list is taken from the regular docket upon which the clerk keeps information pertaining to the individual estates.

The clerk is required to deposit all county funds received by him with the county treasurer on the first and fifteenth days of each month (A. Ark., 1935, 781; see "County Treasurer", p. 178).

A monthly report is made by the clerk to the state registrar of vital statistics showing all adoption decrees, annulments of adoption and revocations of orders of adoption. This report contains the name, date, and place of birth of the child,the name and address of the adopted parents, date of the order of adoption, and the name of the court issuing the order. The clerk also notifies the juvenile court of any final order of adoption, and any subsequent revocation order or annulment of adoption. (A. Ark., 1935, 393.)

If, in the settlement of an estate,the clerk is made trustee of any money belonging to any minor heirs, he is authorized to lend this money, subject to the approval of the probate judge. The loans he makes must bear the highest legal rate of interest and must be secured by a mort-

gage on real estate which has been appraised as being worth more than twice the amount of the loan. He reports annually to the court on the amount of interest accrued on loans of this type. Reports must be made more often if the court so requires. If, during the effective period of such a loan, the court should appoint a guardian, or the minor should become of age, the loan is immediately called. In that event, the borrower is required to make settlement with the court, which, in turn pays the amount due to the newly appointed guardian or to the heir, if he has become of age. (A. Ark., 1905, 690-692.)

During the period from 1873 to 1874 the probate clerk was allowed to make all orders necessary in exercising supervisory control in the administration of estates, and the guardianship of minors and of persons of unsound mind. His decrees, however, were interlocutory, being subject to final confirmation or rejection by the judge of the circuit court. (A. Ark., 1873, 121.)

Records of the probate court and probate clerk are kept in the vault in the office of the county clerk in the Faulkner County courthouse at Conway.

Case Papers

109. PROBATE COURT PAPERS, 1873--. 70 file boxes.
Miscellaneous papers of cases heard in probate court, giving names of estate, litigants, and attorneys; number of case; nature of case; list of witnesses; prayer for new trial; motions, pleadings, and petitions, and court orders. Also contains: Insanity Orders, 1873-1925, entry 111. Arr. numer. by case no. For index 1873-1900, see entry 110; index to Probate Court Record, entry 124, 1901-- gives reference to case by no. and file box in which case papers are located. Hdw. 10 x 4 x 4.

110. INDEX TO PROBATE COURT PAPERS, 1873-1900. 2 vols. 1901-- in Probate Court Record, entry 124.
Index to probate papers found in file boxes, giving names of litigants; number and style of case; where recorded (book and page), and file box in which located. There is also a numerical list of cases included in these volumes. Arr. alph. by name of estate and chron. thereunder. No index. Hdw. Aver. 200 pp. 16 x 11 x 1.

111. INSANITY ORDERS, 1926--. 2 file boxes. 1873-1925 in Probate Court Papers, entry 109. Title varies: Insanity Papers, 1926-39.
Papers relating to sanity hearings in probate court, giving name of person to be given hearing; names of person filing statement alleging insanity, and doctors examining patient; date of filing charge, and signature of clerk or his deputy. Arr. chron. by case no. No index. Hdw. 8 x 4 x 4.

Dockets

112. PROBATE COURT DOCKET, 1873-89, 1892--. 8 vols. (A, A, A, 4-8).

1890-91 missing. Title varies: Circuit Court Docket (Probate), 1873-82; Judge's Probate Docket, 1874-89, 1892-1901; Probate Docket, 1901-20.
Minutes of proceedings in probate court, giving case number; names of estate, administrator, executor, guardian, sureties, and attorneys; nature of case; date of proceedings, and court order. Arr. chron. by date of proceedings. Indexed alph. by name of estate. Hdw. Aver. 500 pp. 18 x 11 x 3.

Wills

113. RECORD OF WILLS, 1874--. 3 vols. (2, 3, one with no label). Record of original wills, filed with and verified by the clerk, giving names of testator and witnesses; proof of will; copies of signatures of subscribing witnesses and testator; oath of subscribing witnesses; date of death of testator; acknowledgment, and certificate of filing. Arr. chron. by date of filing. Indexed alph. by name of testator. Hdw. and typed. Aver. 400 pp. 18 x 11 x 2. 1874-1908 in ba. v.

Bonds and Letters

114. ADMINISTRATOR'S BONDS (Record), 1873--. 3 vols. (A-C). Record of bonds of administrators, giving name of administrator; names of sureties; amount of bond; name of deceased; statement guaranteeing faithful performance of duties as required by law and a true accounting of all properties of the estate; copies of signatures of administrator, sureties, witnesses, and probate clerk; date of filing and recording; qualifications of sureties, and signature of probate judge. Arr. chron. by date of filing. Indexed alph. by first letter of surname of administrator. Hdw. Aver. 400 pp. 18 x 12 x 2.

115. GUARDIAN'S BONDS (Record), 1873--. 3 vols. (A-C). Title varies: Guardian's and Curator's Bonds Record, 1890-1928. Record of guardian's bonds, giving name of guardian; names of sureties; amount of bond; names, ages, and residences of wards, including statement guaranteeing faithful discharge of duties by guardian according to law; date of execution; signatures of guardian and sureties; date of approval by probate court; signature of probate judge; attestation by probate clerk; qualifications of sureties, and date of filing. Arr. chron. by date of filing. Indexed alph. by first letter of surname of guardian. Hdw. Aver. 400 pp. 18 x 11 x 2.

116. RECORD LETTERS OF GUARDIANSHIP, 1873--. 2 vols. (A-B). Letters of guardians, giving name of guardian; name of minor; qualifications and duties of guardian;name and signature of probate clerk; date of execution,and date recorded. Arr. chron. by date of filing. Indexed alph. by first letter of surname of guardian. Hdw. Aver. 480 pp. 18 x 11 x 2.

117. LETTERS TESTAMENTARY (Record of), 1874--. 1 vol. Letters of authority under signature of probate clerk to appoint an executor or administrator to execute or administer the affairs of an es-

tate, giving names of testator, executor, or administrator; signature of clerk,and date of letter. Arr. chron. by date of filing. Indexed alph. by name of estate. Hdw. 400 pp. 18 x 11 x 2.

118. RECORD (OF) LETTERS OF ADMINISTRATION,1873--. 3 vols. (A-C). Letters of administration,giving name of person who died intestate; date of death;name of administrator;authority to administrator to take charge of all assets of deceased persons and distribute them as required by law;certificate of probate clerk; dates of execution,recording, and filing. Arr. chron. by date of filing. Indexed alph. by first letter of surname of administrator. Hdw. Aver. 363 pp. 18 x 11 x 3.

Inventories and Appraisements

119. EXECUTOR'S OR ADMINISTRATOR'S INVENTORIES AND AFFIDAVITS, 1880--. 3 vols. (A-C). Title varies: Inventories Estate, 1880-1932. 1873-79 in Probate Court Record, entry 124.
Record of inventories of estate in which are set forth: name of deceased person; inventory and value of real and personal properties and other assets; oath, signature and acknowledgment of administrator or executor; date of filing; where recorded (book and page); signature of probate clerk; date of approval, and signature of probate judge. Arr. chron. by date of filing. Indexed alph. by name of estate or minor. 1880-1933, hdw. and typed; 1933-- on pr. fm. Aver. 500 pp. 18 x 11 x 2.

120. APPRAISEMENT RECORD, 1880--. 3 vols. (A-C). Title varies: Appraisements Estate, 1880-1932. 1873-79 in Probate Court Record, entry 124.
Printed forms of appraisements of estates upon which are set forth: name of deceased; names, qualifications, oaths, and signatures of appraisers; acknowledgment of signatures; description of real and personal property and other assets and their values; certificates of appraisers; date of filing; where recorded (book and page); signature of probate clerk; date of examination and approval by probate judge, and signature of judge. Arr. chron. by date of filing. Indexed alph. by name of estate. Hdw. and typed. Aver. 500 pp. 18 x 11 x 2.

Claims, Sales and Settlements

121. CLAIMS AGAINST ESTATES, 1869-1904. 1 vol. (A). 1905-- in Probate Court Record, entry 124.
Record of claims filed with the probate clerk against estates of deceased persons, giving name of estate; date of allowance; name of claimant; amount allowed; rate of interest; date interest begins; class of claim (first, second, third, fourth, or fifth class, according to legal definition); date paid, and remarks. Arr. chron. by date of allowance. Indexed alph. by name of estate. Hdw. 400 pp. 18 x 11 x 2. ba. v.

122. SALES BILLS RECORD, 1880-1917. 1 vol. (A). 1873-79, 1918-- in Probate Court Record, entry 124.
Record of public sales, of personal property of an estate conducted by the administrator, giving name of estate; itemized list of articles sold

and amount received; names of purchasers, and administrator's affidavit of correctness of list. Arr. chron. by date of filing. Indexed alph. by name of estate. Hdw. 428 pp. 16 x 11 x 2. ba. v.

123. RECORD OF ADMINISTRATORS & GUARDIANS SETTLEMENTS, 1898--. 4 vols. (A, 2-4). 1873-97 in Probate Court Record, entry 124. Annual settlements, giving itemized statement of cash receipts and disbursements; balance due wards or estate; signature of guardian or admisistrator; confirmation and signature of probate judge;date of recording, and signature of probate clerk. Arr. chron. by date of approval. Indexed alph. by first letter of surname of administrator or guardian. Hdw. Aver. 480 pp. 18 x 11 x 3.

Proceedings

124. PROBATE COURT RECORD,1873--. 12 vols. (one vol. not labeled, B-D, 5-12). Title varies: Record Probate Court, 1893-98. Record of proceedings in probate court, giving case number; names of estate, guardian, administrator or executor, and curator; style of case; attorneys; date of trial; cause of action; list of witnesses; verdict or judgment of court; order of custody of person or property; prayers for new trial; motions, petitions, and pleadings. Also contains: Executor's or Administrator's Inventories and Affidavits, 1873-79, entry 119; Appraisement Record, 1873-79, entry 120; Claims Against Estates, 1905--, entry 121; Sales Bills Record, 1873-79, 1918--, entry 122; Record of Administrators and Guardians Settlements,1873-97, entry 123; and Cash Book (County Clerk's Fee Book),1931, entry 143. Arr. chron. by date of court. Indexed alph. by names of estates and gives reference to case by no. and file box in which case papers are located for years 1901--, entry 109. Hdw. and typed. Aver. 400 pp. 18 x 11 x 3.

125. (RECORD OF INSANE), 1874--. In County Court Record, entry 3. Record of the findings and decisions of the probate court in insanity cases, giving name of person adjudged insane; filing date of insanity charge; by whom charged; names of examining physicians; judge's verdict; and order that insane person be committed to Arkansas Hospital for Nervous Diseases; judge's signature; date of filing, and signature of clerk.

Financial

126. PROBATE FEE BOOK, 1873--. 6 vols. (1-6). Title varies: Probate Fee Record, 1928-33.
Record of fees charged by probate clerk, giving name of administrator or guardian; name of deceased or ward; date received by administrator; name of person paying fee; date, and amount of payments; services for which fee was charged, and amount paid to county treasurer. Arr. chron. by date fee was paid. Indexed alph. by name of estate or ward. Hdw. on pr. fm. Aver. 375 pp. 18 x 8 x 3. 1873-1933 in ba. v.

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X. JUVENILE COURT

Legal cognizance was given the problem of the under-privileged child by the General Assembly in 1837 when it passed a law, still in effect, that authorizes the probate judge of each county to inquire into the circumstances of any needy orphan, and, when he considers it advisable, to apprentice the orphan to a master or mistress, who pledges to teach the child a trade and educate him (A. Ark., 1837, as contained in Rev. Stat. Ark., 1838, 101).

This was the only authority held by the counties in Arkansas by which they could exercise jurisdiction over dependent or delinquent children at the time that Faulkner County was created in 1873 (A. Ark., 1873, 86).

This custom was continued by the Constitution of 1874, which bestowed upon the county courts exclusive original jurisdiction in the matter of the apprenticeship of minors (Const. 1874, art. VII, sec. 28).

The right to apprentice is still vested in the county court, however, the procedure, as a matter of custom, has been superseded almost entirely by the operation of the system of juvenile courts which was established in every county in the state in accordance with a provision of an act of the General Assembly of 1911 (A. Ark., 1911, 167).

The Supreme Court of the State of Arkansas, in a ruling that had a direct bearing on the juvenile court, stated it was not the purpose of the lawmakers to confer upon the court the power to institute criminal proceedings against minors, and the act should not be construed as one seeking to deprive them of their personal liberty and their right of trial by jury. It proposed to furnish them "with such environments as will conduce to their physical, moral and intellectual well-being. The law undertakes to reclaim and reform, rather than to condemn and punish. For those unfortunate minors who come within the terms of the act, it opens the door of an asylum but not a jail." (Underwood v. Farrell, 175, Ark., 219, [1927].)

The county judge and county clerk, during their regular terms of office, are the presiding magistrate and clerk, respectively, of the juvenile court. Any officer who is authorized by law to serve a process issued by any other court in the county is authorized to serve a process of the juvenile court. (A. Ark., 1911, 168.)

Sessions of the juvenile court in Faulkner County are held in the county courtroom at the courthouse in Conway. It may convene at any time, and adjourn from time to time as the presiding judge may direct. (A. Ark., 1911, 168.)

The court has exclusive original jurisdiction in all cases concerning delinquent, neglected, and dependent children (A. Ark., 1911, 168). A child who is subject to the jurisdiction of a juvenile court must be one who is destitute, homeless, abandoned by parents or guardian, and dependent upon the public for support; who habitually begs and receives alms; who does not have proper care either by parents or guardian; who

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is found living in a house of ill-fame, or with a disreputable person; or any child under the age of ten years found begging or selling articles on the street, or playing musical instruments on the street for gain; or who has a home which, by reason of neglect, curelty, or depravity on the part of his or her parents, guardians, or custodians, is an unfit place for a child (A. Ark., 1911, 168; ibid., 1921, 420).

It is within the province of any reputable person to file a petition in the juvenile court of his county, stating that a certain child in the county is dependent, neglected, or delinquent and that it is for the child's best interest that it be taken from its parents, or custodian, and placed under the guardianship of some suitable person chosen by the court. When the petition has been filed, the parents or custodian of the child are summoned to appear before the court, bringing the child, for a hearing on the allegations in the petition. If the custodians fail to appear with the child, in accordance with the summons, they are subject to punishment for contempt of court. If it is shown to the court that a summons will not be sufficient to assure the appearance of the child in court, a warrant may be issued for the custodians and the child, or for the child alone. When a summons has been properly served, and the custodian fails to appear, the court may declare the custodian in default and proceed with the hearing. In this event, some suitable person is selected to represent the child in court. It is within the discretion of the court to continue the hearing from time to time. During the pendency of the procedure, the child may remain at its home subject to the "friendly visitation of the probation officer of the court, or any suitable person appointed by the court", or may be kept in some suitable place provided by the city or county. (A. Ark., 1911, 172.)

If the health of a child, whose circumstances places it under the jurisdiction of the juvenile court requires it, the court may order the child placed in some public or private hospital for treatment, without charge to the public authorities (A. Ark., 1911, 176). If it is found by the court that the parents or custodians of the child are qualified, willing, and able to support and educate the child, he must be allowed to remain with them, subject to the visitation of a representative of the court. If the contrary condition is found to exist, the court may appoint a guardian for the child and direct the guardian to place his ward in some suitable home or in a proper state institution, or with a home-finding society whose object is to place neglected children in private homes. The law requires that every effort must be made to place the child in a home where it will be taught the same religious creed of its parents. When a male child under the age of 17, or a female child under the age of 18, is arrested by an officer without a warrant, he or she must be brought before the juvenile court. It is the duty of the court to conduct a hearing to determine if the child is dependent, neglected, or delinquent. At the discretion of the judge, the court may take jurisdiction over the child as provided by law, or may remand the case to the court having proper jurisdiction to conduct a trial on the offense alleged to have been committed. (A. Ark., 1911, 175; ibid., 1927, 308-310.)

Any male or female child under the age of 17 or 18, respectively, who has been arrested by a warrant issued out of another court, may be remanded to the juvenile court for trial, if it is found that the child

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is dependent, neglected, or delinquent (A. Ark., 1911, 177).

Any person who is found by the juvenile court to have contributed to the delinquency of the child may be accused of the crime before a Justice of the Peace or by grand jury indictment before the circuit court, and upon conviction,may be punished by a fine not to exceed $500, or imprisonment in the county jail for a period of one year, or by both fine and imprisonment (A. Ark., 1911, 183).

The judge of the juvenile court is required to appoint a board of six reputable men and women to serve,without compensation, as a board of visitation. This board is required to visit once each year those institutions to which children have been sent by the court and report to the court on the condition of the children and the manner in which the institutions are conducted. The members of this board are appointed for terms of three years, two being appointed each year. It is the duty of the board to recommend to the judge persons to serve as chief and assistant probation officers. The court has the power to appoint, at its discretion, one or more persons of good moral character to serve as probation officers, whose duty it is to assist the court in looking after the affairs of the children under its immediate jurisdiction. (A. Ark., 1911,168; ibid.,1921, 421.) The judge of the juvenile court of Faulkner County has not exercised his right to appoint either a probation officer or a board of visitation.

When the system of juvenile courts was established, the attorney general was authorized to appoint a state officer who was known as supervisor of juvenile courts,but this law was not made effective,however, until 1923, for the reason that the legislature failed to make an appropriation for the payment of the supervisor's salary prior to that time (A. Ark., 1911, 167; ibid., 1923, spec. sess., 209). These duties were taken from the attorney general and transferred to the Arkansas Department of Public Welfare in 1937 (A. Ark., 1937, 148).

All judgments of the juvenile court may be appealed to the circuit court in the same manner as appeals are taken from any other inferior court (A. Ark., 1911, 169).

County Clerk as Juvenile Court Clerk

The county clerk was made clerk of the juvenile court by the terms of the act that created the court in 1911. He is required to attend all sessions of the court, either in person or by deputy. (A. Ark., 1911, 168.)

It is his duty to take minutes of the proceedings of the court and transcribe them into a book known as the "Juvenile Court Record". He is also required to make an annual report to the governor between the first and fifteenth of September, giving the number of children brought before the court during the year, the disposition made of each, together with all pertinent information concerning each case. This report does not disclose the name of any child or parent who has appeared before the court. (A. Ark., 1911, 169, 181.)

The juvenile court records are kept in the vault in the county clerk's office in the Faulkner County courthouse at Conway, unless otherwise designated.

Case Papers

127. JUVENILE COURT PAPERS, 1933--. 1 file box. 1911-32 in County Court Papers, entry 1.

Papers of cases heard in juvenile court, giving name of child; offense; list of witnesses; number and style of case; motions, and pleadings. Arr. numer. by case no. No index. Indexes to entry 128 give reference to case nos. Hdw. and typed. 8 x 4 x 4.

Proceedings

128. JUVENILE COURT RECORD, 1925--. 1 vol.(1). 1912-14 in unused portion of volume titled "Register of Officers", entry 44. 1915-24 in County Court Record, entry 3.

Record of orders and proceedings; warrants for arrest and commitment of delinquent; receipts from industrial schools for delinquent children received there; petitions from parents to the court to send their delinquent children to industrial schools; summing up hearings concerning alleged delinquencies of minors. Sentences of boys usually are to the Boys' Industrial School at Pine Bluff and of girls to the Girls' Industrial School at Collegeville. Arr. chron. by date of court. Indexed alph. by name of defendant, giving reference to case no. and case papers filed, entry 127. Hdw. and typed. 250 pp. 12 x 6 x 1.

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XI. COURT OF COMMON PLEAS

The court of common pleas, a court of record, was established in Faulkner County in accordance with provisions of the Constitution of 1874 and subsequent legislation adopted by the General Assembly in 1875 (Const. 1874, art. VII, sec. 32; A. Ark., 1875, 124). The court was in existence for only two years, being abolished in 1877 (A. Ark., 1877, 17).

The county judge was ex-officio judge of the court of common pleas (A. Ark., 1875, 124; see "County Court", p. 53). The laws relating to the qualifications, manner of selection, term of office, bond, oath of office, causes for, and manner of, removal of the presiding judge are the same as those applying to the county judge (see "County Court", p. 53). He received the sum of $400 a year, in addition to his regular salary as county judge, for performing the duties of the office (A. Ark., 1875, 125). The circuit clerk, as ex-officio clerk of the court, attended all its sessions, as did the sheriff.

The court met four times a year, on the third Monday in January, April, July, and October, and continued in session until disposition was made of all business before it. If the term conflicted with the term of another court, the judge had authority to adjourn the court until another day, or until the next regular term. (A. Ark., 1875, 124.)

The court of common pleas had jurisdiction in all actions of contract, either express or implied, all actions of replevin, and all actions of damages, both to person or property, where the sum in controversy did not exceed $500, exclusive of interest. The court did not have jurisdiction, however, in any action where the title to real estate was in controversy, nor in any criminal action, nor in any action or matter where exclusive jurisdiction was given by law to the county court and probate court. (A. Ark., 1875, 124.)

The same rules of practice which governed circuit courts at that time were used by the court of common pleas, and any pleading, process, service, record or other proceeding, which was required in the circuit court, was held to be sufficient in the latter court. All judgments of the court of common pleas were considered liens on all property the same as those of the circuit court. They were subject to execution on any property the defendant owned in the county, and the liens held good until the judgment was paid in full. (A. Ark., 1875, 124, 126; see "Circuit Court", p. 83.)

An appeal to the circuit court could be had by complying with the following requisites: The appellant had to file an affidavit with the clerk stating that the appeal was being taken for justice's sake, and not for the purpose of delay, and had to post security, approved by the clerk, in a sum adequate to assure the adverse party that the judgment and cost of appeal would be paid. The appeal was granted by the court as a matter of right, upon motion filed at the same term of court at which the judgment was rendered. In order for the appeal to be effective, the affidavit and bond for appeal had to be filed within 30 days after the appeal was granted. If either party appealed without making bond the judgment was suspended. (A. Ark., 1875, 126.)

If a civil action was pending in a justice of the peace court at the time the court of common pleas was in existence, either party could get a change of venue to the latter court. However, if this change of venue was granted,neither party was allowed to file any new or additional cause, or any new or additional county claim, or set-off, or to file any additional pleadings. The case had to be tried solely upon its merits, as though still in the justice's court. (A. Ark., 1875, 128.)

All process issued out of the court was directed to the sheriff but it could be served by any other officer of the county empowered to serve processes. The sheriff was the officer of the court and he was required to attend each session. Juries were summoned by the sheriff in the same manner as extra jurors were summoned for the circuit court, and their qualifications were the same as the jurors of the higher tribunal. In the formation of the jury, each party was allowed three preemptory challenges. The jurors were allowed the same fees as those serving in the circuit court. (A. Ark., 1875,125; see "Grand and Petit Jurors",p. 101.) Witnesses were allowed the same fees as witnesses in circuit courts in civil cases, to be paid by the parties in the case (A. Ark., 1875, 126).

Circuit Clerk as Clerk of the Court of Common Pleas

The circuit clerk served in an ex-officio capacity as clerk of the court of common pleas, and, in this capacity, he received the same fees as he was allowed in the circuit court for similar services. The clerk was required to keep one docket, in which he entered all cases in the order in which they were filed. (A. Ark., 1875, 126.)

In all appeals to the circuit court, the clerk was required to transmit the original papers in the case, the affidavit and appeal bond, and a certified transcript of the record entries in the case, to the clerk of the circuit court; whereupon the circuit court tried the case de novo. In the event of such appeals,and if the transcripts and papers were filed with the circuit court ten days before the commencement of any of its terms, the case was tried at that term unless continued for good cause. (A. Ark., 1875, 127.)

Proceedings

129. COMMON PLEAS RECORD, 1876, 1877. 1 vol. No prior or subsequent records.
Record of proceedings of the court of common pleas, giving names of plaintiff and defendant; cause of action; date of trial; number of case; names of witnesses, and judgment rendered. Also contains: Record of Physicians & Surgeons,1895, entry 167; Abstract of Liens, 1877-79, entry 33, in unused portion of book. Arr. chron. by term of court. Indexed alph. by first letter of surname of pltf. and deft. Hdw. 400 pp. 18 x 12 x 3.

Financial

130. (COMMON PLEAS COURT FEE DOCKET), 1876-77. In Registration of 1873, entry 165.

Clerk's record of fees collected for services rendered, giving name of person paying fee; service for which fee was made; date, and amount of payment.

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XII. JUSTICE OF THE PEACE

The office of justice of the peace, one of the group which composed the first district, or county governmental set-up especially provided for Arkansas, has weathered more than a century of changes in legal and social customs, remaining in existence today in virtually the same form and enjoying the same privileges and jurisdiction as in the beginning.

A law which authorized the establishment of a governmental structure for the district of Arkansas was passed June 27, 1806, was not put into effect until August 23, 1808, when a slate of officers for the district was appointed by the governor of the Territory of Louisiana, which governed Arkansas at that time. In accordance with an 1807 statute, two justices of the peace, Benjamin Foy and Andrew Fagot, were appointed and commissioned by the territorial governor. (Dallas T. Herndon, ed., Centennial History of Arkansas, 3 vols., Chicago-Little Rock, 1922, 137; L. T. L., 1807, as contained in T. L. M., 1824 digest, 143.)

The change of the name of the Territory of Louisiana to the Territory of Missouri in 1812 brought no change in this office (L. of U. S., 1812, as contained in L. A. T., 1835 digest, 24).

The justices of the peace of the county were given increased authority in 1829, after the Territory of Arkansas had been established, by an act of the territorial legislature which gave them equal voice with the county judge in all matters relating to county roads and revenue (L. A. T., 1829, as contained in L. A. T., 1835 digest, 159).

The state's first constitution, adopted in 1836, provided for the election of one justice of the peace for each 50 voters in each township in the county, with the further provision that not less than two should be elected in a township. The justices of each county were authorized to elect one of their number as county judge. (Const. 1836, art. VI, secs. 1, 9, 10, 15.) A constitutional amendment, adopted in 1848, made the office of county judge elective (Const. 1836, amend. of 1848, sec. 3).

The Constitutions of 1861 and 1864, while authorizing the election of one justice of the peace for each 100 voters in each township, provided that not less than two be elected in each township (Const. 1861, art. VI, sec. 16; Const. 1864, art. VII, sec. 18). The Constitution of 1868 authorized the election of two justices of the peace in each township, and one additional justice if the qualified electors of the township exceeded 200 (Const.1868, art. VII, sec.20). The creative act that established Faulkner County specifically provided that new justices of the peace were to be appointed by the governor as were other officers for the new county (A. Ark., 1873, 36).

The Constitution of 1874 provides that each township may elect one justice of the peace for each 200 qualified electors, but that every township, regardless of the sparseness of the population, have two justices (Const. 1874, art. VII, sec. 39). In 1893, the General Assembly clarified this provision with a statute which provides that the number of qualified electors is to be determined by the number of votes cast in

the last preceding general election (A. Ark., 1893, 40).

Faulkner County, with 23 townships, is apportioned a total of 53 justices of the peace. A majority of these constitutes a quorum for sessions of the quorum court. (Const. 1874, art. VII, sec. 30, 39; A. Ark., 1893, 40.) Records in the county clerk's office show that only 41 justices were elected and qualified.

A candidate for the office of justice of the peace must be a qualified elector and resident of the township in which he seeks office. He is elected at the general election for a term of two years by the voters of his township. (Const. 1874, art. VII, secs. 38, 41.) At the time Faulkner County was created, a justice of the peace was elected for a term of four years (Const. 1868, art. VII, sec. 20).

A justice of the peace receives a commission from the governor and is required to endorse, on the reverse side of the commission, the official constitutional oath of office (Const. 1874, art. VII, sec. 38, 41; ibid., art. XIX, sec. 20).

He may be removed from office in the same manner and for the same reasons as presiding magistrates of other inferior courts. Vacancies in the office are filled in the same manner as vacancies in other county or township offices (see "Governmental Organization and Records System", p. 17).

A justice of the peace is authorized to collect fees for his official acts, ranging in amounts from $2.50 for performing a marriage ceremony down to ten cents for administering an oath (A. Ark., 1842, 34; ibid., 1875, 103). The General Assembly of 1875 passed a law which granted him $3 per day for each day in attendance of the quorum court. This was raised to $5 per day in 1927 (A. Ark., 1875, 144; ibid., 1927, 711).

The most important function of the justice of the peace is that as a member of the quorum court, which is composed of all justices of the peace of the county and the county judge, who is presiding officer. The quorum court levies state, county, municipal, and school district taxes in the county and makes the appropriations from which are paid the expenses of every function of county government. (Const. 1874, art. VII, sec. 30.)

A majority of the justices of the peace of the county must be present to legalize the acts of the quorum court. If a majority fails to appear at any session of the court, the sheriff is authorized to compel the attendance of a sufficient number to constitute a majority. (Const. 1874, art. VII, sec. 30; A. Ark., 1879, 111).

Mayors of all incorporated towns and cities are ex-officio justices of the peace and are vested with the same judicial power except that they are not allowed membership in the quorum court. A mayor is entitled to the same fees as other justices of the peace in addition to his regular salary. (A. Ark., 1921, 407.)

Since 1874 the justice of the peace had held exclusive original

jurisdiction in all matters of contract where the amount in controversy does not exceed the sum of $100, excluding interest; concurrent jurisdiction with the circuit court in similar matters where the amount in controversy does not exceed $300, and concurrent jurisdiction in suits for the recovery of, or for damage to, personal property where the value is not more than $100. He also has jurisdiction to try criminal cases which are defined by the statutes as misdemeanors, and may sit as an examining magistrate in felony cases, discharging the offender or holding him for further trial in the circuit court. He may place a person under a peace bond. A justice may issue the writs and processes necessary to carry out these functions and is a conservator of the peace in his county. His jurisdiction, geographically, extends throughout the county in which he holds office. (A. Ark., 1873, 430.)

During the period from April 12, 1873, when Faulkner County was created, to October 13, 1874, when the Constitution of 1874 was adopted, a justice of the peace had exclusive original jurisdiction in all matters in which the amount in controversy did not exceed $200, and concurrent jurisdiction with the circuit court where the amount did not exceed $500. The jurisdiction of a justice of the peace extended to cover any crime less than a felony. (Const. 1868, art. VII, sec. 20.) The justice courts also had jurisdiction in bastardy cases and in the matter of vagrants (A. Ark., 1838, ibid., 1837, as contained in Rev. Stat. Ark., 1838, 145, 759). Any two justices of the peace may order a commanding officer of the state militia to bring his command to the assistance of civil authorities in the suppression of unlawful assemblies (A. Ark., 1869, 279). In order that he may maintain the peace and dignity of his court, a justice of the peace may impose a fine or decree imprisonment for contempt of his court (A. Ark., 1837, as contained in Rev. Stat. Ark., 1838, 487).

When a justice of the peace moves from the township in which he was elected, thereby vacating his office, he is not allowed to act in his former official capacity, and is liable to a fine of $50 for violation of this law (A. Ark., 1869, 9). A justice does not have jurisdiction to try cases in which the title to land is involved (Const. 1874, art. VII, sec. 40).

Each justice is required to prepare a list of all persons in his township who are subject to call for road duty and deliver the list to the county court when directed to do so by the county judge (A. Ark., 1915, 1334).

It is not necessary to make a written complaint in instituting criminal proceedings before a justice of the peace (A. Ark., 1871, 255). The justice is allowed to enter upon his criminal docket a statement of the offense committed and record thereafter all actions taken by him in connection with the case (A. Ark., 1893, 16).

A law was passed during the session of the General Assembly of 1874-1875 which required that two justices of the peace be chosen by the county clerk to assist in the canvassing of election returns. They were to open and compare all election returns and prepare an abstract on the vote for each candidate. The abstracts were signed by the clerk and the

justices and deposited in the office of the county clerk to become a part of his records. This procedure was followed until the creation of the county board of election commissioners in 1891. (A. Ark., 1874-1875, 100; see "County Board of Election Commissioners", p. 187.)

A separate docket book is kept by the justice, in which he enters proceedings in civil cases. Each case is given a page in the book upon which is listed in chronological order, by dates, the data on the following: The title to each case; a brief statement of the amount and nature of the plaintiff's claim and the defendant's counter-claim, if any; issuance of summons and record of service of the summons; the appearance in court of the respective parties; any adjournments, stating at whose instance and for how long; the trial, either by the justice or by jury; the verdict and judgment; the issuance of the execution of the judgment; the name of the officer to whom it was delivered for execution, and the amount of debt, damages, and the costs endorsed upon it; a statement that a transcript of the proceedings in the case was prepared for filing in the clerk's office and for the amount of the counter-claim, if one has been allowed; a notation of all motions made in the trial of the case together with the ruling on each, and an itemized statement of the costs in the case. (A. Ark., 1873, 433.)

Since 1871 the county court has been required to furnish the justice of the peace with criminal and civil docket books of "at least six quires each" (A. Ark., 1871, 312). Prior to that the justice received from the county court books of at least eight quires each (A. Ark., 1843, 47). When he retires from office, the justice must turn over his dockets to his successor (A. Ark., 1871, 312; ibid., 1843, 47). Although they are not required by law to do so, it has been customary for the justices of the peace in Faulkner County to deposit their used dockets with the county clerk (see entry 180).

Dockets

131. J. P. DOCKET (Civil and Criminal), 1914-20, 1931--. 5 vols. Record of cases tried by G. W. Easterwood, 1914-20; A. J. Moss, 1931-33; J. M. Adams, 1933--, giving date and style of case; names of plaintiff and defendant; names of attorneys; cause of action; record of amount of fines; and justice of peace, constable's, state attorney's, and jury's fees. Arr. chron. by date of hearing. Indexed alph. by first letter of surname of pltf. Hdw. Aver. 320 pp. 18 x 11 x 2.

(Next entry 132, p. 140)

XIII. PROSECUTING ATTORNEY

The prosecuting attorney is required to prosecute all cases in which the state is involved in the judicial circuit in which he is employed (A. Ark., 1837, as contained in Rev. Stat. Ark., 1838, 742).

The office of prosecuting attorney of the 17th judicial circuit, of which Faulkner County is a part, was established under authority of the Constitution of 1868 (Const. 1868, art. XV, sec. 6), and was perpetuated by the Constitution of 1874 (Const. 1874, art. VII, sec. 24).

To qualify for the office, a candidate must be a citizen of the United States,a practicing attorney of proven ability, a resident of the district in which he serves, and a qualified elector (Const. 1874, art. VII, sec. 24; ibid., art. XIX, sec. 3). The Constitution of 1868 contained no provision for the qualifications of the office.

The prosecuting attorney is a state rather than a county officer (Griffin v. Rhoten, 85, Ark., 89, I 1907 I) and he is elected by the voters of all the counties in his judicial circuit for a term of two years (Const. 1874, art. VII, sec. 24). Prior to the adoption of the Constitution of 1874, one year after Faulkner County's creation, the prosecutor was appointed by the governor for a term of four years(Const. 1868, art. XV, sec. 6).

The prosecutor is not required to make bond, but he must take the constitutional oath required of all civil and military officers of the state, before entering upon his duties (Const. 1874, art. XIX, sec. 20; Const. 1868, art. XV, sec. 17).

The present prosecuting attorneys are paid salaries by the state, according to the classification of their circuits. Faulkner County is in a circuit of the first class in which prosecutors are paid $5000 a year. The fees formerly paid to the prosecuting attorney in felony cases are now paid into the county treasury and credited to the general revenue fund. (A. Ark., 1937, 790.) For many years the prosecuting attorney received his compensation on a fee basis (A. Ark., 1838, as contained in Rev. Stat. Ark., 1838, 191; A. Ark., 1874-1875, 162; ibid., 1875, 103; ibid., 1893, 88; ibid., 1871, 251).

If the prosecutor dies while in office,or the office becomes vacant for any other reason,it is filled by special election,unless the vacancy occurs within nine months of the next general election. In this event, the governor may appoint someone to serve the remainder of the term. (see "Governmental Organization and Records System", p. 17.) If the prosecuting attorney is unable to attend a term of court because of illness, negligence, or any other cause, the court may appoint some other attorney to prosecute in the name of the state. The attorney so appointed must take the oath of office and attend to all the duties of the prosecutor for the term he is appointed. The prosecuting attorney pro tem is entitled to the same compensation as the prosecutor would receive if he were on a fee basis for convictions, and, in addition, the sum of $40 for each term he serves. This money is paid by the state and deducted from the prosecutor's salary unless his absence is occasioned by

his own illness, or illness or death of some member of his family. (A. Ark., 1875, 6.)

A number of penalties have been provided for the prosecuting attorney for non-performance of some of his duties. It has been the law since 1873 that, if the prosecutor fails or refuses to prosecute when it was his duty to do so, he becomes subject to pay a fine of from $100 to $500 and costs or serve a six-month term in jail. (A. Ark., 1873, 19.) Like other state officials he may be impeached for "high crimes, misdemeanors and gross misconduct in office" (Const. 1874, art. XV, sec. 1).

The prosecuting attorney may appoint one deputy from each county in the circuit, subject to the written approval of the circuit court. The deputy may be removed at any time by the prosecuting attorney who appoints him. (A. Ark., 1937, 1022; ibid., 1893, 88.) An act passed by the General Assembly in 1893 provided that a deputy prosecuting attorney receive no emoluments other than the fees in cases that he prosecuted (A. Ark., 1893, 88). Since 1895, he has not been paid unless he obtains a conviction (A. Ark., 1895, 106-108). He is not allowed a fee for the prosecution of felony cases (A. Ark., 1937, 1022; ibid., 1893, 88).

It is the duty of the prosecuting attorney to give advice to sheriffs, constables, justices of the peace, and other county officers when the rights of the state, counties, or townships are involved. He must prosecute offenders against the criminal laws of the state, bring witnesses before the grand jury for questioning, defend the state and counties in his circuit in actions brought against them, and prosecute all suits for the recovery of debts, fines, forfeitures,or penalties due the state. (A. Ark., 1838,as contained in Rev. Stat. Ark., 1838, 131; Graham v. Parham, 32, Ark., 677, [1877-1878].)

At the opening of each term of circuit court,after the county clerk presents the prosecuting attorney with a list of all deficits in accounts due the county by sheriffs, collectors, constables and other collecting officers (see "County Clerk", p. 150), it is the duty of the prosecutor to enter suit against the collecting officers and their bondsmen for the amounts due, and also to indict the offending officers for malfeasance in office (A. Ark., 1883, 291). It is also his duty to institute actions for usurpation of an office or franchise, when there is no other person entitled to it, or the person entitled to the office, or franchise, fails to institute action for three months after the usurpation (Ark. Crim. Code, 1869, sec. 526).

In addition to conducting proceedings in criminal cases in the circuit court,the prosecuting attorney must institute prosecutions based on information and belief in justice of the peace courts (A. Ark.,1883, 72; ibid., 1893, 88). He conducts all suits on behalf of the state in appeals to the circuit court in bastardy cases (A. Ark., 1875, 27).

If an appeal on behalf of the state is desired, the prosecuting attorney must make the appeal during the term at which the decision is rendered, and must deliver the transcript made by the clerk to the attorney general. In the event the clerk fails to deliver the transcript, an appeal by the prosecuting attorney from a decision of the circuit

court does not suspend the proceedings in the case. (Ark. Crim. Code, 1869, sec. 329, 337.) The prosecutor must bring the state's appeals for writs of error in the same manner as individuals, except where otherwise provided by law (A. Ark., 1837, as contained in Rev. Stat. Ark., 1838, 641; Ark. Civil Code, 1869, sec. 859).

One of the most important duties of the prosecutor is that of enforcing the constitutional amendment prohibiting counties and municipalities from spending more than their revenue. His failure to enforce these provisions subjects him to impeachment. (A. Ark., 1937, 687.)

He is required to give counsel and other aid to the chief probation officer in conducting the juvenile court. His duties in this capacity, however,are more concerned with aiding delinquent children brought there than with securing punishment for them. (A. Ark., 1921, 421.)

The prosecutor must suppress the sale and distribution of obscene literature in the form of magazines, papers, pictures or printed books. If he fails to prosecute persons who are guilty of possessing, selling, or offering for sale obscene literature, the prosecutor may be indicted, and if convicted he may be removed from office. (A. Ark.,1931, 12.) He must also prosecute persons for exhibiting or setting up gambling devices in his circuit. No license granted any city or town which might be claimed an exemption will justify the prosecutor in failing to carry out this duty. If he does not cause the arrest of offenders and bring them to trial within five days after the violations have been brought to his attention, he is subject to indictment, and upon conviction may be fined not less than $500. (A. Ark., 1877, 70.)

If an infant or married woman is being detained by any religious or other association, it is the duty of the prosecutor, upon receipt of proper application, to issue writs of habeas corpus in favor of the husband, father, mother, guardian, or next friend of the person so detained (A. Ark., 1871, 260).

The prosecutor must prosecute all offenders against the pure food and drug laws of the state when notified by the health officer or the pure food and drug officer (A. Ark.,1907, 1155). If the registration of a working pharmacist expires and he does not obtain a renewal within 60 days, it is the duty of the prosecutor to start proceedings against the offender as provided by law (A. Ark., 1903, 326; ibid., 1915, 180). It is also his duty to prosecute offenders for trespass on timber lands, either by criminal or civil actions, or both (A. Ark., 1901, 209). Offenders against the mining laws of the state are prosecuted in the same manner (A. Ark., 1917, I, 683), as are violators of the fair trade laws (A. Ark., 1837, as contained in Rev. Stat. Ark., 1838, 742).

If a candidate for office in any county in the circuit offers any gift or donation to any person during the time he is a candidate, it is the duty of the prosecuting attorney to prosecute him for a misdemeanor (A. Ark., 1909, 505).

The prosecuting attorney may cause the circuit clerk to issue a subpoena for a witness to appear before the grand jury and if the wit-

ness fails to attend, the court may compel his attendance. No one but the prosecuting attorney and the witness under examination is permitted to be present while the grand jury is examining a charge. If the grand jury seeks advice from the prosecutor it is his duty to give it. (Ark. Crim. Code, 1869, sec. 107, 108, 112.)

If a defendant in a trial or judgment fails to surrender himself in the execution of the judgment, the prosecutor may, any time after court adjourns, proceed against the defendant's bond (Ark. Crim. Code, 1869, sec. 90).

When a defendant is being tried before a jury, the prosecuting attorney may read the indictment to the jury and the defendant's plea to it. He may also read the punishment prescribed by law for the particular offense, and make a brief statement of the evidence upon which the state relies. (Ark. Crim. Code, 1869, sec. 220.)

A constitutional amendment adopted in 1937 authorizes the prosecuting attorney to institute criminal proceedings through the filing of information. This system is used in lieu of grand jury investigation and indictment. (Const. 1874, amend. 21, adopted Jan. 12, 1937; see "Jury Commission", p. 100.)

A law of 1838 required the prosecuting attorney to make an annual report to the state auditor and to the county treasurer of funds received by him and to pay these funds to the treasurers entitled to receive them (A. Ark., 1838, as contained in Rev. Stat. Ark., 1838, 133). He must report to the Arkansas Game and Fish Commission twice each year all details of prosecutions within his district under the state laws for conservation of game and fish. Failure to make this report subjects the prosecutor to a fine of $100. (A. Ark., 1915, 470.)

All suits in favor of the county or state, and suits in which either is interested, are brought in the name of the state in the circuit court of the county in which the defendant resides or is found. The prosecutor has jurisdiction to prosecute the cases affecting the counties in his district. (A. Ark., 1837, as contained in Rev. Stat. Ark., 1838, 742; A. Ark., 1879, 13.)

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XIV. COUNTY ATTORNEY

The office of county attorney came into existence in Faulkner County in 1873. It was filled by appointment by the board of supervisors, in accordance with the provisions of an act of the General Assembly of 1859. The creative act which authorized the quorum court to make the appointment was amended in 1873 when the quorum court was abolished, it being provided that this function of the court be assumed by the board of supervisors. The 1859 law implied that the county attorney must be a practicing attorney-at-law. He was appointed for a term of two years from the day of his appointment, and was required to take the constitutional oath of office provided for all state and county officials. The amount of his compensation was set by the board of supervisors. (A. Ark., 1859, 101; ibid., 1873, 54; Const. 1868, art. XV, sec. 17; "Record of Board of Supervisors", vol. A, 46.)

It was the duty of the county attorney to attend all sessions of the board of supervisors for the purpose of contesting all claims against the county. He was required to compel the tax collector to make settlements according to law, and to examine the settlements of all other county officers. He also was the legal representative of the county in all courts of inquiry. (A. Ark., 1859, 101.)

This office was abolished when the Constitution of 1874 made no provision for its existence. Since 1874 the prosecuting attorney has been the sole legal representative of the county (see "Prosecuting Attorney", p. 131).

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XV. SHERIFF

The office of sheriff in Arkansas is one of the oldest in organized county government; therefore, its functions were clearly defined at the time Faulkner County was created in 1873 (A. Ark., 1873, 88). The office was established in Faulkner County under authority of the laws in effect at that time (A. Ark., 1873, 381). The first sheriff of the county was Benton Turner, an appointee of the governor, who served from the time of the county's creation until the adoption of the Constitution of 1874. J. E. Martin was the first elected sheriff of the county. (Higgins, Biennial Report of the Secretary of State, 1925-26, 411.) The sheriff also serves as ex-officio collector of taxes (A. Ark., 1873,344; ibid., 1883, 199), his duties as collector being treated in "Tax Collector", p. 174).

A sheriff must be a qualified elector and a resident of the county in which he desires to hold office (A. Ark., 1868,316; Const. 1874, art. VII, sec. 46).

For more than 100 years the office of sheriff has been elective. The territorial legislation first made provisions for the election of a sheriff in 1828 and subsequent laws have approved and upheld the system. (Territorial Acts of Arkansas, 1829-31-33, app. Nov. 13, 1829, 4; Const. 1836, art. VI, sec. 17; Const. 1861, art. VI, sec. 18; Const. 1864, art. VII, sec. 20; A. Ark.,1868, 326; ibid., 1873, 381;Const. 1874, art. VII, sec. 46.) The sheriff, since 1874, has been elected for a term of two years and has been required to reside continuously in the county in which he holds office. A law adopted in 1873 and repealed by the Constitution of 1874 provided for a four-year term for the sheriff. (A. Ark., 1873, 381; Const. 1874, art. VII, sec. 46.) Like all state and county officials, the sheriff has always been required to subscribe to the constitutional oath,swearing allegiance to the state and the United States, and pledging faithful performance of his duties (Const. 1868, art. XV, sec. 17; Const. 1874, art. XIX, sec. 20).

Within 15 days after the sheriff-elect receives his commission from the governor,he must file a surety bond (L. Ark.,1836, 1; A. Ark., 1937, 1243),the amount of which is set by the state bond board (A. Ark., 1929, II, 1000). The sheriff formerly was required to make a bond of not less than $5000 or more than $50,000, subject to the approval of the board of supervisors in 1873 and 1874, and to the approval of the circuit court from 1874 to 1939 (A. Ark., 1873, 53; ibid., 1874-1875, 192; L. Ark., 1836, 1). The security offered is still subject to the approval of the circuit court (A. Ark., 1874-1875, 192).

Should the incoming sheriff fail to make bond within the specified time, the office may be declared vacant; and if he fails or refuses to perform any of his duties required by law, he is upon conviction, subject to removal from office,by the circuit court (A. Ark., 1837, as contained in Rev. Stat. Ark., 1838, 727). Since 1874 vacancies in the office of sheriff have been filled by special election, unless they occur within six months of the next general election. In this event, the office is filled by appointment by the governor. (Const. 1874, art. VII, sec. 50; see "Governmental Organization and Records System", p. 17.) In 1873 and 1874, all vacancies were filled by appointment by the governor

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(A. Ark., 1873, 83). Should the office be vacant at the commencement of a term of court the county judge or circuit judge may name a temporary appointee to serve as ministerial officer of the court during its session (A. Ark., 1877, 64).

The sheriff of Faulkner County is paid on a fee basis, which is based on the general state law applying to county officials. Under this law, the fees and remuneration of any county official must not exceed $5000 a year. (A. Ark., 1868, 238; ibid., 1874-1875, 113; ibid., 1875, 167; ibid., 1925, 649; Const. 1874, art. XIX, sec. 23.) The General Assembly of 1917 allowed the Faulkner County sheriff a salary of $4500, but the law was repealed in 1919, after which the office went back under the fee system (A. Ark., 1917, I, 275; A. Ark., 1919, spec. sess., 33).

One or more deputies may be appointed by the sheriff to aid in the discharge of his official duties. The appointments must be made in writing by the sheriff and must be recorded in the recorder's office. (A. Ark., 1933, 796.) The deputy's appointment is coincident with the term of office of the sheriff who appoints him (Greenwood v. State, 17 Ark., 332, [1857]). The sheriff may call upon the militia and private citizens for assistance during a crisis or an emergency. This law was enacted during the Civil War. At that time the state capitol in Little Rock had fallen to the Federal forces and the seat of a state government sympathetic to the Union cause had been established there. Lawless bands of "guerillas", "bushwhackers", and "jayhawkers", were harassing the state. The General Assembly, cognizant of the depredations, passed special legislation against these marauding bands. They were declared felons and it became the duty of the sheriff to arrest them on sight. Their fate, upon conviction, was death by hanging. (A. Ark., 1864-1865, 52.)

It is the sheriff's duty to sell the sixteenth section of land for the benefit of the permanent school fund of the county. Four weeks before the day set for the sale, he is required to give notice, by publication, of the date and hour of the sale. The sales are continued from day to day until all the land advertised is sold. (A. Ark., 1919, I, 256.)

It is the duty of the sheriff to quell and suppress affrays, riots, and insurrections. He must endeavor to apprehend and commit to jail all felons and traitors; execute all warrants, writs, and other processes directed to him by legal authority, and attend all courts of record in his county at their respective terms or sessions. (A. Ark., 1837, as contained in Rev. Stat. Ark., 1838, 727.) If a sheriff releases offenders of the law, pending trial, he must require them to make a bond to keep the peace, and to appear at the next term of court, providing the amount of bond has been set by the court. He is officially responsible for the sufficiency of the security of a bond in civil as well as in criminal actions. (A. Ark., 1837, as contained in Rev. Stat. Ark., 1838, 727; A. Ark., 1875, 10.) If any person is confined in jail, who has not been indicted, the sheriff, when directed by the court, is required to summon a grand jury to attend a special term of circuit court (A. Ark., 1838, as contained in Rev. Stat. Ark., 1838, 233).

When the sheriff is called upon to summon grand and petit jurors,

it is his duty to give personal notice, or leave a written notice at the juror's home with some person over ten years of age. This notice must be served at least three days before the first day of the next term of the court. When the notices have been served, the sheriff returns the list to the circuit clerk with a written report showing the date on, and the manner in, which each juror was summoned. (A. Ark., 1871, 266; see "Jury Commission", p. 100.)

At least 20 days before each general election, and ten days before the holding of each special election, the sheriff must give public notice, by proclamation, of the time of the election and the location of polling places. Copies of the proclamation are to be posted at all places fixed for holding elections, and in five or more public places in each election district. He is also required to select a polling place in the event proper authorities fail to do so. (A. Ark., 1868, 315; ibid., 1874-1875, 94.)

When the sheriff delivers the poll books to the election judges, he also delivers a printed list of the qualified electors in each precinct (A. Ark., 1893, 246;see "County Board of Election Commissioners",p.187). During all elections,the sheriff must police the voting places. To carry out this duty, he may appoint as many as three deputies for each precinct. If the sheriff is a candidate for any office to be voted on in the election, he and his deputies are disqualified to serve, and the county board of election commissioners appoints suitable persons to perform this duty. (A. Ark., 1891, 36.)

The sheriff is the only officer of the county authorized to collect fines, penalties,and forfeitures adjudged against defendants in the circuit court. At the time of his quarterly settlement with the county court, he must transfer to the county treasurer, all moneys received by him. The sheriff is not credited with deficits on forfeited bail bonds, unless it is shown that the defendant had no property subject to execution,in which event a certified copy of the return of the officer charged with the execution of the judgment must be filed by the sheriff with the county clerk. (A. Ark., 1883, 292.)

The sheriff, county judge, and county clerk, constitute a board created for the purpose of prescribing rules for the management and control of county prisoners employed by contractors (A. Ark., 1895, 20). However, the practice of leasing prisoners to individuals has not been employed in Faulkner County, and consequently the board has never been active.

It is the duty of the sheriff to accept responsibility for the county prisoners' welfare while they are in his charge. If any of the prisoners have been assigned to a state institution, he must convey them there as safely and speedily as possible. (A. Ark., 1903, 72.) The sheriff is required to make an occasional,unannounced visit to each public and private house of detention, convent, asylum, sectarian seminary, school,or institution in the county,and separately question each inmate, out of hearing of any official of the institution, to ascertain whether an inmate is legally confined. He must file a report of his findings with the county clerk, not later than ten days before the next session

of the circuit court. If he fails or refuses to carry out this duty, he is guilty of a misdemeanor and, upon conviction, may be fined not less than $100 for the first offense and $300 for each subsequent infraction. (A. Ark., 1915, 505.)

The sheriff is compelled to serve a process in criminal matters before the payment of costs, but in civil cases the costs must be paid in advance. If the fee is not paid in advance, the sheriff may refuse to make the service and will not be subject to penalty for this refusal. (A. Ark., 1874-1875, 181.)

The sheriff may take by force if necessary, any person or property of any person, if he has a warrant for the arrest of the person or an order of attachment for the property (Ark. Civil Code, 1869, sec. 777).

If the sheriff considers the county jail inadequate for the safe detention of prisoners, and if the building cannot be repaired immediately, he may employ as many as three persons to act as guards (A. Ark., 1877, 72).

The sheriff is required to keep a fee book, showing all the earnings of his office. This record must be kept open for the inspection of the judges of the circuit and county courts at all times. He is also required to make an annual report to the circuit court of fees collected by him. (A. Ark., 1874-1875, 124.)

From 1891 until 1901, the sheriff, together with the county judge and county clerk comprised the county pension board. This board was authorized to examine each application for Confederate pension, check affidavits and proof of the statements on the application, and take evidence to determine its justification. Its findings and recommendations, together with the application, were forwarded to the state pension board. (A. Ark., 1891, 161; ibid., 1901, 91.)

In 1935, when the General Assembly of Arkansas passed an act creating a County Board of Public Welfare in each county, the sheriff was selected as one of the five county officials to name a member of the board. In 1937, this law was changed and, at present, the sheriff is one of five county officials who submits a list of three names to the state welfare board. From this list of nominees the state board selects the county welfare board. (A. Ark., 1935, 56; ibid., 1937, 896.)

Prisoners and Paupers

132. SHERIFF'S JAIL BOOK, 1878--. 2 vols. Title varies: Prison Record, 1904-5. (Records for 1904-5 are duplicated.)
Record of prisoners held in the county jail, giving number of prisoner; name of prisoner; color; offense; when received; by what authority confined and discharged; time of sentence; date of discharge, and amount of board due. Arr. numer. by case no. Indexed alph. by first letter of surname of prisoner. Hdw. 75 pp. 18 x 14 x 1. 1878-- in sheriff's private vault; 1904-5 in ba. v.

133. SHERIFF'S PAUPER BOOK, 1881-97. 1 vol. (A). No prior or subsequent records.

Record of paupers kept at county poor farm, showing name of person; date admitted to county farm; date of discharge; amount paid caretaker for each inmate. Arr. chron. by date of admittance. Indexed alph. by first letter of surname of pauper. Hdw. 185 pp. 12 x 4 x 1. In ba. v.

Fees

134. SHERIFF'S FEE BOOK AND DOCKET, 1879--. 9 vols. (A, five by name of sheriff who made record, three with no label). Title varies: Sheriff's Fee Docket, 1879-86, 1894-98; Docket Sheriff, 1883-86; Sheriff's Docket, 1886-93; Sheriff's Fee Book, 1902-6.

Itemized list of fees received by sheriff for services in serving subpoenas, giving number and style of case; when and from whom received; name of county; kind of process; when received; by whom served; date of return, and costs. Arr. numer. by case no. No index. Hdw. Aver. 190 pp. 16 x 6 x 2. 1879-1906 in ba. v.

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XVI. CORONER

The office of coroner in Faulkner County came into being by virtue of the legislative act which created the county in 1873, and the general law governing the office that was in effect at that time (A. Ark., 1873, 88; ibid., 1868, 326).

Upon creation of the county, the governor appointed R. T. Harrison to serve until the next general election. W. C. Gray was the first elected coroner. (Higgins, Biennial Report of the Secretary of State, 1925-1926, 411.)

To be eligible for the office of coroner, a candidate must be a qualified elector and resident of the county (Const. 1874, art. XIX, secs. 3, 4; see "Governmental Organization and Records System", p. 17). Qualifications of the coroner, during 1873 and 1874, were specified in an amendment to the Constitution of 1868 adopted March 3, 1873. The amendment stipulated that no person having been convicted of any crime punishable by death or by confinement in the penitentiary, or a pauper, idiot, or insane person, would be permitted to hold office in the State of Arkansas. (Const. 1868, art. VIII, as amended March 3, 1873.) The coroner's term of office is two years and he serves until his successor is elected and qualified (Const. 1874, art. VII, sec. 46). Prior to 1874, his term of office was for four years (A. Ark., 1868, 326). Before entering office, he must take the constitutional oath administered to all state and county officials (Const. 1874, art. XIX, sec. 20; Const. 1868, art. XV, sec. 17). Prior to 1939 the coroner was required to post a $5000 bond within 20 days after he received his commission from the governor (A. Ark., 1838, as contained in Rev. Stat. Ark., 1838, 193). In 1939 a law was passed amending the amount of the bond and the coroner may now post bond in any sum not less than $500 nor more than $5000; the amount being specified by the county court (A. Ark., 1939, 346). The coroner must post bond within 20 days after receiving his commission; if he does not the office is declared vacant (A. Ark., 1838, as contained in Rev. Stat. Ark., 1838, 193).

It has been the law since 1874 that, should a vacancy occur in the office due to death, resignation, removal, or for any other reason, the vacancy is filled by special election unless it occurs within six months before the next general election. In this event it is to be filled by appointment by the governor. (Const. 1874, art. VII, sec. 50; see "Governmental Organization and Records System", p. 17.) Prior to 1874 all vacancies in the office were filled by appointment by the governor (A. Ark., 1873, 83).

The circuit court has the judicial power to remove the coroner from office upon information, presentment, or indictment, charging incompetency, corruption, gross immorality, criminal conduct, malfeasance, misfeasance, or nonfeasance in office (Const. 1874, art. VII, sec. 27). The coroner may also be removed for the violation of any election law in the state, or upon conviction for bribery or other felony (Const. 1874, art. III, secs. 2, 6).

If the coroner is absent from the county, or if he resides more than

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20 miles from the place where a corpse is found, an investigation may be conducted by the nearest justice of the peace,who, in this case, has the same power and authority as the coroner (Nelson v. State, 32, Ark., 196, [1877]).

The coroner is compensated on a fee basis, the amount of his fees ranging from five cents to $5, according to the service performed (A. Ark., 1874-1875, 167; ibid., 1875, 103; ibid., 1842, 34). He performs the duties of the sheriff if the sheriff is unable or disqualified to serve, receiving the same compensation as the sheriff for the duration of this activity (A. Ark.,1842, 37). The county compensates the coroner for traveling expenses he incurs in the performance of his duty (A.Ark., 1845, 75).

The functions of the office of coroner are of a quasi-judicial as well as of an executive nature. When the coroner has, in his opinion, sufficient proof that any person met death as the result of natural causes,he may hold an inquest. (Nelson v. State, 32, Ark., 196, [1877-1878]; A. Ark., 1893, 260.) If it develops that a buried corpse, over which an inquest was not held, should have been examined more closely, the coroner may cause the body to be disinterred,and an inquest held (A. Ark., 1838, as contained in Rev. Stat. Ark., 1838, 198; A. Ark., 1893, 260). Upon being notified of a violent death, the coroner must summon a jury and hold an inquest. The constable of the township serves the summonses issued by the coroner and assembles a jury panel which is composed of property owners in the township. The coroner need not summon more than 23 prospective jurors, but 12 must serve. If at least 12 do not appear,it is the duty of the coroner to summon additional jurors until the required number does appear. (A. Ark., 1838, as contained in Rev. Stat. Ark., 1838, 194.) Upon their appearance, the coroner administers an oath to the jurors, and when they have been sworn and have viewed the body, they attempt to arrive at a conclusion as to the cause, manner, and circumstances of the death. A verdict must be reached by a unanimous vote of the jury before the inquest can be valid. When the findings have been made, the coroner delivers them with all examination, depositions, and recognizances concerning the case, to the circuit clerk on or before the first day of the next term of court. The clerk, in turn, delivers the material to the prosecuting attorney of the county. (A. Ark., 1838, as contained in Rev. Stat. Ark., 1838, 194-197; A. Ark., 1893, 260.) If, during the course of an inquest, it develops that certain persons are implicated in the crime of murder, the coroner may have them arrested and held for trial (Bass v. State,29, Ark.,142, [1874]). The coroner does not have authority to allow implicated persons to post bail unless it appears by the inquisition that the offense was a case of justifiable homicide, or manslaughter (A. Ark., 1838, as contained in Rev. Stat. Ark., 1838, 195).

The coroner has no jurisdiction outside his county. If the body of a deceased person, killed in one county, is moved to another county for interment, the coroner of the latter county has no authority to hold an inquest. (Young v. Pulaski County, 74, Ark., 183, [1905].) The coroner, at his discretion, may appoint a physician of his choice to perform an autopsy in order to ascertain the cause of death,and the county court does not have jurisdiction to interfere with the exercise of this dis-

cretion (Kempner v. Pulaski County, 64, Ark., 139, [1898]). If any convict should die in the penitentiary, except by sentence of the law, the coroner may hold an inquest over his body, provided the penitentiary lies within his jurisdiction (A. Ark., 1838, as contained in Rev. Stat. Ark., 1838, 194; A. Ark., 1877, 62; ibid., 1889, 74).

If any person dies within the county as a result of a motor vehicle accident, the coroner must report the death to the Arkansas State Police Department, giving in detail the full circumstances of the accident (A. Ark., 1937, 1119). It is the duty of the coroner to satisfy all valid claims of jurors and other parties for fees and costs due them for their assistance in holding inquests (A. Ark., 1877, 62; ibid., 1889, 74, 75).

When the coroner is called upon by the sheriff to convey prisoners to the penitentiary, he is authorized to summon as many as two guards for each prisoner to assist him (A. Ark., 1845, 75). The coroner is a peace officer and, as such, he is a conservator of the peace. It is his duty to quell public disturbances, as well as apprehend and commit to jail all felons and traitors. (A. Ark., 1838,as contained in Rev. Stat. Ark., 1838, 194.)

The coroner may also serve a justice of the peace court summons, an instrument usually served by a constable (McCabe v. Payne,37, Ark., 450, [1882]). If the coroner summons witnesses and they neglect to appear, he has the power to arrest them and compel their attendance. He may fine a negligent witness a sum not exceeding $10. If a material witness at an inquest, having been permitted by the coroner to make bond to the state, fails to provide sufficient security to guarantee his presence at the proper court, the coroner may have him committed to jail. If a person, charged with a bailable offense,is brought before the coroner, that official may admit him to bail, providing he offers sufficient security. (A. Ark., 1838, as contained in Rev. Stat. Ark., 1838, 196.)

There is no law which requires the coroner to keep records. An inquest report,which gives the name of the deceased person; date of death; date and place of inquisition;list of witnesses;signatures of witnesses; certificate of the examining physician; list of jurors; jury verdict; signature of foreman of the jury; his own signature and remarks, are all turned over to the circuit clerk. If he wishes to keep any other records for his own use he may do so. (A. Ark., 1838, as contained in Rev. Stat. Ark., 1838, 196.)

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XVII. CONSTABLE

The first constables in Faulkner County went into office by virtue of appointment, a delegated power given to the governor by the law of 1873 which created the county. These first constables served only a short time, however, before giving way to their successors after the adoption of the new constitution on October 13, 1874. (A. Ark., 1873, 88; Const. 1874, art. VII, sec. 47.) Prior to the new constitution, the office of constable was operative under the laws which were in effect at the time of the county's creation (A. Ark., 1868, 326).

In order to qualify for the office of constable, a candidate must be an elector and a resident of the township in which he seeks to hold office (Const. 1874, art. XIX, sec. 3). He is elected by the qualified voters of the township for a term of two years. He is the only county official who is not commissioned by the governor, receiving instead, an election certificate from the county judge, upon which the constable must endorse his official oath of office, it being the same as prescribed for all state and county officials. He also must make bond, (Const. 1874, art. VII, secs. 47, 48; ibid., art. XIX, sec. 20.) within 10 days after receiving his certificate, the amount being specified by the county court provided it is not less than $500 nor more than $5000. The bond must be approved by the circuit court and filed in the recorder's office. (A. Ark., 1838, as contained in Rev. Stat. Ark., 1838, 184; see "County Court", p. 53; "Circuit Court", p. 83; "Circuit Clerk as Recorder", p. 68.)

There is no fixed salary for the office of constable. He is entitled to all the fees and emoluments of his office up to $5000 per year, the maximum compensation for all state and county officers. Any amount in excess of $5000 must be turned over to the county treasurer. (Const. 1874, art. XIX, sec. 23.)

The constable is entitled to fees for performing the following duties: summoning witnesses, serving warrants, taking custody of prisoners and escorting them to and from jails, summoning jurors, attending trials, calling courts, announcing the opening of sessions of justice of the peace courts, and caring for prisoners. The fees range from 10 cents to 75 cents. In performing duties for the sheriff, he is allowed the same compensation as that official for mileage expense, and for money collected in serving an execution or process. The constable receives $2\frac{1}{2}$¢ a mile for expense in serving a summons. (A. Ark., 1845, 46.) Should both the sheriff and coroner be disqualified, the constable performs the duties and receives the same compensation as the other officials (A. Ark., 1846, 86; ibid., 1874, 183; see "Sheriff", p. 136).

The county court may remove the constable from office for his failure to perform any of his duties; for failure to pay over money he has collected for the county; for failure to execute processes within the time specified by law, and for failure to post bond within 10 days after his election or appointment to office (A. Ark., 1838, as contained in Rev. Stat. Ark., 1838, 184, 186). Should the constable's office become vacant in a township, the constable of any adjoining township, may serve during the vacancy and execute and return all process directed to him for execution in the township where the vacancy exists (A. Ark., 1845,

46). The county court in term time, or the county judge, in vacation, may fill vacancies in the office by appointment. The appointee holds office until his successor is elected and has qualified. (A. Ark., 1838, as contained in Rev. Stat. Ark., 1838, 186.) The constable may appoint one or more deputies for whose acts he is responsible. The appointments must be approved by the county court.

The constable must preserve the peace of his county and endeavor to suppress "all fights, affrays, riots, and unlawful assemblies" and to cause all offenders to be arrested and taken before some justice of the peace and dealt with according to law (A. Ark., 1838, as contained in Rev. Stat. Ark., 1838, 184). Any constable who fails to perform his duties as a conservator of the peace is guilty of a misdemeanor and upon conviction will be fined not less than $5 nor more than $100 (A. Ark., 1848, 37). He also must serve warrants in criminal cases, take prisoners to and from jails, accept delivery bonds, summon witnesses, levy writs of attachment, attend trials in justice of the peace courts, call court, summon defendants to trial, and collect fines or forfeitures (A. Ark., 1874-1875, 183).

If a law enforcement crisis should arise and the constable and his deputies are unable to cope with the situation, he may call upon private citizens and the state militia for aid if he thinks their aid is needed (A. Ark., 1864-1865, 53), and if, in serving a summons, a constable has any reason to believe he will meet with resistance, he may command as many male inhabitants of his county as he thinks necessary to assist him in overcoming the resistance and in arresting the persons who resist, and in bringing them to trial (A. Ark., 1869, 337).

The constable may arrest any person who commits an offense triable before a justice of the peace provided the offense is committed in his presence. If the offense is not committed in his presence and knowledge of it comes to him, he may present the offender to a justice of the peace and obtain a warrant for his arrest. (A. Ark., 1848, 37.) If it should be brought to the constable's attention that the tax on any exhibit or public performance has not been paid, he may demand immediate payment. If payment is refused, he may close the exhibit or performance on the ground that it constitutes a disturbance of the peace. (A. Ark., 1883, 278.) If three or more persons file complaints, the constable has the power to inspect, once a year, all scales, weights, or measures used for commercial purposes within his township. If these are found to be inaccurate, the persons or firms using them are liable to prosecution and may be fined. The constable is entitled to keep one-half the amount of the fine. (A. Ark., 1913, 1058.) The constable, as a peace officer, has the right to arrest offenders against the law. He is not, however, authorized to execute warrants of arrest or other processes directed to the sheriff, unless he is deputized by the sheriff to perform these duties, (Winkler v. State, 32, Ark., 539, [1877-1878].) or when the offices of sheriff and coroner are vacant, or when both the sheriff and coroner are disqualified to serve. In such cases, of course, the geographical scope of his authority is county-wide. (A. Ark., 1846, 86.) A constable is exempt from jury service (A. Ark., 1837, as contained in Rev. Stat. Ark., 1838, 483; A. Ark., 1909, 148).

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XVIII. QUORUM COURT

The quorum court in Arkansas is not a court, but a directorial body of county government that levies taxes and makes appropriations for anticipated expenditures of the county. The term refers to the county judge and the justices of the peace, who act collectively in the discharge of these duties. (Const. 1874, art. VII, sec. 30.) The term was used informally as the name of the body for some time before it was applied for the first time as an official designation by the General Assembly in 1907 (A. Ark., 1907, 642).

On November 13, 1829, the legislature of Arkansas Territory passed an act that established a county court in each county giving it jurisdiction in all matters relating to county taxes, disbursement of funds for county purposes, and in all other matters pertaining to internal improvements and local concern. The court was held by one judge, who was elected by the qualified voters of each county for a term of two years. One justice of the peace from each township in the county was entitled to a seat on the bench of the court, but had an equal voice with the judge only in matters relating to roads and revenues. (L. A. T., 1829, as contained in L. A. T., 1835 digest, 157-159.) The quorum court was perpetuated by the Constitution of 1836 (Const. 1836, art. VI, sec. 9), and similar provisions were made in the Constitutions of 1861 (Const. 1861, art. VI, sec. 11),1864 (Const. 1864, art. VII, sec. 11), and again in 1868 (Const. 1868, art. VII, sec. 5).

When Faulkner County was created,April 12, 1873 (A. Ark., 1873,86), the quorum court had been abolished by an act of the General Assembly adopted April 3, 1873, and the duties of the court had been assigned to the board of supervisors (A. Ark., 1873, 54; see "Board of Supervisors", p. 66). The quorum court as it exists today was created by the Constitution of 1874 and vitalized by subsequent legislation(Const. 1874, art. VII, sec. 30; A. Ark., 1875, 142).

The presiding officer of the quorum court is the county judge and, with the justices of the peace from each township, constitutes the tax-levying and appropriating body for the county. In the event the county judge is absent,a majority of the justices of the peace may elect one of their number as a presiding officer. (Const. 1874, art. VII, sec. 30.) The ministerial officers of the court are the county clerk, who makes a record of the proceedings, and the sheriff who preserves order and executes the court's precepts (A. Ark., 1879, 111).

(For a full discussion of the qualifications, election, terms of office, official bonds, oaths of office, causes for, and manner of removal from office, vacancies, and fees and salaries, see "County Court", p. 53; "County Clerk", p. 150; "Sheriff", p. 136;"Justice of the Peace", p. 127, and "Governmental Organization and Records System", p. 17.)

The court is now required to meet on the third Monday in November and at such other times as the county judge may direct (A. Ark., 1939, 58). From 1875 until 1899 sessions of the quorum court were held, commencing on the third Monday in October (A. Ark., 1875, 141; ibid., 1879, 111; ibid., 1887, 143). From 1909 until 1933 the meeting date was the

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first Monday in November (A. Ark., 1909, 902). A 1933 law specified two meeting dates, one on the third Monday in November and another on the first Monday in January (A. Ark., 1933, 323). A 1937 law specified one meeting which was to be held on the first Monday in November (A. Ark., 1937, 1317). When an emergency exists, a special meeting may be called by the county judge (A. Ark., 1911, 188; ibid., 1937, 1318).

The order of business at the regular annual meeting of the quorum court has been prescribed by law since 1879. After it has been determined that a quorum is present, the county clerk submits a written report and financial statement of the county, showing the amount of revenue received and the sources of the revenue during the past fiscal year; the appropriations made at the previous meeting of the court, the amount of each appropriation spent and the unexpended balance; the total amount and number of county warrants drawn and the amount of claims allowed by the county court during the fiscal year; an itemized statement of unpaid claims against, or in favor of, the county; and the total value of the taxable property of the county as shown by the assessment books for the year. The sheriff, as ex-officio collector, submits a written report on county revenue collected by him and its disposition during the past fiscal year, and the number of licenses delivered to him for collection and the total amount collected as license fees. As sheriff, he reports the number of prisoners confined in the county jail during the year, giving the date of the expiration of the sentence of each prisoner and the expense of their upkeep. The treasurer submits a written report of the funds received by him, showing the sources from which they were received. The county judge submits a written report of the condition of the roads and bridges in the county; the number of paupers cared for at public expense; the condition of the courthouse and all other property of the county, including both buildings and records. The presiding officer of the court may appoint one or more committees consisting of three members of the court to whom the respective reports may be referred for examination. The committees are required to examine the reports and advise the court of their findings at their earliest convenience. The court may require the reporting officer to amend his report. (A. Ark., 1879, 122; ibid., 1909, 902; ibid., 1937, 401-403.)

The court then makes appropriations to defray expenses of the county during the next fiscal year. In addition to an appropriation for office supplies and equipment for the various county officers, it makes appropriations for the following purposes in the order listed: to defray the expense of the courts of record; of keeping prisoners in the county jail; of making the assessments in tax books and collecting the tax; of making public records; of maintenance of the poor; of the repair of roads and bridges and the maintenance of county buildings, and other expenses of the county government that are allowed by law. (A. Ark., 1879, 112; ibid., 1909, 902.)

The court, at its discretion, and provided there is sufficient money available, is authorized to appropriate funds to pay the poll tax of soldiers and sailors who are residents of the county and are on active duty during a national emergency (A. Ark., 1923, 513); for county and state fairs (A. Ark., 1927, 123; ibid., 1929, II, 1512); for the support and

maintenance of home-finding societies and hospitals which make provisions for the care of the sick and the crippled children of indigent families, who are residents of the county (A. Ark., 1925, 781; ibid., 1929, II,1455);for the salaries of the county farm agent and home demonstration agent (A. Ark., 1911, 21; ibid., 1927, 1105); for tick eradication and the burning of carcasses of animals that have died because of accident, anthrax,or any other contagious or infectious disease(A. Ark., 1917, II, 1183; ibid., 1925, 654); for the promotion of public health; for the assistance of the poor; and the support and education of underprivileged children (A. Ark., 1925, 361; ibid., 1935, 967). After the appropriations are made, the court levies the taxes for state, county, municipal and school purposes (A. Ark., 1909, 902; ibid., 1879, 112).

The first tax levy in Faulkner County, which was made in 1873 by the then existing board of supervisors, was as follows: for state purposes, general expense,ten mills; for interest on the state public debt, two and one-half mills; poll tax, $1; for county general expense, five mills; for paupers, one mill; for school teachers fund, five mills; for bridge tax, one mill; for interest on the county debt, three mills; and for payment of debts incurred by the old Cadron and East Fork townships, two and one-half mills ("Record, Board of Supervisors", vol. A, p. 47; see entry 5).

The state tax levy for 1939 is nine mills. It was levied to raise money for the following purposes: common school fund, Confederate pensions, state hospital and dairy farm, school for the blind, deaf-mute institute, Confederate soldier's home, tuberculosis sanitorium, interest on state debt, University of Arkansas, branch normal college, district agricultural colleges, school supervision fund, and for vocational education. The amount of the state levy is certified each year to the quorum court by the state auditor. (A. Ark., 1921, 467-471; "County Court Record", vol. 28, p. 550, see entry 3.)

The 1939 county levy for Faulkner County includes five mills general tax, three mills for county funding bond, 1.7 mills for courthouse bonds, and three mills for roads. The five-mill levy is made to pay expenses of the circuit court,county court, chancery court, justice of the peace courts, the housing and care of prisoners, the assessment of tax, the care of county patients in the state tuberculosis sanitorium, county agent, home demonstration agent, health unit, maintenance of roads and bridges, resident minors of the county who are cared for in the Arkansas Children's Home, office supplies and equipment for the several county offices, janitor service for the courthouse, maintenance of the poor, library fund, municipal court fund, and the county hospital. (A. Ark., 1883, 214; ibid., 1925, 610; ibid., 1909, 902; ibid., 1879, 112; County Court Record, vol. 28, p. 550-555, see entry 3.)

Levies of from seven to 18 mills were made by the quorum court for the respective school districts in Faulkner County for 1939. Levies also were made for the various towns and cities in the county. (A. Ark.,1879, 112; ibid., 1909, 902; "County Court Records", vol. 28, p. 550-555, see entry 3.)

The court is required to hear the protest of any person or business

firm against a tax levy affecting property within the county. A ruling must be made by the court, and the protestant has the privilege of appealing from the decision to the circuit court. (A. Ark., 1887, 164.) The total amount of appropriations made by the court must not exceed 90 per cent of the anticipated revenues for the fiscal year (A. Ark., 1879, 115). Prior to 1879 the court was not allowed to appropriate more than 75 per cent of the anticipated revenues for a fiscal year(A. Ark., 1875, 144).

The court was authorized in 1899 to appoint one resident of the county as road commissioner (A. Ark., 1899, 349). This power was taken away in 1917 when the county judge was designated by statute as ex-officio road commissioner of the county (A. Ark., 1917, spec. sess., 275). The court, at each annual meeting held in odd-numbered calendar years, appoints the members of the county board of equalization (A. Ark., 1929, II, 865; see "County Board of Equalization", p. 170). When the county highway commission was created in 1939, the court was given the power to appoint two members of the commission (A. Ark.,1939, act 379; see "County Highway Commission", p. 64).

County Clerk as Quorum Court Clerk

The county clerk has been required to attend all sessions of the quorum court since the court was re-established by the Constitution of 1874 (Const. 1874, VII, sec. 30; A. Ark., 1875, 142; ibid., 1879, 111).

He is required to make a record of the court's proceedings. This includes a detailed record of the vote of each member upon all levies and appropriations. He is responsible for the safekeeping of the county officers' annual reports to the court, and other information used by the court in determining the amount of the tax levies and appropriations. (A. Ark., 1875, 142; ibid., 1879, 111; ibid., 1909, 902.) He keeps these records in the vault in his office at Faulkner County courthouse at Conway unless otherwise designated.

Proceedings

135. (QUORUM COURT PROCEEDINGS), 1878--. In County Court Record, entry 3. 1874-79 in Record Board of Supervisors, entry 5. Dates of meetings of quorum court; list of justices of peace present at meeting; reports of county judge, county clerk, sheriff, and treasurer submitted to court for approval; levies for state and county tax; levies of school district taxes as certified by county examiners; levies for incorporated towns as certified by various town councils, and adjournment orders.

136. (APPROPRIATION RECORD), 1878--. In County Court Record, entry 3. 1874-79 in Record Board of Supervisors, entry 5. Record of appropriations made by the quorum court for each county office and for general expense of county for current year. Names funds from which appropriations were made, and gives date of appropriation.

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XIX. COUNTY CLERK

The office of county clerk, which was termed exclusively "clerk of the county court" during the earlier history of Arkansas, and, to some extent, today, was created by an act of the Legislature of the Territory of Arkansas, passed November 13, 1829. This law stated that the office must be filled in an ex-officio capacity by the clerk of the circuit court. (L. A. T., 1829, as contained in L. A. T., 1835, digest, 159.)

The Constitution of 1836 provided for the office of circuit clerk (Const. 1836, art. VI, sec. 7), who was designated as ex-officio clerk of the county court by subsequent legislation (A. Ark., 1838, as contained in Rev. Stat. Ark., 1838, 177).

The office of the county clerk did not become a constitutional office until 1868 when the constitution adopted that year made it the chief accounting and recording office of the county (Const. 1868, art. VII, sec. 19), and subsequent legislation adopted the same year made the clerk ex-officio clerk of the other inferior courts then in existence, and county recorder (A. Ark., 1868, 20). When Faulkner County was created by an act of the General Assembly, passed April 12, 1873, the office of county clerk was established in accordance with the terms of the Constitution of 1868 (A. Ark., 1873, 86; Const. 1868, art. VII, sec. 19).

The office was not affected by the abolishment of the county court by an act of the General Assembly passed April 3, 1873, which established a board of supervisors in each county. This act provided that the county clerk should serve as clerk of the board of supervisors in much the same manner as he had served as clerk of the county court in its administrative duties. (A. Ark., 1873, 54; see "Board of Supervisors", p. 66.)

The Constitution of 1874 re-established the circuit clerk as chief accounting and recording officer of the county. It provides that in all counties with a population of less than 15,000, the circuit clerk serves as ex-officio clerk of the county and probate courts and as county recorder. In counties of more than 15,000 population, the office of the county clerk is made a separate, elective office and this official is ex-officio clerk of the probate court. Under the terms of these provisions, the four offices were filled by one person in Faulkner County until 1890. Since that time, the offices have been divided. (Const. 1874, art. VII, sec. 19; Higgins, Biennial Report of the Secretary of State, 1925-26, 411.)

The clerk must be a qualified elector of his county, and is elected for a term of two years by the voters of the county (Const. 1874, art. VII, sec. 19). Prior to 1874 the county clerk was elected for a term of four years (Const. 1868, art. VII, sec. 19). The clerk's manner of selection, term of office, and qualifications, in effect from 1874 until 1890, are discussed fully in "Circuit Court", p. 83.

The county clerk is subject to removal from office for the same reasons, and in the same manner as other county officers, and vacancies in his office are filled in a like manner ("Governmental Organization

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and Records System", p. 17).

Before entering upon the duties of his office, a clerk is required, by statute, to execute a surety bond in the sum of not less than $2000 or more than $10,000 to guarantee the faithful performance of his duties. The county clerk of Faulkner County makes bond in the sum of $5000. (A. Ark., 1919, 156; see "Givernmental Organization and Records System", p. 17.) When he takes office, he subscribes to the same oath of office as do other county and state officials (Const. 1874, art. XIX, sec. 20).

Since 1893 the clerk has been authorized to appoint one or more deputies, subject to the approval of the county court. He is responsible for the official conduct of his deputies who must have the same qualifications as the clerk, must take the same oath of office, and may perform all of the duties of the clerk as prescribed by law. (A. Ark., 1893, 146.) One full-time deputy and one part-time deputy are employed in the county clerk's office in Faulkner County. From 1874 until 1893 there was no legal provision for a county clerk having a deputy in his office. Prior to 1874 he was allowed one or more deputies whose appointments were made subject to the approval of the circuit court (A. Ark., 1836, as contained in Rev. Stat. Ark., 1838, 178).

The fact that the county clerk serves the county as a financial officer and also serves some of its courts in a ministerial capacity necessitates separate discussion of his duties. The following discussion deals only with the duties of the clerk as a financial officer. Detailed discussion of his other duties may be found in "County Court", p. 53, "Probate Court, p. 112, "Juvenile Court", p. 120, and "Board of Equalization", p. 170.

Immediately after the adjournment of the session of the quorum court at which appropriations are made, the county clerk enters in a book, kept for that purpose, a separate account for each appropriation, and during the fiscal year,must credit each account for all amounts paid out (A. Ark., 1879, 116). All payments are made by warrants which are issued by the clerk upon approval of the county court. The clerk is prohibited from issuing a warrant for an amount in excess of a claim even though he is directed to do so by the county court. (A. Ark., 1875, 61.) The clerk keeps a warrant register in which is entered the number of each warrant issued, the date of issue, the amount of the warrant, the name of the person in whose favor it is drawn,and the appropriation from which it is paid (A. Ark., 1838, as contained in Rev. Stat. Ark., 1838, 224).

When outstanding warrants are called in by the county court for redemption or cancellation, the clerk delivers a copy of the court's call to the sheriff, by whom the holders of outstanding warrants are notified of the court's order (A. Ark., 1857, 50), and the clerk must keep a record of the amount,number and date of all redeemed warrants or other evidence of county debts that have been cancelled (A. Ark., 1853, 81).

The clerk makes a record of all levies approved by the quorum court (A. Ark., 1879, 111). After the assessor has delivered the assessment

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books to the clerk and the board of equalization has adjusted and approved the assessment list, it is the duty of the clerk to enter in these books the amount of tax due from each property owner (A. Ark., 1883, 199; ibid., 1838, as contained in Rev. Stat. Ark., 1838, 677).

To aid in the assessment and collection of taxes the clerk is required to keep a "land book" or a book of maps of all of the townships or fractional parts of townships in his county. From this book, the clerk obtains information as to the ownership of each tract of land in the county which is certified to the assessor each year so that an accurate record of assessments can be made by that official. (A. Ark., 1883, 247.)

After making the tax entries, it is the duty of the clerk to deliver the tax books to the collector before the third Monday in February of each year, together with written authority to the collector to commence the annual collection of taxes. He must obtain duplicate receipts for the books, sending one of the receipts to the state auditor. (A. Ark., 1933, spec. sess., 62; ibid., 1883, 199.) He also furnishes the collector with a complete list of all lands in the county that have been forfeited to the state for non-payment of taxes, showing the name of the former owner, together with the date each tract of land was forfeited (A. Ark., 1899, 312).

The clerk keeps a written account of all transactions between him and the county treasurer, the treasurer being charged with all money paid to him and credited with the amounts he has disbursed in the period subsequent to his last settlement with the county court. The clerk also must keep an accurate account of sums paid into the county treasury by all officials or deputies of county government. He must file and preserve in his office all vouchers and other instruments pertaining to the settlement of any accounts with the county and issue warrants on the treasury for all payments that are authorized by the county court, registering the warrants and presenting this record to the court at each regular term. He must be ready at all times to balance and exhibit the accounts kept by him when ordered by the county court to do so. (A. Ark., 1838, as contained in Rev. Stat. Ark., 1838, 224.)

On the first day of the term of the county court subsequent to the annual settlement of the treasurer, it is the duty of the clerk to prepare a statement showing the amount of revenue reported to him as having been received by the treasurer and an itemized statement of all disbursements. This statement must be posted in the clerk's office for inspection of citizens of the county. If the clerk fails to perform this duty he is subject to a fine of not less than $100 and a jail sentence of not more than 30 days. (A. Ark., 1857, 109.)

Upon receipt of the tax collector's certification of delinquent tax lands, it is the duty of the clerk to advertise the lands to be sold (A. Ark., 1935, 779; ibid., 1887, 170; A. Ark., 1838, as contained in Rev. Stat. Ark., 1838, 684; see "Tax Collector", p. 174), and attend each sale. It is his duty to make a permanent record for his office, listing all lands subject to sale, the record of the notice of sale by publication, and the names of the purchasers. He also must list the names of the purchasers upon the tax books. Any tract of land sold for taxes may be re-

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deemed within two years by the original owner, the clerk making a record of this transaction. After two years from the date of the sale, the clerk is authorized to issue a tax deed to a purchaser of land at a tax sale. (A. Ark., 1887, 143; ibid., 1883, 199.)

If any tax deed is lost, it is the duty of the clerk to execute a duplicate deed providing satisfactory proof of the loss of the original deed is presented to him (A. Ark., 1921, 150).

All officers named in the reports of justices of the peace as having collected fines, penalties, and forfeitures, are charged by the clerk with the total amount turned to them for collection. The clerk is not allowed to credit an officer with any amount unless he files with the clerk a receipt from the county treasurer showing that the item has been collected; or a certificate that the party against whom the fine or penalty was assessed is dead, or that the defaulting party has been imprisoned as provided by law. (A. Ark., 1891, 96.)

The clerk certifies to state officials the assessed valuation of county property. Every second year, he forwards to the auditor of the state an abstract of the valuation of the real property in each township of his county, showing the number of acres, exclusive of town or city lots, that have been assessed for taxation, the aggregate value of this property, and the number and valuation of all city and town lots. On or before the first Monday of January in each year, he certifies to the state auditor the aggregate value of the personal property in his county, the total value of all property, and the total amount of taxes assessed for that year. (A. Ark., 1887, 43-45.)

Should a vacancy occur in a county or township office, due to the failure of any newly elected person to make bond, notice of the vacancy is certified immediately to the governor of the state by the county clerk (A. Ark., 1875, 192).

It is the duty of the county clerk to forward to the auditor of state the names of all persons residing in his county whose applications for Confederate pensions have been allowed by the county board of Confederate pensions, immediately after the adjournment of the board's annual meeting (A. Ark., 1901, 82; see also "County Court", p. 53).

If a newly-elected member of the General Assembly is indebted to the county in which he lives, it is the duty of the county clerk to certify the evidence of this indebtedness, as shown by a report from the county treasurer, to the governor of the state. Failure to perform this duty subjects the clerk to punishment for a misdemeanor. (A. Ark., 1837, as contained in Rev. Stat. Ark., 1838, 322, 323.)

When an application for a marriage license is made to the county clerk, he must satisfy himself that the applicants are lawfully entitled to be married, and upon receipt of a fee of $3.10 he issues a marriage license to them (A. Ark., 1889, 165; ibid., 1915, 98; ibid., 1913, 348; ibid., 1917, 802; ibid., 1933, 486). He must receive and record all certificates licensing doctors, dentists, nurses, chiropractors, and osteopaths, to practice their professions in his county (A. Ark., 1903, 26,

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33; ibid., 1915, 178; ibid., 1913, 535).

He is required to keep a record that describes each township as established, setting forth the name and boundaries of the township, the places designated for holding elections and must record any changes that may be made in the township lines (A. Ark., 1837, as contained in Rev. Stat. Ark., 1838,755). The clerk keeps a record of all persons who have paid their poll tax. A certificate of this record is furnished to the county board of election commissioners on the second Monday in July of each election year (A. Ark., 1909, 942).

The clerk is the custodian of all ballot boxes used in primary elections. If there is no contest pending, the clerk must destroy the ballots six months after an election,in the presence of the chairman and secretary of the county central committee, of the political party for which the primary election was held. He must keep, as a permanent record in his office, a certificate stating that the ballots were destroyed. (A. Ark., 1917, II, 2290.)

A record of the conviction and punishment of all persons committed to the county jail is kept by the clerk. This record includes a correct statement of the time that prisoners may be compelled to serve at labor, in the discharge of their sentence. (A. Ark., 1883, 125.)

The clerk must pay over to the county treasurer all earnings of his office and furnish an itemized statement of earnings to the county court at each term of court (A. Ark., 1883, 99).

A record of all matters pertaining to road improvement districts is kept by the clerk (A. Ark., 1899, 347).

For more than 100 years it has been the duty of the clerk to keep a well-bound book in which he records the earmarks and brands of livestock owned by individuals who ask the clerk to perform this service (A. Ark., 1837, as contained in Rev. Stat. Ark., 1838, 534).

It is the duty of the county clerk to keep a record of the amount due each township in the county from the proceeds of the sale of the sixteenth section of land, which was set aside by the United States, at the time of Arkansas's admission to the Union, for the advancement of education (A. Ark., 1885, 162). The clerk keeps a record of real estate and personal property assessments as made by the assessor (A.Ark., 1887, 143; ibid., 1927, 329, 330). Record of articles of incorporation of private corporations formed in the county, transfers of their stock, and their annual reports are recorded with the county clerk (A. Ark., 1869, 179).

An emergency law adopted in 1864 when the Civil War was in progress, authorized the county clerk to move all the books and records of his office to any place in the county necessary for their safety and preservation. This act is still in effect. (A. Ark., 1864-1865, 35.)

All records of the county clerk's office are stored in the vault of the clerk's office in the courthouse, unless otherwise specified.

Financial

Accounts

137. CLERK'S ACCOUNT BOOKS, 1873--. 11 vols. (A-H, J-L).
Record of county clerk's accounts with general funds, giving the total amounts of county revenue received into the treasury from all sources; manner of disbursement, giving amounts paid out; to whom; and to what funds credited. Also contains: Constables Accounts, 1873-77, 1914-15, entry 138. Arr. chron. by date of entry. Indexed by name of account. Hdw. Aver. 640 pp. 18 x 11 x 3. 1873-1920 in ba. v.

138. CONSTABLES' ACCOUNTS, 1877-1913, 1916--. 4 vols. (1st two vols. not labeled, 3, 4). 1873-77, 1914-15 in Clerk's Account Books, entry 137.
Monthly reports of fines charged to and collected by constables of various townships. Arr. alph. by name of twp. and chron. thereunder by date of court order. Hdw. Aver. 480 pp. 14 x 6 x 2. 1877-1913 in ba. v.

Audits

139. COMPTROLLER'S REPORT, AUDIT FAULKNER COUNTY, ARKANSAS, 1930--. 5 vols. (dated).
Record of audits of county office, showing letter of transmittal; criticism of condition of records and accounts of county officials, together with comptroller's transcript of audit. Arr. chron. by date of audit. Typed. Aver. 150 pp. 15 x 9 x $\frac{1}{2}$.

140. REGISTER OF WARRANTS (Issued and Redeemed), 1873--. 9 vols. (A-I). Title varies: Register Warrants, 1883-1914.
Record of warrants issued to pay claims against the county and showing whether redeemed or canceled, giving name of person to whom issued; amount; register number; fund upon which issued; date of issuance; book and page on which county court order is recorded; date paid; to whom paid, and remarks. Arr. numer. by warrant no. Indexed alph. by name of claimant. Hdw. Aver. 300 pp. 18 x 12 x $2\frac{1}{2}$. 1873-1914 in ba. v.

141. REGISTER OF ROAD WARRANTS, 1879--. 5 vols. (1, A, K-M). Title varies: Cash Warrants and Road District Funds, 1879-1912.
Register of warrants issued against various road districts and paid by treasurer, giving number of district; to whom paid; date and number of warrant; amount, and receipt. Arr. numer. by warrant no. No index. Hdw. Aver. 170 pp. 14 x 6 x 2. 1905-16 in ba. v.

142. REGISTER OF ROAD WARRANTS, 1929--. 1 vol. (A). No prior records.
Register of warrants issued against highway fund, giving number of warrant; to whom issued; on what district; amount and date of warrant, and when paid. Arr. chron. by date of payment. Indexed alph. by name of claimant. Hdw. 480 pp. 18 x 12 x 2.

Fees

143. CASH BOOK (COUNTY CLERK'S FEE BOOK), 1890-1897, 1933--. 3 vols.

(A, 10, and one vol. not labeled). 1873-89, 1898-1930, 1932 missing. 1931 in Probate Court Record, entry 124. Title varies: County Court Fee Book, 1890-97.
Clerk's record of fees collected for services rendered, giving names of persons paying fees; service for which fee was made, and date and amount of payment. Arr. chron. by date of payment. Indexed alph. by name of person paying fee. Hdw. Aver. 240 pp. 16 x 8 x 2.

Roads and Highways

144. REGISTER ROAD DISTRICTS, 1874-1900. 2 vols. (A, B). No subsequent records.
Register gives number of district; name of overseer; date of appointment and expiration of term of office; number of hands worked, and name of apportioning justice. Arr. numer. by dist. no. and chron. thereunder by date of appointment of road overseer. ba. v.

Assessments and Taxation

145. REAL ESTATE ASSESSMENT BOOK, 1872--. 49 vols. Title varies: Faulkner County from Conway County (Real Estate Assessment), 1872;Assessment and Sales of Land formerly in Pulaski Co. now in Faulkner Co., 1873;List of Real Property Assessed for Taxation, 1876-78; (List of Real Property Assessed), 1879, Assessment, 1880.
Record of real estate assessments, giving names of owners; descriptions of property; total values of real estate as equalized; parts of section, section, township, and range; area or acreage; numbers of town or city lots and blocks, and number of school district. Arr. numer. by sec., twp., and r. No index. Hdw. Aver. 365 pp. 18 x 11 x 2. 1872-1885 in ba. v.

146. PERSONAL ASSESSMENT, 1873-1916. 44 vols. 1917-- in Personal Assessment Tax Book, entry 150. Title varies: Tax Book, 1881; Personal Taxes, 1882.
Record of personal assessments,giving name of owner;description of property; value; county, city, and school district in which located. Arr. alph. by towns and political twp. and alph. thereunder by name of property owner. No index. Hdw. Aver. 225 pp. 18 x 12 x 2. ba. v.

147. (ASSESSMENT LISTS OF IMPROVEMENT DISTRICTS), 1917, 1919. 7 vols. Title varies: (Assessment list) Road Imp. Dist. No. 6, 1919;Real Estate Tax (Assessment list) Conway & Damascus Road District, 1919;Real Estate Abstracts (Assessment list) Conway & Vilonia Road District,1919;Assessment Book, Conway & Palarm Road District, 1919; Assessment Record Road Imp. Dist. No. 1, 1917; Assessment Book, Road Imp. Dist. No. 5, 1919; Journal (Real Estate Assessment)
A record containing an assessment of benefits derived from the improvement work, giving name of supposed owner, legal description of property and its valuation,and payments for the years assessed, 1917, 1919. Arr. numer. by sec., twp. and r. No index. Hdw., hdw. on pr. fm. Aver. 100

pp. 14 x 10 x 2.

148. REAL ESTATE TAX BOOK, 1873--. 67 vols. Title varies: (Real Estate Tax Book), 1881;Tax Book, 1882; Real Est., 1885, 1886; Real Est. Tax Book, 1888, 1889; R. E. Tax Book, 1896; R. E. Tax, 1897; Real Estate, 1900; Real Estate Tax, 1880, 190J, 1906-16;Real Estate Ass'mt Tax, 1917; Real Estate Taxes,1919. Record giving name of owner; description of real and personal property; part of section; section; township and range; number of school district; number of road district; rate of school taxes; amount of taxes extended; state, county, district,and city taxes; total taxes; amount of taxes delinquent. Also contains: Minutes of Equalization Board, 1883-86, entry 182. Arr. numer. by sec., twp., and r. No index. Hdw. Aver. 500 pp. 18 x 12 x 4.

149. PERSONAL TAX BOOK, 1873-98, 1900-16. 44 vols. 1899 missing. 1917-- in Personal Assessment Tax Book, entry 150. Title varies: Personal Taxes, 1881; Assessor's Book, 1887; List of Persons and Personal Property Assessed for Taxation in Faulkner County, 1874.
Record of personal assessments, giving number of receipt book and receipt;name of property owner; address;date paid; description of personal property; valuation of various items of personal property; total valuation; penalty assessed for delinquency, if any; valuation as equalized; number of school district;number of road district;state, county general, road, school, and total taxes. Arr. alph. by towns and political twp. and alph. thereunder by property owner. No index. Hdw. Aver. 225 pp. 18 x 12 x 2. ba. v.

150. PERSONAL ASSESSMENT TAX BOOK, 1917--. 26 vols. 1873-1916 in Personal Assessment, entry 146, and Personal Tax Book, entry 149.
Record of personal assessments, giving number of receipt book and receipt;name of property owner;address; date paid; description of personal property; valuation of various items of personal property; total valuation; penalty assessed for delinquency, if any; valuation as equalized; numbers of school and road district;state, county general, road, school, and total taxes. Arr. alph. by towns and political twp.and alph.thereunder by property owner. No index. Hdw. Aver. 225 pp. 18 x 12 x 2.

151. ABSTRACT OF TAXES (List of Land Subject to Taxation), 1885, 1903-5-7-9-11-13-14. 8 vols. (years). No prior or subsequent records. Title varies: Abstract Real Estate, 1903-11;Abstract Lands (no date); Real Estate to be Assessed for 1885, 1885; Abstract Taxes, 1913.
List of real property subject to taxation which was prepared for use of the assessor in making assessment rolls, giving owner's name; legal description of property, and present valuation. Arr. numer. by sec., twp., and r. No index. Hdw. Aver. 470 pp. 18 x 8 x 2. ba. v.

Tax Collection

152. RECORD OF TAX RECEIPTS, 1883--. Title varies: Rgstr. Recpt.,

1885;Tax Receipt Register, 1886; Reg. Tax Recpts., 1887; Register, 1888;(Record of Tax Receipt), 1889; R. E. T. R., 1890; Reg. 1891; Reg. Tax Receipts, 1892, 1895; Record of Tax Receipts Faulkner Co., 1894; Tax Receipt Record, 1896; Tax Receipts, 1904, 1906, 1908; Record Tax Receipts, 1909,1910, 1912.

Record of tax receipts, giving name of collector; year for which taxes were paid; number of receipt; to whom issued; legal description of property; valuation of real estate; valuation of personal property; total value of real and personal property; school, levee, bridge, and drainage district taxes; total taxes, and date paid. Arr. numer. by receipt no. No index. Hdw. on pr. hd. Aver. 250 pp. 20 x 13 x 3.

Delinquent Taxes and Tax Sales

153. RECORD OF LIST AND NOTICE OF SALE OF LANDS, 1871--. 7 vols. (A, 1877, A-E). Title varies: Record Forfeited Lands, 1871-75; Delinquent Land Tax, 1876-82.

A complete record of lands subject to sale by the collector to individuals or the state because of delinquency in tax payments, including the records for 1871 and 1872, which were transcribed from the records of Pulaski and Conway counties, giving name of original owner; legal description of property;assessed valuation; tax levies on property; school and road district numbers; total taxes and penalties due, and date of sale. Also contains: Record of Lands Sold to State, 1871-82, entry 154; Record of Lands Sold to Individuals, 1871-82, entry 155. Arr. numer. by sec., twp., and r. No index. Hdw. Aver. 300 pp. 18 x 11 x 2.

154. RECORD OF LANDS SOLD TO STATE, 1882--. 3 vols. (A-C). 1871-82 in Record of List and Notice of Sale of Lands, entry 153.

Record of lands of which the state gains possession because of the failure of individuals to bid, at collector's public auctions, the amount of taxes delinquent, plus penalties and costs, giving years for which taxes are delinquent; area and legal description of tract; taxes, penalties, and costs due. Arr. numer. by sec., twp., and r. No index. Hdw. Aver. 320 pp. 18 x 12 x 2.

155. RECORD OF LANDS SOLD TO INDIVIDUALS, 1882--. 2 vols. (A-B). 1871-82 in Record of List and Notice of Sale of Lands, entry 153.

Record of lands on which payments have become delinquent, and which have been sold to individuals at public auctions, giving years for which tax payments are delinquent; area and legal description of tract on which taxes are delinquent; what part was sold; amount of taxes; penalties and costs due, and to whom sold. Arr. numer. by sec., twp., and r. No index Hdw. Aver. 240 pp. 18 x 11 x 2.

156. DELINQUENT PERSONAL PROPERTY RECORD, 1890--. 7 vols. (A-D, 1932, 1935, 1938). No prior records.

List of persons who have not paid personal property taxes, giving name of person; number of school district; description and value of property; years for which taxes are delinquent; total taxes; penalty, and costs. Arr. in tabbed secs. by name of twp. and alph. thereunder by first let-

ter of surname of taxpayer. Hdw. Aver. 160 pp. 18 x 11 x 2. 1890-1931 in ba. v.; 1932-37 in Sheriff's office.

Marriages

157. MARRIAGE LICENSES, 1909--. 21 file boxes. (A-H, IJ, K-O, PQ, R-T, UV, W, XYZ).
Copies of marriage licenses, giving names of parties, their age and address; date of license; seal of clerk; signature of clerk or deputy. Arr. alph. by name of bridegroom. No index. Hdw. on pr. fm. 8 x 4 x 4.

158. RECORD MARRIAGE CERTIFIC'E'S, 1873-75. 1 vol. (A).
Copies of certificates of marriage, giving name of person performing ceremony; date of marriage; date of certificate, and names of parties. Arr. chron. by date of filing. Indexed alph. by name of bridegroom. Hdw. 600 pp. 18 x 11 x 3.

159. MARRIAGE RECORD, 1875--. 28 vols. (A-Z, 1-2). Title varies: Record of Marriages, 1875-77.
A record of marriages consisting of marriage bond; affidavit of applicant for license; license, and certificate of marriage. Marriage bond gives names of principal and sureties; date of bond; name of parties; signatures of principal and bondsman. Affidavit of applicant for marriage license, gives name of person applying for license; address; age; name of woman he intends to marry, her age; date of affidavit; signature of clerk. Marriage license gives names, addresses, and ages of contracting parties; date of license; seal of clerk. Certificate of marriage gives name of person performing ceremony; date of ceremony; date of signing; signature of person performing ceremony; book and page of record in which credentials are recorded. Certificate of recordation gives names of clerk and contracting parties. Also contains: Ministers' Credentials, 1876, entry 48. Arr. chron. by date of issue. Indexed alph. by first letter of surname of bridegroom. Hdw. on pr. fm. Aver. 600 pp. 18 x 11 x 3.

Vital Statistics

160. RECORD OF BIRTHS AND DEATHS IN FAULKNER COUNTY, 1914-21. 42 pamphlets.
List of births and deaths, giving name of person; names of parents and attending physician. Arr. chron. by date of listing, and alph. thereunder by surname of individual reported. No index. Hdw. 6 x 4 x ½.

Corporations

161. RECORD OF INCORPORATIONS AND ASSOCIATIONS, 1890--. 3 vols. (A, B, B). No prior records. Title varies: Articles of Agreement and Incorporation, 1909-23.
Record of incorporation papers, giving name of corporation; name of person subscribing stock; amount subscribed; place of business; capital stock; amendments to the articles and by-laws of the corporation. Also contains: (Annual Report of Corporations), 1890--, entry 162; Transfer

of Bank and Corporation Stock, 1890--, entry 163. Arr. chron. by date of recording. Indexed alph. by name of corporation. Hdw. and typed on pr. fm. Aver. 640 pp. 18 x 11 x 4.

162. (ANNUAL REPORT OF CORPORATIONS), 1890--. In Record of Incorporations and Associations, entry 161.
Record of annual reports of corporations, showing date of report; amount of paid-in capital stock; cash value of credits; total amount of debts; name of each stockholder; number of shares held by each; copy of signatures of president and secretary of corporation; affidavit of accuracy and certificate of filing and recordation.

163. (TRANSFER OF BANK AND CORPORATION STOCK), 1890--. In Record of Incorporations and Associations, entry 161.
Record of transfers of bank stock submitted to county clerk for recording by person making transfer, giving name and post-office address of bank; name of president of bank; name of cashier; name of person making transfer; number of shares transferred; name of person to whom transferred; name of bank official who signed transfer; date of filing, and clerk's signature.

Voters

164. RECORD OF VOTERS, 1894--. 5 vols. (1-5). Title varies: Voters' Record, 1894-1909. No prior records.
Record giving names of persons who have paid the poll tax and specifying the townships in which they are eligible to vote. Arr. by twp. and ward and alph. thereunder by name of voter. Hdw. and typed. Aver. 150 pp. 18 x 11 x 2. 1894-1916 in ba. v.

165. REGISTRATION OF 1873, 1873. 1 vol. No prior or subsequent records.
List of eligible voters in Faulkner County when it was formed, dated September and October 1873, giving names of persons who had paid the poll tax and specifying the townships in which they are eligible to vote. Also contains in unused portion of book: Civil Fee Book, 1876-79, entry 86; Common Pleas Court Fee Docket, 1876, 1877, entry 130; Timber Register, 1905, entry 177. Arr. numer. by precinct no. No index. Hdw. 100 pp. 12 x 6 x 1.

Licenses

Professional

166. PHYSICIANS' CERTIFICATE REGISTER, 1903-26. 1 vol.
Record of re-registration of licenses of physicians and surgeons as required by an act of the General Assembly of 1903, giving name of examining borad; name of physician; certificate of qualification; statement that name of physician has been placed on list of accredited physicians; date of execution of certificate; names of officers and members of examining board. Also contains: Record of Physicians & Surgeons, 1921-26, entry 167. Arr. in alph. tabbed secs. by first letter of surname of phy-

sician and chron. thereunder by date of filing. No index. Hdw. on pr. fm. 200 pp. 14 x 10 x 2.

167. RECORD OF PHYSICIANS & SURGEONS, 1881-1920, 1927--. 3 vols. (A, JHH, 2). Duplicate entries in vols. A and JHH for part of yr. 1881. 1895 also in Common Pleas Record, entry 129; 1921-26 in Physicians' Certificate Register, entry 166. Title varies: Register Physicians & Surgeons, 1881-1913.
Register of physicians and surgeons, giving copies of diplomas or certificates issued by recognized authorities to practice; name of person, residence, sex, title: names and residences of witnesses; date of certificate, and registration. Also contains: Register of Osteopaths, 1923--, entry 168; Register of Nurses, 1928--, entry 169; Register of Chiropractors, 1929--, entry 170,Register of Dentists,1912--, entry 171. Arr. chron. by date of filing. Indexed alph. by name of physician and surgeon. Hdw. Aver. 120 pp. 10 x 4 x $\frac{1}{2}$.

168. (REGISTER OF OSTEOPATHS), 1923--. In Record of Physicians & Surgeons, entry 167. Last entry Sept. 12, 1923.
Register of osteopaths, giving copies of diplomas or certificates issued by recognized authorities to practice; name of person, residence, sex, titles; names and residences of witnesses; dates of certificate and registration.

169. (REGISTER OF NURSES), 1928--. In Record of Physicians & Surgeons, entry 167. Last entry 1937.
Register of nurses, giving copies of diplomas or certificates issued by recognized authorities to practice;name of person,residence, sex, title; names and residences of witnesses;dates of certificate and registration.

170. (REGISTER OF CHIROPRACTORS), 1929--. In Record of Physicians & Surgeons, entry 167.
Register of chiropractors, giving copies of diplomas or certificates issued by recognized authorities to practice; name of person, residence, sex, title; names and residences of witnesses; dates of certificate and registration.

171. (REGISTER OF DENTISTS), 1912--. In Record of Physicians & Surgeons, entry 167.
Register of dentists,giving copies of diplomas or certificates issued by recognized authorities to practice;name of person,residence, sex, title; names and residences of witnesses;dates of certificate and registration.

General

172. LICENSE BOOK, 1890-1919. 1 vol. No prior or subsequent record.
Record of licenses issued by the county to peddlers,and to the operators of skiffs, ferries, circuses, and exhibitions, giving date of issuance; to whom issued; license number;for what purpose; place of operation, and time of expiration of license. Arr. chron. by date of filing. No index. Hdw. 160 pp. 14 x 12 x 1. ba. v.

Pensions

173. PENSION (RECORD), 1899-1931, 1933--. 2 vols.
Record of board of Confederate pensions, giving application for pension; name of Confederate veteran or his widow to whom clerk delivers pension warrant,and amount and date of warrant. Also contains in unused portion of book: Justice Peace Docket, Powel Township, 1891-96, entry 180. Arr. alph. by name of veteran or widow. No index. 1899-1915 hdw., 1915-17 typed; 1917-31, 1933-- hdw. Aver. 300 pp. 18 x 14 x 2.

Livestock

174. ESTRAY RECORD, 1873--. 2 vols. (A, B). Last entry March 15, 1932.
Record of stray livestock taken up by individuals and reported by justices of the peace to the county clerk, giving name of justice of the peace; names of groups of three appraisers appointed by justice of the peace to determine value of animal; appraised value; total expense; description of animals; when, where, and by whom animal was taken up, and whether claimed by owner. Arr. chron. by date of filing. Indexed alph. by name of person having possession of animal. Hdw. Aver. 165 pp. 18 x 8 x 2. ba. v.

175. RECORD OF MARKS, BRANDS, 1873--. 2 vols. (A, title). Last entry February 23, 1927. Title varies: Record, Marks and Brands, 1873-83.
Illustrated description and record of marks and brands of livestock to identify ownership,specifying the earmark and place upon the body where the brand is applied,giving name of owner; township, and date of recording. Also contains in unused portion of volume: Minutes of Equalization Board, 1887-1914, entry 182. Arr. chron. by date of recording. Indexed alph. by name of owner. Hdw. Aver. 485 pp. 14 x 8 x 3.

176. PEDIGREE STOCK REGISTER, 1913--. 1 vol. (1). Last entry July 15, 1918.
Recorded copy of registration papers issued by breeders of pure-bred animals, giving name of animal; name of owner; age, sex, and lineage of animal registered. Arr. chron. by date of registering. Indexed alph. by name of owner. Hdw. 300 pp. 14 x 6 x 1. ba. v.

Timber

177. (TIMBER REGISTER), 1905. In Registration of 1873, entry 165.
Register of ownership mark placed on timber for purpose of identification, together with statement that timber is to be floated out on a certain stream, showing description of mark; name of owner, and date of recordation.

Pistols

178. REGISTER OF PISTOLS, 1923-25. 1 vol. (1). No prior or sub-

sequent records.
Register of pistols owned by individuals, showing name and residence of owner; school district number;race; kind, caliber, and number of pistol; dates of issuance and expiration of permit, and permit number. Arr. chron. by date of recording. Indexed alph. by name of owner. Hdw. 200 pp. 16 x 6 x 2. ba. v.

School Lands

179. NOTES AGAINST 16TH SECTION SCHOOL LANDS, 1882-1901. 1 vol. (A).
Record of 16th section lands sold, giving date of sale; to whom sold; parts of section, township, range, and acreage; cost of sale, and amount of sale. Arr. chron. by date of entry. No index. Hdw. 200 pp. 18 x 11 x 3. ba. v.

Justice of the Peace Records

180. JUSTICE OF THE PEACE DOCKETS, 1873-1935. 12 vols. 1889-95, Record of S. P. Beck,in County School Text Book Board Record, entry 194; 1891-96, Record of Powel Township, in unused portion of Pension (Record), entry 173. Title varies: Criminal Docket, 1880-96; Civil Docket, 1883-99; J. P. Docket, Conway County, 1895-1905; J. P. Docket, Civil & Criminal, 1911-14; Justice Docket Criminal, 1873-1919; Justice Criminal & Civil Docket, 1934-35.
Used dockets of justices of the peace that have been returned to county clerk, containing minutes of proceedings in justices of the peace court in civil and criminal cases,and giving names of plaintiff and defendant; date of trial; fees allowed; disposition of case, and name of presiding justice. Arr. chron. by date of hearing. Indexed alph. by first letter of surname of pltf. Hdw. Aver. 320 pp. 18 x 11 x 2. ba. v.

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XX. TAX ASSESSOR

The tax assessor in the counties of Arkansas is an agent designated by law to set the valuation upon real and personal property for the purpose of levying ad valorem taxation.

During Arkansas' territorial and early statehood periods, the assessment function was performed by the sheriff who was ex-officio assessor (L. M. T., 1815,as contained in L. A. T.,1835 digest, 465; L. U. S., 1819, as contained in L. A. T., 1835 digest, 39; Const. 1836, schedule, sec. 2; A. Ark.,1838, as contained in Rev. Stat. Ark., 1838, 674). Separation of the offices of sheriff and assessor began in 1860 and 1861, when the General Assembly enacted laws applicable to certain counties, which contained that provision (A. Ark.,1860, 47; ibid., 1861, 204, 285, 360). The two offices were separated in all counties in Arkansas in 1868 by the General Assembly, which passed a law making it the duty of the governor to appoint some "suitable person" in each county to the office of assessor (A. Ark., 1868, 262). This law was re-enacted in 1871 (A. Ark., 1871, 137),and again in 1873 (A. Ark.,1873, 324), after which, in 1874, it became a constitutional office, for the first time (Const. 1874, art. VII, sec. 46).

The creative act of Faulkner County provided for the establishment of the office of assessor, in accordance with the provisions of contemporary legislation (A. Ark., 1871, 137; ibid., 1873, 88, 305).

The first assessor of Faulkner County was A. B. Henry, an appointee of the governor, who served until the adoption of the Constitution of 1874 (Higgins, Biennial Report of the Secretary of State, 1925-26, 411).

Prior to the Constitution of 1874, the qualifications of the assessor were not defined by law other than that he be"some suitable person". Present qualifications, as set out by the Constitution of 1874, are that he be an elector and a resident of the county. (A. Ark., 1873, 324; Const. 1874, art. III, sec. 1.)

The assessor is chosen by the qualified voters of the county for a term of two years, and commissioned by the governor. A law of 1873 set the term of office of the assessor at four years but the Constitution of 1874 nullified this provision and stipulated that the assessor be elected for a term of two years. (A. Ark., 1873, 324; Const. 1874, art. VII, secs. 46, 48.)

The assessor is required to post bond, in an amount not less than $1000 or more than $8000, within 15 days after being commissioned by the governor. This now is required to be a surety bond, the amount of which is set by the state bond board. (A. Ark., 1883, 234; ibid., 1937, 1243; ibid., 1929, II, 1000.) From 1883 until 1939, the amount of the bond and the security posted for the bond were subject to the approval of the county judge. The assessor is liable on his official bond for failure, neglect or refusal to discharge any of his lawful duties. (A. Ark.,1883, 234.) Legislation prior to 1883 did not require a bond.

Before taking office, the assessor is required to subscribe to the

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oath prescribed by the constitution, as well as a special oath pertaining to the duties of his office (Const. 1868, art. XV, sec. 17; Const. 1874, art. XIX, sec. 20; A. Ark., 1873, 325; ibid., 1883, 234). Should he fail to take the oaths and file them with the county clerk at the time prescribed, the office is declared vacant. A vacancy in the office now is filled by appointment by the governor, following receipt from the county clerk of notification of the vacancy. This was the law prior to adoption of the Constitution of 1874. (Const. 1874, amend. XXIX, app. 1938; A. Ark.,1873, 325; see "Governmental Organization and Records System", p. 17.) From 1874 through 1938 a vacancy was filled by special election,unless it occurred less than six months before the next general election. In that event, the governor appointed someone to hold the office for the unexpired term. (Const. 1874, art. VII, sec. 50.) The assessor holds office until his successor is elected and qualified (Const. 1874, art. XIX, sec. 5).

The assessor may be removed from office upon conviction of fraud, bribery, or an offense against an election law of the state. If he is adjudged guilty of a felony, he may be disqualified from holding an office of trust or profit in the state. (Const. 1874, art. III, sec. 6.) He may also be removed from office by a circuit court order upon his conviction for incompetence, corruption, gross immorality, criminal conduct, malfeasance, misfeasance, or nonfeasance in office. If the assessor is charged with any of these offenses,the court may suspend him from office pending final disposition of the case. (Const. 1874, art. VII, sec. 27; A. Ark., 1877, 64.)

The assessor in Faulkner County has been paid a salary of $3000 per year since 1931 (A. Ark., 1931, 438), an increase from $1800 authorized in 1929 (A. Ark., 1929, II, 862). From 1875 until 1929, he was paid on a fee basis (A. Ark., 1874-1875, 207). An 1873 statute placed the assessor's compensation on a percentage system which was based on the total assessed valuation of property in the county (A. Ark., 1873, 379). One-half of his present salary is paid by the state and one-half by the county (A. Ark., 1933, 638; ibid., 1929, II, 863).

The assessor may appoint any number of deputies necessary to aid him in discharging his official duties, but their appointments are subject to the approval of the county judge. A deputy must have the same qualifications as the assessor and must be able to perform all of his duties. (A. Ark., 1873, 333; ibid., 1883, 235.)

All real property within the bounds of cities and towns must be assessed by the assessor in odd-numbered years, between the first Monday in January and the third Monday in August. All real estate situated outside the bounds of the cities and towns must be assessed by the assessor in each even-numbered year, within the same period. (A. Ark., 1929, II, 844.) From 1873 until 1883,assessments of real property, both rural and urban,were required to be made before the 31st day of July each year (A. Ark., 1873, 326). From 1883 until 1929, such assessments were required to be made before the first Monday in June of each odd-numbered calendar year (A. Ark., 1883, 240).

Assessment of all personal property and money is made annually,

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between the first Monday in January and the third Monday in August (A. Ark., 1929, II, 844). The law of 1873 required that all personal assessments be made between June 1 and July 31 each year (A. Ark., 1873, 324).

The assessor, or his deputy, is required to remain in his office during reasonable office hours between the first Monday in January and the tenth day of April of each year for the purpose of assessing all real and personal property. The assessor is prohibited from participating in any business other than that of his office. (A. Ark., 1929, II, 846; ibid., 1931, 341, 342.)

The assessor, according to a law passed in 1873, was required to present, before July 31, a printed form at the office or home of each of the county's residents. This form was to be filled out by the resident, so as to show a full description of his money and personal property. The property owner was allowed ten days to complete the statement and return it to the assessor. The statement was given under oath, administered by the assessor. (A. Ark., 1873, 326.) This law was revised in 1883. The assessor is now required to post notices in three or more public places in each township in the county, stating that he will be present at the usual voting place in the township on certain days to take a list of the real and personal property of each resident (A. Ark., 1883, 235).

A law of 1913 requires the assessor to include in the notices of his attendance at the various voting precincts, a statement that for a ten-day period, designated by dates, following his visits to all the voting precincts, he will be in his office at the county seat to receive assessments (A. Ark., 1913, 526).

When a taxpayer presents himself to assess his property, the assessor administers the oath required by law (A. Ark., 1929, I, 558). The assessor then determines as near as possible the true value of each separate lot or tract of real property, making a correct description of each, so that it may be distinguished from any other tract. He may require the owner, or occupant, of the property to furnish an accurate description of the land and all improvements and buildings thereon. In the event the owner, or occupant, refuses to do so, the assessor may request the county surveyor to make a new survey of the property. After this is done, the assessor must inform the clerk, who adds the cost of the survey to the tax assessed against the property. (A. Ark., 1883, 242.) Upon demand, the assessor must furnish the taxpayer with a copy of his assessment list (A. Ark., 1905, 674).

Should the assessor discover any property which has been omitted from the assessment roll, before the collector closes his books for that year, it is his duty to make a special assessment of the property and file it with the county clerk (A. Ark., 1929, II, 853).

A property owner must be notified by the assessor of any raise in the valuation of his property, in order that he may go before the equalization board and protest the increased assessment. The notice to the property owner must show the valuation as set by the property owner, and that fixed by the assessor. If necessary in appraising and assessing

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property, it is the duty of the assessor to enter any building, make an inspection, and examine under oath any person who he thinks might have knowledge of the taxable property under investigation. (A. Ark., 1929, II, 851.)

Any reasonable adjustment of assessment by the assessor is made by the board of equalization (A. Ark., 1929, II, 864; see "Board of Equalization", p. 170). This function was performed in Faulkner County by the board of supervisors from 1873 to 1874 (A. Ark., 1873, 54; see "Board of Supervisors", p. 66), and by the county court from 1874 until 1883 (A. Ark., 1874-1875, 228). The board of equalization, following its creation in 1883, functioned until 1917 when it was supplanted by township boards of assessment and valuation (A. Ark., 1883, 245; A. Ark., 1917, II, 1238; see "Board of Equalization", p. 170; "County Court", p. 53). These boards, composed of the assessor and two members who were appointed by the county court, assumed some of the duties that were performed and are performed at the present time by the assessor alone. The members of a board were required to be citizens of the township or ward in which they resided, and received $3 for each day spent in assessing property. (A. Ark., 1917, II, 1238; ibid., 1919, 133.) The General Assembly of 1929 passed an act abolishing the township boards and re-establishing the board of equalization (A. Ark., 1929, II, 864; see "Board of Equalization", p. 170). The assessor is not a member of this board but he is required to attend all meetings and, if the board so requests, explain his assessments (A. Ark., 1929, II, 869).

The assessor must examine the certificate of purchase and assess, according to its true value, any homestead land granted by the state (A. Ark., 1933, 373). If a merchant or manufacturer should commence business after the assessment books have been filed with the county clerk, the assessor must visit the place of business and assess the merchandise and fixtures, then file extra assessment blanks with the clerk (A. Ark., 1935, 429). It is the duty of the assessor to appraise and assess all previously exempt lands becoming subject to taxation in any current assessment year. He must also adjust the assessment record of all damaged real estate or improvements thereon by revaluation and reassessment. (A. Ark., 1929, II, 844.) If a town or city block, forfeited to the state for non-payment of taxes, is damaged by fire or other causes and the amount of taxes charged against it is greatly in excess of its value, it is the duty of the assessor and surveyor to view the property and appraise it at its true worth. This appraisement must be certified to the commissioner of state lands in order that the property may be offered at a fair rate of redemption. (A. Ark., 1937, 1054.)

Any person desiring to redeem property that has been sold for taxes, may apply to the assessor for statement of taxes due on the property and it is the duty of the assessor to furnish it (A. Ark., 1925, 1058).

The assessor must file the real property assessment books in the office of the county clerk not later than the first Monday in August of each odd-numbered year and the personal property assessment books not later than the third Monday in August of each year. The real property assessments are divided into two groups, the names of those taxpayers

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residing outside of, and those residing inside, incorporated cities, towns and villages. Both lists note by number the school district in which the taxpayer resides at the time of assessment. The lists are made in tabular form and provide separate columns for the various classifications of personal property and their aggregate value. There is a column opposite the name of the owner in which the assessor is to write the words "refused to swear" in the event the taxpayer refuses to furnish the description of his personal property or to take an oath as to the truth of his statement. (A. Ark., 1927, 328.)

At the time of the creation of Faulkner County the assessor was required to make his "returns" to the county clerk on or before the third Monday in September of every year and in the same manner as is now required (A. Ark., 1873, 326). The date for making the "returns" was changed in 1883 to "on or before the first Monday in June in the year eighteen hundred and eighty-three, and every second year thereafter" (A. Ark., 1883, 240).

Should the statement of a taxpayer be destroyed, it is the duty of the assessor to take another statement containing the same provisions as the original assessments (A. Ark., 1883, 238). He must list the names of those assessed for poll tax and personal property owners on the assessment lists according to the political township and ward in which they reside (A. Ark., 1935, 429).

On or before the third Monday in September of each year, the assessor must make an itemized report of the assessments for that year, to the Arkansas Corporation Commission and furnish such other information as the commission may demand of him (A. Ark.,1919, 139; ibid., 1929, II, 853). The assessor must indicate on the tax lists the race, either white or colored, of each person. The race of the owners of corporations, the property of which is being assessed,must also be shown on the assessment list. (A. Ark., 1895, 179.) It is the duty of the assessor to tabulate on a special form, made out in duplicate by townships, the number of acres of all improved and all unimproved land in each farm in the county. He is also required to list the acreage of the various crops at the time the list is made and to itemize the products raised on the farm the preceding year. One copy is sent to the secretary of state and one is filed with the county clerk. (A. Ark., 1883, 243.) At the time of assessing general property tax, the assessor must assess a per capita tax of $3 a year on each male inhabitant between the ages of 21 and 45 years for the improvement of roads (A. Ark., 1929, I, 717; ibid., 1871, 162; ibid., 1879, 50; ibid., 1893, 202).

When the General Assembly of 1935 passed an act creating a county board of public welfare in each county, the tax assessor was selected as one of the five county officials who chose a member of the board. The law was revised in 1937 and, at the present, he submits a list of three names to the state welfare board which selects one person nominated by him. (A. Ark., 1935, 56; ibid., 1937, 896.)

The assessor must inspect property and records, gather and record in writing any and all data and information pertaining to property of persons he is required to assess. This written data must be kept in his

office for a period of four years;at all times accessible to the equalization board, county clerk, county court, or interested parties. (A. Ark., 1929, II, 855; see "Board of Equalization", p. 170.)

Assessment List

181. ASSESSMENT LISTS OF PERSONAL AND REAL PROPERTY, 1873--. 29 drawers, 30 cardboard boxes. 1 file cabinet.
Original assessment lists,giving name of owner; description of property; total value of real estate as equalized; part of section, section, township,and range in which property lies; area; number of town or city lots and blocks, and number of school district. Arr. numer. by school dist. Indexed alph. by name of owner. Hdw. 1873-1937 in ba. v.

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XXI. COUNTY BOARD OF EQUALIZATION

The county board of equalization is an agency whose object is to correct the defects and inequalities of assessments. The board makes an equitable adjustment of taxation by correcting any list or valuation made by the assessor, either by adding to or deducting from his evaluations.

The county board of equalization,as it exists today, was created in 1929 as the successor to the township boards of assessment and valuation (A. Ark., 1929, II, 864).

The board consists of three members who are appointed by the quorum court for a term of two years. Appointments are made biennially at the annual meetings of the court held in odd-numbered calendar years. Vacancies on the board are filled by temporary appointment made by the county judge. The temporary appointee serves until the next annual meeting of the quorum court at which time the vacancy is filled by action of the court. The equalization board members must be residents of the county, qualified electors, and owners of real estate. The county clerk has served as clerk of the various boards since 1929, and the board elects one of its members as chairman. (A. Ark.,1929, II, 865.) Their pay for services in discharging official duties is not to exceed $10 per day,the amount being set by the county court (A. Ark., 1929, II, 867).

Since 1929, they have convened on the third Monday in August either in the county clerk's or the assessor's office. The board's annual session may last, if necessary, up to the third Monday in September but not longer. (A. Ark., 1929, II, 866, 867.)

Each board member must take the oath of office as provided by the Constitution of 1874, for all state and county officers (Const. 1874, art. XIX, sec. 20), and, in addition, he must swear, specifically, that he "will fearlessly, impartially, and faithfully equalize the assessed value of all property assessed and subject to taxation" (A. Ark., 1929, II, 867).

Immediately after the county assessor files his reports of assessments of real and personal property with the county clerk, and the clerk lays this data before the board, its deliberations are officially begun. The board raises or lowers the assessor's valuations to the extent that, according to the opinion of the board, it will be an equal and just assessment to all taxpayers. (A. Ark., 1929, II, 868.)

When the valuation of an item of property is raised by the board, it must mail a notice of its act to the property owner, comparing its valuation with the assessor's, and describing the proper procedure for the owner to follow if he wishes to enter a protest (A. Ark., 1929, II, 870). The state Supreme Court ruled in 1931 that assessments on the market value of property rather than, as is customary, on half the market value, though excessive,was neither illegal nor unauthorized and that an injunction could not be issued against its collection. The court, however, ruled that a remedy by appeal is afforded in the provisions of the equalization board act of 1929. (Beard v. Wilcockson,184, Ark.,349-351,

I 1932 I.) The court's opinion referred to that part of the act which provided that a resolution must be adopted by the board after setting its valuations but before it adjourns: a resolution "wherein it shall be stated the per centum of true market or actual value at which it has equalized the assessed values of the property of the county under its jurisdiction for the year". The majority of the members must affix their signatures to this statement, and a copy of it together with an abstract of adjusted assessments, giving totals of items and values, is transmitted to the Arkansas Tax Commission. (A. Ark., 1929, II, 871.)

The members of the board may, singly, or severally, inspect property to determine its value and they may have access to all county records they wish to consult. Witnesses may be ordered by the board to appear before it for questioning about any property in the county. The clerk must summon witnesses for examination, when directed to do so by the board. (A. Ark., 1929, II, 869.)

When Faulkner County was created in 1873 (A. Ark., 1873, 86), provisions were made for the board of supervisors to make equalizations of real and personal property assessments in the county (A. Ark., 1873, 54; see "Board of Supervisors", p. 66). The Constitution of 1874 abolished the board of supervisors and provided that all its official papers and records be turned over to the county court (Const. 1874, schedule, sec. 23), which assumed, among other things, the equalization function previously assigned to the board (A. Ark., 1874, 228). The county court discharged this duty until 1883 when the General Assembly enacted a law which created a board of equalization in each county (A. Ark., 1883, 245). These boards functioned until 1917 when they were temporarily abolished and supplanted by township boards of assessment (A. Ark., 1917, II, 1238; see "Tax Assessor", p. 164; "County Court", p. 53).

For the intervening period, and, in accordance with acts of 1883, 1887, and 1911, the board was composed of three, intelligent citizens, who were real estate owners, and qualified electors, residing in different portions of the county. The appointments were made by the governor. (A. Ark., 1883, 245; ibid., 1887, 163; ibid., 1911, 189.) When a vacancy occurred it was also filled by appointment by the governor (A. Ark., 1883, 246). The officers of the board were the county clerk who served as clerk, and one of the board was elected by its members as president (A. Ark., 1883, 245; ibid., 1887, 164; ibid., 1911, 189).

The tenure of office was for two years (A. Ark., 1883, 245; ibid., 1887, 163; ibid., 1911, 189), and the members, prior to taking office, were required to take the oath provided in the state constitution for all county officers and a special oath for the fearless and fair performance of their duties as members of the board (A. Ark., 1883, 245; ibid., 1911, 190; Const. 1874, art. XIX, sec. 20). At first, members were compensated at the rate of $3 a day for the time actually engaged in the discharge of their duties (A. Ark., 1883, 245; ibid., 1887, 173), provided that they were not in session for more than two weeks in any one year (A. Ark., 1883, 245), however, their rate of pay was ultimately raised to $4 a day in 1911 (A. Ark., 1911, 190). The General Assembly made no provision for the length of sessions in 1887, but in 1911, a provision was made for the board to exercise its functions from the first

Monday in September until the fourth Wednesday in October (A. Ark.,1911, 231).

The annual meetings were held in the county clerk's office (A.Ark., 1883, 245; ibid., 1887, 164; ibid., 1911, 231). In 1883 the sessions convened on the first Monday in June (A. Ark., 1883, 245); in 1887, the second Monday in September (A. Ark., 1887, 164); from 1911, the first Monday in September (A. Ark., 1911, 191).

Provisions made by the law of 1883 were that the boards should equalize the tax assessor's valuations of real and personal property, either by adding to,or subtracting from the valuations. It was the duty of the assessor to attend all meetings of the board and, upon request, give explanation and reasons for his evaluations. For the purpose of fair equalization,all members had free access to the county records, and it was their duty to make a careful examination and investigation of the appropriate records in conformity with their official duties. In equalizing real property assessments, the board members were charged with the duty of keeping valuations in conformity with the average valuations of real property in the county giving due regard to each property under consideration,its relative situation, quality of soil, improvements, and natural and artificial advantages. (A. Ark., 1883, 245-247.)

From 1887, the board,in every instance in which it raised the valuation of property, was required to mail a notification of the action of the affected owner giving the owner the privilege, or right to protest before the county court (A. Ark., 1887, 172; ibid., 1911, 190). But the state Supreme Court ruled in 1889 that,in event the board failed to perform this duty, it did not justify the granting of an injunction to prevent the county clerk from extending the board's valuation on the tax books (Equalization Board v. Land Owners, 51, Ark., 516, I 1889 I).

When in session the county board had the power to hear complaints relative to assessed valuations (A. Ark., 1883, 245; ibid., 1887, 164), and to examine witnesses,and the president of the board had the power to administer the oaths that all witnesses were required to take (A. Ark., 1911, 230). At first, provisions were made for owners to carry appeals from the board's decisions to the ensuing session of the county court in an effort to secure adjustment prior to the closing of the collector's books (A. Ark., 1883, 246; ibid., 1887, 173; ibid., 1911, 231). Provisions were later made for appeals to the circuit court, by either owners or members of the board,from the county court's decisions (A. Ark.,1887, 173; ibid., 1911, 191) and to the state Supreme Court. The appeals of the taxpayers "shall be prosecuted in the name of the State of Arkansas on relation of the objecting taxpayer" (A. Ark., 1911, 191).

For the intervening period from 1917 until 1929,the county board of equalization in Faulkner County was supplanted by the township of board of assessment and valuation (A. Ark., 1917, II, 1238; ibid., 1919, 133; see "Tax Assessor", p. 164).

All the records of the board of equalization are made by, and kept in custody of, the county clerk.

County Clerk as Equalization Board Secretary

The office of secretary of the county board of equalization is filled in an ex-officio capacity by the county clerk. The secretary is paid the same fee that is allowed members of the board for this service. (A. Ark., 1929, II, 866.)

It is the duty of the secretary to attend all meetings of the equalization board and to keep a record of the proceedings of the board, especially those proceedings relating to the adjusted valuations of real and personal property. The secretary administers the oaths of office to board members. The oaths are made in writing and become a part of the record kept by the secretary. (A. Ark., 1929, II, 866.)

It was the duty of the county clerk to attend all sessions of the former board of equalization which was in existence from 1883 until 1917, and to keep a record of its proceedings (A. Ark., 1883, 245). The records of the board are kept in the vault in the county clerk's office in the Faulkner County Courthouse at Conway, unless otherwise designated.

Minutes

182. MINUTES OF EQUALIZATION BOARD, 1929--. 1 vol. 1883-86 in Real Estate Tax Book, entry 148; 1887-1914 in unused portion of Record of Marks, Brands, entry 175; 1915-17 missing; 1918-28 no record as Board of Equalization was abolished during this period and re-created in 1929.

Record of abstracts of the proceedings of the Equalization Board of Faulkner County, giving names of owners of land; their addresses; legal description of land; valuation by assessor; valuation as equalized by board; action by board on hearings; final equalized value of personal property, and date equalized by the board. Arr. numer. by sec., twp., and r. No index. Typed. 640 pp. 18 x 11 x 4. co. c. v.

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XXII. TAX COLLECTOR

The office of tax collector in Faulkner County has been filled, at all times, in an ex-officio capacity by the sheriff. The office was created in 1873, simultaneously with the establishment of Faulkner County and in accordance with the provisions of an act of the General Assembly enacted in 1868. (A. Ark., 1873, 86; ibid., 1868, 326.)

(For information relative to the qualifications, election, term of office, oath of office, and manner of and cause for, removal of office, see "Sheriff", p. 136 and "Governmental Organization and Records System", p. 17).

Since January 1, 1939, the collector has been required to make a surety bond, the amount of which is set by the State Bond Board (A. Ark., 1929, II, 1000; ibid., 1937, 1243). The collector's bond in Faulkner County is $30,000. He is required to make a new bond each year, filing it in the office of the circuit clerk (A. Ark., 1917, I, 810; see "Circuit Court", p. 83). Prior to 1939, the collector could make a personal bond which was required to be one-fourth more than the aggregate amount of the taxes to be collected (A. Ark., 1885, 180).

In the event the sheriff is unable to qualify for the office of collector, through failure to make bond, or for any other reason, the office is declared vacant. The vacancy is filled by appointment by the governor. (Const. 1874, art. VII, sec. 50; A. Ark., 1874-1875, 225.) In 1873 and 1874, the vacancy was filled by appointment by the board of supervisors (A. Ark., 1873, 345). Even though the sheriff is suspended or removed from office as a law enforcement officer, he does not necessarily vacate the office of collector (Remley v. Matthews', 84, Ark., 598, [1908 I]).

The sheriff and ex-officio tax collector occupies an office in the Faulkner County Courthouse at Conway. All the duties are discharged from this office except at designated times during the tax collection period, when the collector or a deputy goes to the various towns and communities throughout the county for the purpose of collecting taxes. He gives notice of his itinerary by posting three notices in each area he intends to work and by placing advertisements in some newspaper published in the county. (A. Ark., 1887, 167; ibid., 1873, 346.)

The collector is paid on a percentage basis, as follows: for the first $10,000 collected, 5 per cent; for the next $10,000, 3 per cent; and for all over $20,000, 2 per cent (A. Ark., 1883, 199). He formerly was paid 3 per cent upon all moneys collected (A. Ark., 1873, 379).

The collector may appoint one or more deputies who are required to make bond in any amount the collector may designate (A. Ark., 1883, 254; ibid., 1873, 344). There are three deputies affiliated with the collector's office in Faulkner County. Each of them is commissioned both as deputy collector and as deputy sheriff. One is designated as field deputy and two may devote a major portion of their time to clerical work in the office.

Tax Collector

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Upon receipt of the tax books from the county clerk, which must be delivered to him on or before the third Monday in February each year, the collector issues a duplicate receipt, one copy of which is sent to the state auditor. He then commences the collecting of the taxes. (A. Ark., 1933, spec. sess., 62.) During the early history of Faulkner County, the county clerk was required to deliver the tax books to the collector on or before December 15 of each year (A. Ark., 1873, 343).

When Faulkner County was established, it was required that taxes be paid on or before April 20, following receipt of the tax books by the collector (A. Ark., 1873, 348). This date was later changed to April 10 (A. Ark., 1887, 167), however, an extension of time for tax payment has been authorized since 1911. Authority for the extension is vested in the governor, who may issue a proclamation designating the final due date of taxes for the current year. (A. Ark., 1911, 361.) In 1933 the time for tax payment was extended until October 1 (A. Ark., spec. sess., 1933, 61). A provision was made in 1935 authorizing the payment of taxes in installments. One fourth of the taxes due before the third Monday in April of each year, another one-fourth before the third Monday in July and the remainder on or before October 1. A penalty of 10 per cent is added on all taxes that are not paid when due. (A. Ark., 1935, 777.)

All delinquent taxes are certified to the county clerk by the collector by October 15 of each year (A. Ark., 1935, 777). The clerk advertises, between October 15 and the first Monday in November, the real estate against which there is delinquent tax, offering the property for sale on the latter date. It is the duty of the collector to manage the sale of this property. In the event that no individual bids are made, it becomes the duty of the collector to buy the land in the name of the state. (A. Ark., 1935, 779; ibid., 1883, 266; ibid., 1873, 351.)

The collector delivers to the individual buyer of delinquent tax land a certificate of purchase. This certificate is held by the purchaser for two years and, if the land is not redeemed within the two-year period by the original owner, the purchaser may present his certificate to the county clerk and obtain a tax deed. (A. Ark., 1893, 267; ibid., 1883, 268.) The certificates of purchase formerly were issued by the county clerk (A. Ark., 1873, 353; see "County Clerk", p. 150). Neither the collector nor his deputies are allowed to purchase or be interested, directly or indirectly, in the purchase of any lands sold for the collection of delinquent tax (A. Ark., 1883, 267).

A list of all persons who are delinquent in the payment of taxes on their personal property is certified by the collector to the county clerk on or before the second Monday in November of each year. This list contains the names of the delinquent taxpayers, the assessed valuation of their personal property and the amount of tax due from each. This list must be published in some newspaper of the county within ten days after it has been delivered to the clerk. (A. Ark., 1935, 456; ibid., 1937, 1306.) The collector is authorized to attach personal property of a delinquent personal taxpayer or to institute garnishment proceedings in an effort to collect the personal tax (A. Ark., 1887, 167; ibid., 1883, 260; ibid., 1873, 348). After he has made every effort to collect the personal tax, the collector reports to the county court the remaining

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delinquents. If it is apparent that the collector has tried diligently to collect the delinquent taxes, the court may allow him credit in his annual settlement for the taxes that remain uncollected. A list of the delinquents is certified, through the county clerk, to the state auditor, who also credits the collector with the amount of the unpaid delinquent taxes. After these reports have been made to the state auditor, the collector is required to keep a list of the delinquent taxpayers for six months and make every effort authorized by law to enforce his collection. (A. Ark., 1883, 262.)

Taxes for school districts, improvement districts, the per capita school tax and poll tax are collected by the collector at the same time he collects the other taxes (A. Ark., 1911, 469; ibid., 1913, 159).

All taxes collected for the county and its political subdivisions must be paid over to the county treasurer on the first and fifteenth day of each month. State funds are paid into the state treasury on the same dates. (A. Ark., 1935, 781.) The collector has been required since 1917 to pay all county funds in his possession to the treasurer when directed to do so by the county court (A. Ark., 1917, II, 1788).

The collector must settle his accounts with the county court at each of the regular quarterly sessions of the court, and at that time, pay into the treasury any balance shown by the settlement to be due the county (A. Ark., 1883, 263). On or before the first Monday in December of each year, it is the duty of the collector to make his final annual settlement with the county court. The report must be accepted or rejected within fifteen days after it has been submitted. (A. Ark., 1935, 778.) The collector formerly was required to file his final report with the court within 10 days after the delinquent tax sale had been held (A. Ark., 1887, 173; ibid., 1885, 185; ibid., 1873, 353). Within 15 days after final settlement with the county courts, the collector must go to the state capitol, at Little Rock, and make his annual settlement with the state auditor, after which he pays over to the state treasurer all funds in his possession that are due the state (A. Ark., 1887, 172). The state auditor has been authorized since 1913 to call in from the collector all money due the state, in case the money is needed, prior to the time for the annual settlement of the collector (A. Ark., 1913, 679).

The collector may accept county warrants or orders for warrants at face value in payment of county taxes, although he is not required to accept warrants or orders that must be refunded (A. Ark., 1935, 951; ibid., 1883, 256; ibid., 1873, 346, 369).

The collector is prohibited from erroneously certifying that any person is delinquent in the payment of taxes and may be punished for mistake (A. Ark., 1883, 257). He is prohibited from collecting any tax that is not entered on the tax books or collecting a greater amount than is shown by the records. A violation of this statute subjects him to imprisonment in the state prison not to exceed five years. (A. Ark., 1873, 345.) He is also not allowed to lend any money belonging to the county or to convert any public funds to his personal use. If this statute is violated and he is found guilty, he may be fined not less than $500 or more than $1000. He is required to turn over all money collected

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by him to the proper depositories in the same form in which it is collected, whether it be specie, United States currency, national bank notes, silver or gold certificates, warrants or scrip. If the collector violates this provision, he is subject to a fine of $100 and is liable on his official bond for any loss incurred by his noncompliance. (A. Ark., 1883, 257; ibid., 1867, 201.) He is restricted from purchasing any warrants or orders for warrants. If he should purchase a warrant, or a warrant order, at a discount and claim the face value of the warrant in his settlement with the county or state, the law requires that he forfeit the full amount due on the warrant and pay a fine of $100 in addition. If, in making his final settlement, he makes a false affidavit that the warrants he has presented were received in the payment of taxes and at par value, the collector may be charged with perjury, and upon conviction, is subject to confinement for not more than three years in the state prison and is thereafter barred from holding an office of public trust. He also is liable on his bond for any loss which may be incurred. (A. Ark., 1883, 256; ibid., 1869, 92.)

Each taxpayer is given a receipt for the taxes he has paid. The collector keeps carbon copies of all receipts he has issued, and at the time of his final settlement with the county court, delivers them to the county clerk where they are preserved as a public record. (A. Ark., 1883, 258.) At the expiration of his term of office, he returns the tax books to the county clerk, who preserves them as public records (A. Ark., 1883, 251; ibid., 1874-1875, 225).

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XXIII. COUNTY TREASURER

The county treasurer is a constitutional officer, who is the custodian of county and school funds,and the disbursing officer for the county and its political subdivisions, the school districts. The office was authorized by the state's original constitution,adopted in 1836. (Const. 1836, art. VI, sec. 17.) The Constitution of 1861 provided for the election of a treasurer, but two subsequent constitutions, those of 1864 and 1868, made no provision for the office. The General Assembly of 1868, however,enacted a law providing for the election of a treasurer. (Const. 1861, art. VI, sec. 18; A. Ark., 1868, 326.) It became a constitutional office again in 1874 (Const. 1874, art. VII, sec. 46). Prior to statehood, the sheriff of the county was ex-officio treasurer and performed the functions of the office under direction of the county court (L. M. T., 1816, as contained in L. A. T., 1835, digest, 474).

In the act of the General Assembly of 1873 which created Faulkner County, provision was made for the governor to appoint officers to serve the new county until the next general election (A. Ark., 1873, 88). M. E. Moore was the first treasurer of the county and served from the passage of the creative act in April of 1873 until the adoption of the Constitution of 1874, the following year (Jim B. Higgins, Biennial Report of the Secretary of State, 1925-26, 411). Qualifications for the office are that the candidate be a resident of the county, an elector, and must never have been convicted of a felony (Const. 1874, art. VII, sec. 46; ibid., art. III, secs. 2, 6; Const. 1868, art. VIII, as amended in 1873, secs. 1, 2).

A treasurer is elected at the general biennial election, for a term of two years (Const. 1874, art. VII, sec. 46). Prior to the adoption of the constitution,the term of office was four years (A. Ark., 1868, 326). He is required to subscribe to the official oath of office, contained in the constitution (Const. 1874,art.XIX, sec. 20),and to execute a surety bond (A. Ark., 1937, 1243), the amount of which is set by the State Bond Board in a sum not to exceed one-fourth more than the annual revenue of the office. It is subject to the final approval of the circuit court. (A. Ark., 1929, II, 1000; ibid., 1875, 192; ibid., 1893, 53.) In 1873, the bond was set at any amount not less than $2000 or more than $10,000, to be approved by the board of supervisors (A. Ark., 1836,as contained in Rev. Stat. Ark., 1838, 223; A. Ark., 1873, 53). The General Assembly of 1875 left the amount of the bond the same, subject to the approval of the circuit court (A. Ark., 1875, 192), but the 1877 session set the amount in a sum double the amount of the annual revenue of the office (A. Ark., 1877, 10). The bond is filed and recorded in the office of the county recorder. In the event a treasurer neglects or refuses to make bond within 20 days after the receipt of his commission, the office is considered vacant and is then filled by appointment by the governor. (A. Ark., 1836, as contained in Rev. Stat. Ark., 1838, 223;see "Governmental Organization and Records System", p. 17.)

The county treasurer in Faulkner County is paid on a fee basis, in accordance with general laws applicable to all county officials. A constitutional provision limits the fees to $5000. Any greater amount must be turned over to the county general fund. (A. Ark., 1868, 238; ibid.,

1874-1875,113; ibid., 1875, 167;ibid., 1925, 649; Const. 1874, art. XIX, sec. 23.) The General Assembly of 1917 enacted a law which affected only Faulkner County, by which the treasurer was placed on a salary of $1500 annually, which was paid out of the fees earned by his office (A. Ark., 1917, I, 276). This special legislation was repealed in 1919, and the treasurer has since been paid on a fee basis (A. Ark., 1919, I, 33).

If any county treasurer lends any of the county funds, or uses any part of this money for his personal gain, he is subject to a fine of not less than $500 or more than $1000 and may be removed from office. Any amount so misappropriated may be recovered for the county in a civil action against the treasurer's official bond. (A. Ark., 1883, 288.) A treasurer may be removed from office for the same reasen as other county officers (see "Governmental Organization and Records System", p. 17).

A county treasurer is authorized to appoint one or more deputies. The appointments must be in writing and approved by the county court. He is responsible on his official bond for the official conduct of his deputies,who are clothed with all the powers of the treasurer. (A. Ark., 1883, 66.) Prior to 1883, there was no provision for the appointment of a deputy treasurer.

A constitutional provision makes the county treasurer ex-officio treasurer of the common school fund (Const.1874, art. VII, sec. 46), and an act of the General Assembly of 1927, which provided for free county libraries, made the treasurer custodian of the library funds and ex-officio treasurer of the county library board (A. Ark., 1927, 832; see "County Library Board", p. 199).

The treasurer serves on the nominating board which submits names of members to serve on the county board of public welfare. He is allowed to submit three names, out of which one is chosen to serve. (A. Ark., 1937, 896.)

Since 1874, the treasurer has been required to make an annual settlement with the county court (Const. 1874, schedule 23), and prior to that time,settlements were made with the board of supervisors. The settlements are to be made on or before the first Monday in July, and oftener if requested by the court. He must account for all the money that has passed through his office during the preceding year. Failure to make this settlement, or, if having made the settlement, he fails to account for all funds,he may be charged with a misdemeanor, and upon conviction, may be removed from office. (A. Ark., 1873, 377.)

No collecting officer is eligible to hold public office nor entitled to a seat in either house of the General Assembly who is in default to his county for any amount of money. The county treasurer, not later than 10 days after each election, is required to deliver to the county clerk a statement showing the amounts charged against each individual who is indebted to the county. (A. Ark., 1837,as contained in Rev. Stat. Ark., 1838, 322.)

In the event there is a surplus of funds in the county treasury, after the annual settlement of the treasurer is made with the county

court, and after full payment of interest on all the bonded indebtedness of the county has been made, the county court is allowed to order the treasurer to invest the surplus in outstanding bonds of the county. The treasurer is required to give 30-day notice in some county newspaper, that he will, on an appointed date, receive bids on the bonds, at the county courthouse. The treasurer is authorized to purchase bonds offered for sale, at the lowest rate, pay for them out of the surplus funds and issue the proper receipts. At the ensuing term of county court, he must present the bonds to the court for cancellation. After the bonds are cancelled, the treasurer credits himself with the amount of the bonds, less one per cent which is his commission for conducting the purchase. (A. Ark., 1875, 97.)

In the event a treasurer dies, the executor or administrator of his estate must make his regular settlement with the county court and deliver to his successor all the money belonging to the county, together with all official records of the deceased treasurer (A. Ark., 1836, as contained in Rev. Stat. Ark., 1838, 223).

The county treasurer is required to make and issue a receipt, in duplicate, for all money paid into his custody (A. Ark., 1836, as contained in Rev. Stat. Ark., 1838, 223), and he disburses county funds by warrants, issued on an order of the county court (A. Ark., 1873, 57). All warrants drawn upon the common school fund of the county by any school district, must bear the signatures of the president and secretary of the school district and must specify the fund from which the money is to be drawn and the purpose for which it is being spent (A. Ark., 1933, 313). If there is not enough money in the school fund to pay a warrant presented to the treasurer, he is required to endorse on the warrant "Not paid for lack of funds" and note the date it was received. All such warrants are recorded and paid in their numerical order, as soon as the money comes into the treasury. (A. Ark., 1836, as contained in Rev. Stat. Ark., 1838, 223; A. Ark., 1933, 313.) If a treasurer should fail or neglect to pay a school warrant presented to him, if it is properly drawn, and there is sufficient money in its particular fund to pay it, he is subject to a fine of from $100 to $1000 and removal from office (A. Ark., 1933, 313). If the treasurer fails to pay any properly drawn county warrant, provided the amount called for is available, he may be forced to pay four times the amount of the refused warrant, as a penalty for his neglect or refusal to honor it. An offense of this type is defined as a misdemeanor, and, upon his trial and conviction, the treasurer may be removed from office. (A. Ark., 1836, as contained in Rev. Stat. Ark., 1838, 224.)

The Constitution of 1874 prohibits the payment of interest on outstanding or unpaid warrants (Const. 1874, art. XVI, sec. 1), but, prior to that time, unpaid warrants bore interest at the rate of 6 per cent. The interest was computed from the date the warrants were issued, until funds became available to pay them. (A. Ark., 1836, as contained in Rev. Stat. Ark., 1838, 224.)

Upon the receipt of any school funds, the treasurer is required to give notice of the amount, kind of funds, and from what source they were received. Notices containing this information are required to be posted

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in two public places in each school district, and one notice posted in the courthouse. (A. Ark., 1899, 198.) The treasurer is prohibited from investing in, or having interest, either directly or indirectly, in any unpaid school warrant (A. Ark., 1933, 312).

The treasurer is required, on or before the tenth day of August of each year, to furnish the county examiner with a certified statement of the amount and kind of school funds on hand, their sources and for what they may be spent. The statement must also show the disbursements made during the previous year. (A. Ark., 1881, 54; ibid., 1901, 189.)

One-half of all the road taxes received by the county must be set aside by the treasurer and kept in a separate fund to be known as the "fund for paving roads." This includes all taxes received by the county for use on the county roads -- per capita road taxes, ad valorem taxes and any other taxes levied in the county, or revenue received from the state to be used on roads. (A. Ark., 1929, II, 1006.)

In the event there are, in the state treasury, funds, that belong to a county, the state treasurer, upon being presented with an order from the county court, must deliver the funds to the treasurer of the county, who charges himself, as treasurer, with the amount received (A. Ark., 1883, 59).

Upon redemption of land forfeited for taxes, the treasurer is required to collect all improvement taxes assessed against the land, in addition to the delinquent ad valorem taxes (A. Ark., 1933, 462). It is the duty of the treasurer to keep a register of every certificate of redemption issued (A. Ark., 1883, 269).

He must also keep a register of county warrants issued, showing the number of each, the date issued, in whose favor drawn, on what account the warrant was drawn, the amount and date of payment. When he makes his annual settlement with the county court, he must present a copy of this register and must deliver to the court all warrants redeemed since his last settlement. (A. Ark., 1836, as contained in Rev. Stat. Ark., 1838, 227.) A separate register of school warrants is required to be kept by the treasurer, in which he must show the date of presentation of the warrant, by whom it was drawn, for what purpose, the amount, date of issue, date of payment and to whom paid. This register is a public record. No school warrant can be paid until it has been registered by the treasurer. (A. Ark., 1874, 18; ibid., 1933, 312.)

When a defendant in a case in court deposits bail money with the county treasurer, it is the duty of the treasurer to issue a receipt for the amount, hold and pay the money according to the orders of the court having jurisdiction of the offense. The treasurer and his sureties are responsible for all such amounts. (Ark. Crim. Code, 1869, secs. 84-86.) If the bail is forfeited, it is the duty of the treasurer to turn over the amount of the bail to the collector, who, in turn, pays it into the county treasury (Ark. Crim. Code, 1869, sec. 93).

The treasurer is required to prepare and present to the quorum court at each annual meeting, a sworn statement of the funds received by

him, the dates of reception and the sources (A. Ark., 1909, 902; ibid., 1937, 401). The treasurer is prohibited from paying out any money derived from a tax levied by the county court, except on an order made by the court, in session, and entered in the records of its proceedings (A. Ark., 1873, 57).

All unclaimed legacies or money in the custody of the probate court are delivered to the county treasurer. Such money is paid to the legal heirs upon order of the probate court. The treasurer is required to make a record of the amount of an unclaimed legacy, showing the date it was delivered to him, the name of the persons named as legatees, and the name of the deceased person who bequeathed the money. (A. Ark., 1895, 95.)

The county treasurer is allowed to deposit the funds in his custody in incorporated banks for safe-keeping. The officers of the banks are made responsible, on their surety bonds for any failure to pay over, upon demand, the funds on deposit. (A. Ark., 1903, 142; ibid., 1925, 526.)

The governing board of a school district pays bonded indebtedness of its district by issuing warrants. The face of each warrant must reflect the debt being paid. The treasurer is required to credit all payments on bonded indebtedness of school districts, before he cashes the warrants. (A. Ark., 1937, 1318.)

The records and books of the county treasurer must, at all times, be kept in proper order for the inspection of the county court (A. Ark., 1836, as contained in Rev. Stat. Ark., 1838, 223).

Accounts

183. TREASURER'S ACCOUNT WITH GENERAL FUND, 1876--. 15 vols. (A-N, A1). Title varies: Book (Treasurer's Accounts), 1876-81.
General account with various county officers, giving subdivisions of funds; amounts received; amounts disbursed; persons to whom disbursed; purposes for which disbursed, and balance in various funds. Also contains: Register of Warrants Redeemed, 1935--, entry 186; Treasurer's Redemption Record, 1901-31, entry 189. Arr. in tabbed secs. by name of office and chron. thereunder by date of entry. Indexed alph. by name of acct. Hdw. Aver. 640 pp. 18 x 11 x 3. 1881-1928 in ba. v; 1929-31 in co. c. v.

184. TREASURER'S ACCOUNT WITH SCHOOL DISTRICTS, 1873--. 16 vols. (A-L, L-N, N1). Title varies: Treasurer's Account of School Funds, 1889-92, 1916-18; (Treasurer's Account of School Fund), 1881-89.
Financial accounts with various school districts, giving date of entry; receipts; warrant number and to whom issued; teachers' salaries; items entered; statistical summary, giving names of directors; post-office addresses; date elected; date qualified; date of expiration of term; name, age, sex and color of teacher; grade of certificate; date of contract; length of school term, and salaries, and dates of opening and closing of schools. Arr. in tabbed secs. by name or no. of school dist., and chron. by date of acct. No index. Hdw. on pr. fm. Aver. 240 pp. 16 x 6 x 2.

1873-1927 in ba. v.

Receipts

185. COUNTY TREASURER'S RECEIPTS, 1936--. 1 file box. Prior records missing.

Duplicate receipts for moneys received by county treasurer from sheriff, equalizing fund, and department of education, giving date of receipt; amount; by whom paid, and signature of treasurer. Arr. chron. by date of receipt. Hdw. 8 x 4 x 4. co. c. v.

Warrants

186. REGISTER OF WARRANTS REDEEMED, 1873-1934. 6 vols. (A, B, 1-4). 1935-- in Treasurer's Account with General Fund, entry 183. Title varies: Redeemed Warrants, 1873-83; Record of Treasurer's Warrants, 1883-94.

Record of warrants redeemed or canceled, giving number of warrant; to whom issued; on what account; amount of warrant; date of warrant; when paid; to whom paid, and remarks. Arr. numer. by warrant no. Hdw. Aver. 470 pp. 14 x 6 x 3. ba. v.

187. REGISTER OF SCHOOL WARRANTS, 1880--. 13 vols. (A, B-K, 1, and one vol. not labeled). Title varies: Treasurer's Register of School Warrants, 1887-1894; Treasurer's Register, 1880-87; Numerical Register of School Warrants, 1899-1903.

Record gives date of warrant; date warrant was registered; to whom issued; register number; amount of warrant, and date paid (or canceled). Arr. numer. by warrant no. No index. Hdw. Aver. 170 pp. 14 x 6 x 2. 1904-16 in ba. v.

Land Redemptions

188. REDEMPTION CERTIFICATES, 1936--. 3 file boxes.

Redemption certificates, giving name of party redeeming lands; date of redemption; description of property; date of sale; amount of taxes, penalties, and costs; distribution of taxes; treasurer's receipt attached to, and a part of the redemption certificate, giving amount received; purpose for which money was paid; date of receipt, and signature of treasurer. Arr. numer. by certificate no. No index. Hdw. on pr. fm. 8 x 4 x 4.

189. TREASURER'S REDEMPTION RECORD, 1873-1900, 1932--. 5 vols. (A, A, 1, 2). 1901-31 in Treasurer's Account with General Fund, entry 183, Title varies: Register of Lands Redeemed, 1874-79; Treasurer's Record of Redeemed Lands, 1879-1900.

Record of redemption of lands sold for taxes, giving legal description of lands; to whom sold; date of redemption; by whom redeemed; number of redemption certificate; cost, penalty, and total tax. Arr. numer. by certificate no. No index. Hdw. Aver. 160 pp. 16 x 12 x 2. 1873-1900 in ba. v.

Contract

190. TEACHERS' CONTRACTS, 1936--. 4 file boxes.
Teachers' contracts, giving name of teacher; number of school district; date of poll tax receipt; salary; dates of issuance, filing, and expiration of contract; and number of months teacher taught. Arr. numer. by school dist. no. No index. Hdw. on pr. fm. 8 x 4 x 4.

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XXIV. DIRECTOR OF COUNTY AUDITS

The office of Director of County Audits, which is filled in an ex-officio capacity in all counties in Arkansas by the state comptroller, was created in 1931 (A. Ark., 1931, 120), as the successor to the "commissioner of accounts", which was established in 1885 and abolished in Faulkner County in 1931 (A. Ark., 1885, 78; ibid., 1931, 125).

The state comptroller is required to be a citizen of the state, at least thirty years of age, an accountant with at least five years experience. He is appointed by the governor for a term of six years. (A. Ark., 1917, II, 1331.) As director he is allowed to appoint one or more experienced accountants as deputies for the purpose of making an audit of the books and accounts of all county and township officers. These deputies are required to furnish bond, the amount of which is set by the director. (A. Ark., 1931, 120; ibid., 1917, II, 1339.) The commissioners of accounts were required to be citizens of the county, one of whom should be a justice of the peace of the county, and one an expert accountant. After 1917 one commissioner was appointed each year by the circuit court, to serve for a term of three years or until his successor was appointed and qualified. Prior to 1917 they served until their successors had been appointed by the court. (A. Ark., 1885, 78; ibid., 1917, II, 1613.)

Since 1931, each county pays $120 for each million dollars of taxable valuation of property in the county to the comptroller. This money is used to pay the salaries and expenses of the auditors working in the county. (A. Ark., 1931, 125.) Prior to 1931, the auditors were paid $10 per day and travel expenses from county funds (A. Ark., 1917, II, 1339). A commissioner of accounts was paid $3 per day by the county for each day he was engaged in making examinations and reports (A. Ark., 1885, 78-81).

The director of county audits is required to make an annual audit of the books and accounts of all county and township officers in each county, and may check and audit at any time and as often as he thinks it advisable (A. Ark., 1931, 122).

In making an audit, the director and the accounts employed by him have the power to administer oaths and may summon before them any person whose testimony may be necessary in completing an examination or audit. They have authority to examine the accounts of the various officials on the books of any bank or trust company and the accounts of any business concern within or without the state when these accounts relate to the business transactions within the scope of their audit. (A. Ark., 1931, 122.)

These functions were performed by the commissioners of accounts from 1885 to 1931 (A. Ark., 1885, 78). From 1917 until 1931, the state comptroller could make an audit of a county office when requested to do so by the county judge (A. Ark., 1917, 1613). Prior to 1885 the books and accounts of county and township officers could be investigated by any taxpayer, who had the right, if he had found any evidence of maladministration on the part of a county officer, to institute ouster pro-

ceedings against that official before the circuit judge sitting in chancery. After ten day's notice had been given the accused official, the case was tried at the first session of the court. (A. Ark., 1879, 107.)

Upon the completion of an audit in the county the accountants are required to make a full and certified report in quadruplicate;one to the county clerk to become,if certified by him, a public document subject to public inspection;one to the circuit judge, and one to the county judge. The director keeps the fourth copy. (A. Ark.,1931, 123; see entry 139.) The commissioners of accounts filed a report with the circuit judge,setting forth all evidence of maladministration found by them in their investigation (A. Ark., 1885, 80; entry 91).

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XXV. COUNTY BOARD OF ELECTION COMMISSIONERS

Election commissioners operate as a board whose function is to conduct within the county all general and special elections. Creation of the county board of election commissioners was authorized by an act of the General Assembly of 1891. (A. Ark., 1891, 33.) Prior to the adoption of the Constitution of 1874, elections were held under the joint supervision of the board of registration and the board of supervisors (A. Ark., 1868, 52; ibid., 1873, 53; see "Board of Registration", p. 191 and "Board of Supervisors", p. 66). Following the adoption of the constitution, all elections were held under the direction of the re-established county court, a practice that continued until the creation of the present county board of election commissioners (Const. 1874, schedule 23; A. Ark., 1874-75, 93, 97; ibid., 1891, 33).

Not more than 90 or less than 30 days before each general election, it is the duty of the state board of election commissioners to appoint three residents of each county to serve on the county board of election commissioners. The creative act stipulated that notice of all appointments be mailed to the appointees at the county seat, together with a notice of the appointments to the circuit clerk of the county. These provisions, however, were amended by the 1935 General Assembly and the present procedure is for the state board to notify each appointee by mail at his last known address and verify the appointment by mailing a notice to the county clerk of the county. (A. Ark., 1891, 33; ibid., 1929, I, 553; ibid., 1931, 1118; ibid., 1935, 427.)

All members of county boards are required to be resident electors. Candidates for offices to be voted upon in an election are prohibited from serving on the board. The original act of 1891 also prohibited any clerk or employee of a candidate from serving on the board; but this was apparently overlooked in 1929, as the General Assembly upheld the 1891 law as to candidates but did not mention "clerks or employees" of candidates. The 1931 and 1935 General Assemblies, however, re-enacted the restriction. (A. Ark., 1891, 33; ibid., 1901, 372; ibid., 1929, I, 553; ibid., 1931, 1119; ibid., 1935, 427.) In an attempt to more effectively prohibit one-party domination of the election machinery, the General Assembly of 1929 enacted a law that authorized the county chairman of the minority party to recommend one member for appointment to the county board of election commissioners (A. Ark., 1929, I, 554). This provision was repealed in 1931 (A. Ark., 1931, 1119).

Each election commissioner is required to take the official oath of office, as prescribed by the constitution (Const. 1874, art. XIX, sec. 20). Thirty days before the election next following the appointments, the county clerk notifies each member of the board to appear before him on a specified date and subscribe to the oath (A. Ark., 1935, 428). During the period that the state election commissioners notified the circuit clerk of the appointments to the county boards, the circuit clerk notified appointees as to the time to appear and take the constitutional oath of office (A. Ark., 1891, 33; ibid., 1929, I, 554; ibid., 1931, 1118).

Board members serve, usually, two years -- from one general election until the next. They are required to meet at the courthouse at least 20

days prior to each election, and organize by electing one of their number chairman and another clerk. Two members constitute a quorum and the concurring vote of two members decides any question before them. (A. Ark., 1891, 33; ibid., 1935, 427.)

The state board of election commissioners fills,by appointment, all vacancies that may occur on the county board. If, for any reason, all three members appointed to serve on a county board should die, resign, or decline to serve, then it becomes the duty of the county judge, sheriff and county clerk, in the order named, to serve as election commissioners until a new board can be appointed. (A. Ark., 1891, 33; ibid., 1931, 1118.)

For each day on official duty,each commissioner is allowed $2, provided that not more than ten days are spent in conducting any one election (A. Ark., 1891, 33).

The principal function of the board of election commissioners is the selection of judges and clerks for each voting precinct in the county (A. Ark., 1891, 33; ibid., 1901, 372). These appointments are required to be made at least five days before the date of an election (A. Ark., 1891, 33). The 1929 General Assembly provided that of the three judges and two clerks allotted to each voting precinct,one judge and one clerk should be chosen from the minority party. Such appointments were made upon the recommendation of the party's county chairman. Vacancies caused by the death, resignation or removal of a precinct official, were filled in the same manner as the original appointments were made. (A. Ark., 1891, 33; ibid., 1929, I, 553.) The 1931 General Assembly revised this provision by the passage of an act which instructs the election commissioners not to select all the judges from the same political party, providing competent persons were available in the minority party. This act makes no provision for the appointment of election clerks. (A. Ark., 1931, 1118.)

The creative act, and all subsequent legislation pertinent to election commissioners, has made it a duty of the county board to furnish, at the expense of the county, all supplies needed at elections. These supplies include ballots;a ballot box that can be locked; two blank poll books to record the names of all the electors in the precinct; tally sheets and envelopes in which to seal the ballots. They are also required to furnish certificates for certifying the results of the election. A blank form of an oath to which each judge and clerk must subscribe is contained in the certificates. (A. Ark., 1891, 33.) Special ballots, complete with affidavit, are to be furnished for the purpose of allowing absentee electors to vote (A. Ark.,1935, 346). Twelve placards of instructions to voters are required to be posted in every voting precinct in the county (A. Ark.,1891, 33), and copies of all constitutional amendments that are to be voted upon are required to be placed in each booth in a polling place (A. Ark., 1901, 329).

Since 1935, duplicate ballot boxes have been used, in accordance with a law passed by the General Assembly of that year, and amended by the 1939 session. Duplicate,numbered, ballots are used, the name of the voter does not appear on the original,but must be subscribed on the car-

bon copy of the ballot. The ballot boxes containing the duplicate ballots are sealed by the election judges, delivered to the county clerk, who, in turn, delivers them to the treasurer of the county. The boxes cannot be opened only on a court order, for use in an election contest; or by a grand jury in connection with its duties, or by a prosecuting attorney in the prosecution of some person for violation of the election laws. The treasurer is required to keep the boxes safely, for a period of two years,at the end of which he is required to open the boxes in the presence of the county judge and the county clerk and publicly burn the ballots. (A. Ark., 1935, 348, as amended A. Ark., 1939, 65.) From 1891 to 1935 single ballot boxes were used in elections (A. Ark., 1891, 33).

All supplies for elections are delivered by the sheriff,or any person authorized to act in his capacity. In the event the sheriff is a candidate for any office to be voted upon in the election, he is disqualified to perform any election duties. (A. Ark., 1891, 33.)

The county board of election commissioners is required to furnish voting booths at each precinct where voters may prepare their ballots in privacy. One booth to each 100 voters is required. (A. Ark.,1891, 33.)

Not less than ten days before any election, the county board of election commissioners is required to give public notice of the names of all nominees for office, and the titles of constitutional amendments and initiated measures to be voted upon (A. Ark., 1891, 33). The commissioners must print ballot titles upon the official ballots,in accordance with the instructions of the Secretary of State. Initiative and referendum measures referred to the people by the General Assembly must be designated as such. Space must be provided on each ballot for the elector to vote either for or against each measure. (A. Ark., 1911, 591.)

A constitutional amendment, approved in 1929, requires the election commissioners to prepare ballots and conduct an election on a proposal to construct or improve a county courthouse or jail, and the levying of a tax to retire bonds issued to defray the expense so incurred (Const. 1874, amend. XVII, app. 1929, sec. 4). Special elections must be conducted in the same manner as general elections -- the results tabulated and certified to the Secretary of State within five days after the election (A. Ark., 1933, 468).

The county board of election commissioners has full power to alter the boundary lines of, and change the polling place in a precinct, may create new precincts, providing no such alterations are made within 30 days prior to an election and that these changes make it convenient for all voters in each precinct to vote on the same day. Notices of changes in the polling place or boundary lines of a precinct must be given by posting notices to that effect in five public places in each precinct. In the event the board fails to establish a polling place in any precinct,it becomes the duty of the sheriff to procure a suitable place for temporary use. All polling places must be centrally located, at well-known, easily accessible points. (A. Ark., 1891, 33.)

In the event the judges of an election fail,within three days after any election, to deliver to the county board of election commissioners

all ballots, boxes, tally sheets,books, and certificates relative to the election, the commissioners are authorized to send for them, and demand that they be delivered. The accrued costs of such a procedure are to be paid by the judges in default. (A. Ark., 1891, 33.)

Upon the receipt of all the returns from an election, and in any event, not later than seven days after the election, the county board of election commissioners must tabulate and declare the results of the election. Certificates of election must be delivered to successful candidates, within 15 days after the election, and a certified copy of the returns filed with the county clerk. Abstracts of election returns must be mailed to the Secretary of State, within two days after the results are determined. At the same time,the commissioners are required to certify to the speaker of the House of Representatives the result of the election in their county in regard to candidates for the offices of governor, secretary of state, attorney general, state treasurer and auditor of state. (A. Ark., 1891, 33; ibid., 1895, 45.) In the event a county board fails to furnish the Secretary of State or the Speaker of the House of Representatives with an abstract of the votes in their county, the Secretary of State may dispatch a messenger for the returns and the county board of election commissioners may be subject to a fine of $100, in addition to defraying the expense of the messenger (A. Ark.,1891,33).

The board is required to keep safely in its custody,for six months, all ballots and certificates delivered to it from the various polling places. Then, unless the vote on some office has been contested, or criminal procedure has been started for fraud, the commissioners are authorized to destroy them. In the event of a contest for an office, or if some officer or voter has been accused of fraud in connection with the election, the commissioners are required to keep the ballots or certificates involved in the contest or criminal proceedings, to be used as evidence at the trial. Ballots and certificates kept for this purpose may not be opened except by order of the court in which the election contest or prosecution is being held. Violation of this mandate,or disclosing how any person voted in an election except on a court order, is a misdemeanor. Upon conviction,a violator of this law is subject to not less than $100 or more than $1000 penalty. (A. Ark., 1891, 33.)

Power to remove any election judge or clerk is vested in the county board of election commissioners (A. Ark., 1931, 1120).

A record of all appointments made by the board and a record of all changes in precinct boundaries are both to be filed with the county clerk and a copy retained in the records of the election commissioners (A. Ark., 1891, 33; ibid., 1931, 1118).

(Next entry 191, p. 198)

XXVI. BOARD OF REGISTRATION

A board of registration was appointed for Faulkner County following creation of the county in 1873. It was established for the purpose of aiding in the supervision of elections and passing upon the qualifications of electors, in accordance with the provisions of the original article VIII of the Constitution of 1868 and an act of the General Assembly of 1868 (A. Ark., 1868, 50; ibid., 1873, 86; Const. 1868, art. VIII, as originally adopted; see Appendix, p. 219). Following the amendment of article VIII and its deletion from the body of the Constitution of 1868 (Const. 1868,art. VIII,as amended March 3, 1873),the board was made inactive by an act of the General Assembly of 1874 (A. Ark., 1874, 5), and passed out of existence when the Constitution of 1874 made no provision for its perpetuation.

The creative act provided that the governor, with the approval of the state senate, appoint three electors in each county to serve on the board of registration, for a period of two years. No special qualifications were required of an appointee to the board except that he be an elector and a resident of the county for six months. At his discretion or his pleasure, the governor could appoint a justice of the peace, a notary public or a constable as one of the board members. In the event any one of these three officers was appointed, he was to serve as president of the board. (A. Ark., 1868, 50.) All members appointed were required to subscribe to the official oath of office contained in the Constitution of 1868 (Const. 1868, art. XV, sec. 17).

The governor was empowered to remove any member of a board of registration for incompetency or for any other legitimate cause. Vacancies in the rosters of any county board of registration were filled by appointment of the governor,whose duty it was to instruct the secretary of state to forward a certificate of appointment to each member thus appointed and to notify the county clerks of any county in which new appointments were made. (A. Ark., 1868, 50.)

Members of the county board of registration were allowed $6 a day as compensation for their services, payable by the state auditor, upon receipt of the members' sworn certificates,that they had served the number of days stated (A. Ark., 1868, 59).

It was the duty of the president of the county board of registration to travel the round of all regular voting places within the county in a 60 day period preceding the election,for the purpose of registering voters. From one to three days were spent in each voting precinct and voters were allowed to register between the hours of 9 a. m. and 5 p. m. All registration was required to be completed within ten days before the election. (A. Ark., 1868, 54.)

The president and members of the board were required to post printed notices stating time and place where they would take registrations of voters, at least ten days before registration began. Three handbills were to be posted in each voting precinct, the lists of precincts to be furnished by the county clerk,whose duty it was to furnish the president of the board with enough books and certificates to complete the regis-

tration and enroll all the voters of the county. The registrar was required to enter in the register of voters, the name of every person who, under oath, proved himself qualified to vote; to issue each of the registered voters a certificate of qualification, which entitled the holder to vote in any election until his certificate was revoked by the board of review. In the event an applicant for a certificate of registration was not of age at the time of his application, the registrar could issue a certificate if the applicant would have become eligible on or before the date of the next election. (A. Ark., 1868, 55.)

During the six secular days, preceding the tenth day before each general election, the president and members of the board of registration were required to meet at the county courthouse, and, sitting as a board of review, pass on the applications of persons who had been unable to appear before the registrars in their precincts. The board passed on the complaints of persons who had been refused registration and also heard objections raised in regard to persons already registered as voters. (A. Ark., 1868, 55.)

A majority of the members of the board of registration constituted a quorum when serving on the board of review and were empowered to pass on and decide any question that came before the board. (A. Ark., 1868, 55). Upon presentation of the facts regarding an applicant's protest, the board was empowered to decide whether the protestant was entitled to have his name placed on the register of the voters. Immediately after the closing of the registration, it was the duty of the board of registration to make out, in duplicate, an alphabetical list of the qualified voters in each voting precinct in the county. One copy of the list was delivered to the county clerk and the other copy delivered to one of the judges appointed for the election. These lists were to be deposited with the proper persons on or before the Saturday preceding each general election. The list deposited with the county clerk was subject to the same examination as other public records, but examination by persons other than those connected with the courts was required to be made in the presence of the clerk or his official deputy. The original books of registration were also required to be delivered to the county clerk. (A. Ark., 1868, 56; see "County Clerk", p. 150; see entry 165.)

Immediately before each election, the board of registration of each county was required to appoint "three discreet persons", who were qualified electors, in each precinct in the county, to act as judges of the election. The board was required to notify the judges appointed and to certify a list to the county clerk, who was to enter it on the record. (A. Ark., 1868, 57; see "County Clerk", p. 150.)

In the event the board of registration, for any reason, failed to appoint judges for the elections, the assembled voters, upon the opening of the polls, were allowed to appoint the judges, whose duty it was to select three clerks to serve with them (A. Ark., 1868, 57).

During sessions of the board of registration or the board of review, the registrars, singly and collectively, were vested with all the powers of the circuit court in the matter of preserving order at the places of registration and could summon and compel the attendance of

witnesses for the purpose of examining applicants for registration. In order to carry out these duties, the board was authorized to issue subpoenas, attachments and commitments and to direct the services of these processes by the sheriff or a constable of the county. (A. Ark., 1868, 58; see "Sheriff", p. 136 and "Constable", p. 144.)

The circuit court of the county was not allowed to issue any mandamus or other process to compel the board of registration or the board of review to qualify or disqualify any voter (A. Ark., 1868, 59).

(Next entry 191, p. 198)

XXVII. COUNTY EXAMINER OF SCHOOLS

The first attempt at establishment of a system of common schools in Arkansas following statehood was in 1843 when the General Assembly passed a law which provided for the election, by popular vote, of a board of three trustees in each township, whose duty it was to supervise schools, control school funds, construct buildings, and employ teachers (A. Ark., 1843, as contained in Digest of the Statutes of Arkansas, 1848, 930).

Township supervision of schools passed into the hands of one person in 1850 when a law was enacted which provided for the election, by popular vote, of a common school commissioner in each township, who superseded the board of trustees and assumed the powers and duties that had been previously assigned to the board (A. Ark., 1850, 74).

The first attempt at control of the common school system by the county government was made in 1853 when the General Assembly provided for the election in each county of a common school commissioner for a term of two years. It was at this time that a legal provision first was made requiring teachers to pass an examination prior to receiving authorization to teach in the common schools. It was the duty of the common school commissioner to conduct the examination. (A. Ark.,1853, 143.)

When Faulkner County was created the office of common school commissioner had been abolished and the duties assigned to circuit superintendents of public instruction. Each circuit superintendent held office for a term of four years, and had control of the common schools in the several counties composing his circuit. The circuit superintendent held semi-annual examinations for teachers, issued licenses for teachers and was required to make an annual visit to each school in his territory. (A. Ark., 1868, 52.)

Only a few days after Faulkner County was created, the several offices of circuit superintendent were abolished, and control of the common schools was returned to the respective counties. The office of county superintendent of public instruction was created. (A. Ark.,1873, 409, 424.)

The office of county superintendent was abolished in 1875 and the office of county examiner was created (A. Ark., 1875, 67). The office of county examiner went out of existence in 1907 and that of county superintendent of schools was again created (A. Ark.,1907, 1005). The examiner replaced the superintendent by authority of an act of the General Assembly passed in 1933 (A. Ark., 1933, 60). The first county superintendent of public instruction in Faulkner County, in 1873, was required to be a person "of literary and scientific attainments, of moral character and skilled in the art of conducting schools" (A. Ark.,1873, 409). His successor, the county examiner, was required to be "of high moral character and scholastic attainments" (A. Ark., 1875, 67), it later being required that he pass the regular examination for a first grade teacher's license (A. Ark., 1893, 76). The county superintendent provided for in 1907, was required to be a qualified elector and a resident of the county (A. Ark., 1907, 1005). A later provision, made in 1919, provided that until 1923 the superintendent must have at least one

year's professional or normal school training,and in addition, a professional teacher's license (A. Ark., 1919, Gen., 178).

The county examiner,returning to the office in 1933 and superseding the county superintendent, was required to have the same qualifications as any elective officer (see "Governmental Organization and Records System", p. 17). Since 1935, it has been required that the examiner be a person of "high moral character,and scholastic attainment", and one having a professional teacher's certificate or its equivalent (A. Ark., 1933, 778; ibid., 1935, 495).

The county superintendent, in 1873, was selected by a majority of the members of the boards of trustees of the common schools of the county for a term of one year at a meeting held the first Monday in December of each year (A. Ark., 1873, 409). From 1875 until 1907 the county examiner was appointed by the county judge for a term of two years,the appointment being made immediately after each general election (A. Ark., 1875, 67). From 1907 until 1919 the county superintendent of schools was elected by popular vote for a term of two years (A. Ark.,1907,1005). The county board of education was created in 1919 and was vested with the authority to appoint a county superintendent of schools for a term of one year (A. Ark., 1919, 178). This term was lengthened in 1921 but was not to exceed three years (A. Ark., 1921, 533), and was limited in 1931 to two years (A. Ark., 1931, 488). The term of office of the county examiner has been two years since 1933. The General Assembly in 1933 first specified that the appointment of the examiner be made by the county judge subject to the approval of the quorum court. Later in the same session, a law was passed that made the appointment subject to the approval of a majority of the teachers of the county. (A. Ark., 1933, 61, 778; ibid., 1935, 495.)

Faulkner County pays its county examiner a salary of $1500 per year,$600 being paid from the county general fund and the remainder from the state educational fund as remuneration for his services as secretary of the county textbook board (A. Ark., 1933, 62; ibid.,1935, 498; ibid., 1937, 1101).

The county superintendent of public instruction in 1873 was paid a salary of $300 per year (A. Ark.,1873, 409). Between 1875 and 1893, the county examiner's only compensation was a fee of $2 paid by each person applying for a teacher's license (A. Ark., 1875, 68). From 1893 until 1897 these fees were paid to the county treasurer and the examiner was paid a salary,the amount being fixed by the county judge (A. Ark., 1893, 77). Beginning in 1899, the examiner, who became chairman of the county textbook board which was created that year, was paid $2 per day for each day the board was in session, providing the length of the sessions did not exceed ten days in any one year (A. Ark., 1899, 149).

Commencing in 1907 the county superintendent was paid the same salary as the county judge, it being provided that he receive not less than $600 nor more than $1200 per year (A. Ark., 1907, 1012). Fees paid for licenses to teach were added to his salary in 1911 (A. Ark., 1911, 269). His salary was increased to $1500 in 1915 (A. Ark., 1915, 780), and reduced to $1000 in 1917 (A. Ark., 1917, 96),remaining at the latter

level until the office was abolished in 1933.

The county superintendent of public instruction had the authority in 1873 to license teachers and revoke their licenses. He was required to visit the schools of his county to encourage advancement of the educational program. (A. Ark., 1873, 412.) The county examiner, during the period from 1875 until 1907, was required to examine and issue licenses to common school teachers and to give 20 days notice to all directors of schools of the time and place of the examinations, which were held quarterly (A. Ark., 1875, 67). When the county textbook board was created, it was the examiner's duty to call meetings of the board for the purpose of examining and comparing textbooks which were submitted to the board for adoption (A. Ark., 1899, 148).

He was required to compile annually and submit to the Arkansas Board of Education an abstract of reports made to him by the directors of all school districts in his county, giving the identifying numbers of each district; the number of persons between the ages of six and 21 years; breakdowns as to sex and color; the number of pupils who attended school during the preceding year, subdivided as to sex and color; the number that pursued each of the studies taught in the common schools; the number of teachers of each sex; the average salary of teachers of each sex and the degrees of their licenses; the newly constructed school buildings and cost of construction; the amount of money raised by taxes in each district; the revenue received from the common school fund and other sources; how the funds were spent, and the amount left in the county treasury at the close of the school year. The abstract was also to contain the number of deaf-mutes, blind, and insane persons under the age of 30 years in each school district. (A. Ark., 1875, 70, 71.)

The General Assembly, in 1901, provided that the examiner should file with the county clerk a report each year on the number of persons between the ages of six and 21 years residing in each school district in the county (A. Ark., 1901, 183). Commencing in 1907 the county superintendent of schools took over the duties previously assigned to the county examiner, and, in addition, was required to conduct institutes once each year, one for white and one for negro teachers. These were temporary training schools of only a few days duration. (A. Ark., 1907, 1010, 1013; ibid., 1911, 268; ibid., 1927, 192.)

In 1931 the General Assembly enacted a law that repealed all prior laws affecting the administration of common schools throughout the state and prescribed new rules and regulations affecting the schools, the duties of the county superintendent of schools, and the county board of education. After the office of county superintendent and the county board of education was abolished in 1933 and the duties assumed, respectively, by the county examiner and county judge, the same regulations were continued in force through the functions of these latter officers. (A. Ark., 1931, 501; ibid., 1933, 62.) The county examiner, in addition to other duties that may be prescribed by the county court and the Arkansas Board of Education, is required to perform the following: (a) furnish the directors, principals, and teachers of the public schools with forms supplied by the Arkansas State Board of Education, (b) administer oaths and examine witnesses under oath in any part of the county on mat-

ters pertaining to schools, (c) visit the schools in the county, observe the instruction and management, consult with school directors, principals, teachers, parents, and pupils, regarding the conduct of the schools, and endeavor to improve school conditions and promote public interest in education, (d) represent the state board of education in all teachers' license examinations that are conducted in the county, (e) see that all superintendents, principals, and teachers make the regular monthly and annual reports that are required by the state board of education, (f) make a complete report to the state board of education, on or before the tenth day of August each year, containing all local school information that may be required by the board and in the form prescribed by the board, (g) organize and conduct meetings of the teachers at which they may discuss matters of professional interest, (h) conduct on the third Tuesday and the following Friday, of June, each year, an examination for county teachers' certificates on subjects required by the state board and based upon questions furnished by the board (A. Ark., 1931, 501; ibid., 1933, 62; ibid., 1935, 495).

Since 1933, the county examiner has conducted teachers' examinations in the county and issued licenses to teachers subject to the approval of the Arkansas State Board of Education (A. Ark., 1933, 779).

As secretary of the county textbook board, the examiner is in charge of the requisition, distribution, and care of free textbooks in the county, in the manner prescribed by law, and in accordance with the regulations of the state board of education (A. Ark., 1937, 1100).

It is required that notice of annual and special school elections in each school district in the county is given by the examiner by publication once each week in some newspaper published in the county for three weeks preceding each election. These elections are held for the purpose of naming members of the school boards in the various districts, and to authorize the levying of an ad valorem tax to raise money for the operation of schools. The tax authorized at these special elections is levied in addition to the general state tax levied for common school purposes. (A. Ark., 1935, 70.)

The examiner, at his discretion, may employ a clerk, at his own expense, to keep his office open and transact his official business for him during his absence (A. Ark., 1937, 1100). The Faulkner County examiner employs one clerk.

In 1875, it was required that the examiner keep a record in his office of the age, name, sex, address, nativity, and grade of license of all teachers to whom he issued a license (A. Ark., 1875, 69).

In 1899 he was required to number the various school districts in the county and to keep a record of them showing their current boundaries. He also was required to keep a record of the books adopted by the county textbook board for use in the common schools in the county. (A. Ark., 1899, 149, 150.)

A law passed in 1915 required that the county superintendent keep a record of each visit he paid to a school in his county, as well as a

record of all his official acts and recommendations (A. Ark.,1915, 779).

The present governing law,enacted in 1931, requires that the county examiner keep a record of the proceedings of the county court relating to the transfer of school children from one district to another; changes in the boundaries of school districts;consolidation of school districts; apportionment of state school funds in the county; school district taxes voted; school directors elected, and all other matters relating to the actions of the county court with reference to schools or the examiner's office. This record is filed with the county clerk. He also must keep a record that gives a description of each school district in the county showing the boundaries of the district, the location of each school building,the types and condition of the roads in each district. He also must keep a record of the contracts made with teachers and with dealers of school supplies. (A. Ark., 1931, 499, 501; ibid., 1935, 495.)

Papers

191. SCHOOL PAPERS, 1934--. 2 file boxes.
File boxes containing petitions for consolidation of school districts; appointment of school directors and school election papers. Arr. chron. by date of filing. No index. Hdw. Aver. 475 papers 8 x 4 x 4.

Proceedings

192. RECORD OF SCHOOL DISTRICT TRANSFERS(Ordered by County Court), 1897-1921. 1 vol. (A). 1933-- in County Education Board Record, entry 193.
Record of petitions and orders for transfer of children from one school district to another, giving name of pupil transferred; district transferred to and from, and date of transfer. Arr. alph. by name of pupil. Hdw. 200 pp. 14 x 6 x 2. ba. v.

193. COUNTY EDUCATIONAL BOARD RECORD, 1921--. 1 vol. (1).
Record of proceedings of board of education, giving petitions for transfer of children from one district to another; apportionment of state funds made to the county; school district taxes voted; list of school directors elected, and date of consolidation of school districts. Also contains: Record of School District Transfers (Ordered by County Court), 1933--, entry 192.

194. COUNTY SCHOOL (TEXT) BOOK BOARD RECORD, 1900-01. 1 vol. (1).
Record of proceedings of textbook board, showing title of books adopted for use in schools in county;name of publisher and agent; order of adoption, and date of proceedings. Also contains: Justice of Peace Docket, 1889-95, entry 180. Arr. chron. by date of meeting. Hdw. 200 pp. 14 x 6 x 2.

(Next entry 195, p. 200)

XXVIII. COUNTY LIBRARY BOARD

The first county library board in Faulkner County was established in 1935, in accordance with provisions of an act of the General Assembly of 1927. This act authorized each county in the state to establish and maintain a free library and to appropriate money for the expense of its operation. (Arkansas Gazette, February 12, 1939; A. Ark., 1927, 832.) It was not, however, until 1937 that the state appropriated any funds towards this movement, consequently, few county libraries were established before that time (A. Ark., 1937, 1268).

The 1927 legislation authorized the county court to appoint a county library board, consisting of six members who serve for a term of three years. The original board members were appointed for staggered terms. Two members were appointed for a term of one year, two for two years, and two for three years. All subsequent appointments have been for three-year terms. The board members have supervisory control over the library. They select the librarian; fix the salary of the librarian; appoint the necessary assistants, upon the recommendation of the librarian; direct all expenditures and are authorized to receive, in the name of the county, all gifts or bequests to the library. The board may contract with any municipality having library facilities, for the joint operation of a library. The county library must be located at the county seat and the county judge is required to furnish suitable quarters. If, for any reason, a county is unable to establish an independent library of its own, it may join with some neighboring county in the formation of a district library. (A. Ark., 1927, 832.)

Faulkner County library was established in June 1935, under the sponsorship of the American Legion Auxiliary, which had asked and received aid from the Emergency Relief Administration. A county library board was appointed, and the Emergency Relief Administration agreed to pay $53 a month as the salary of a librarian, if certain requirements were met. The library was required to have 535 books - the amount determined by the population of the county - so appeals went out to the citizens of the community. The sponsors of the ERA project were required to furnish suitable housing, standard bookshelves and other necessary library equipment. (Arkansas Gazette, February 12, 1939.)

The 1937 General Assembly passed a law appropriating money for state aid for county libraries (A. Ark., 1937, 1268). Out of this fund Faulkner County was granted a loan of $8,100. The quorum court of Faulkner County appropriated $500 for immediate use, and the city council of Conway gave $100 a month, for a year, toward the salary of a graduate librarian. (Arkansas Gazette, February 12, 1939.)

Since June 7, 1935 the library has grown from seven shelves containing 637 books and two magazine racks containing 32 magazines, to the present book circulation of 40,300, and magazine circulation of 4,425. The library now serves thirty communities.

The remodelling of the old county jail, which stands on the courthouse grounds, into a modern library, was done as a WPA project. It was completed early in 1939 and little remains of the former structure that

reminds the library patrons that the spacious rooms formerly were cell blocks for prisoners and living quarters for the county jailer. The entire second floor has been made into a large reading room. The lower floor is used as the librarian's office, the central desk and book racks. (Arkansas Gazette, February 12, 1939.)

A county librarian is required to file with the county clerk, a certificate of qualification issued by the Arkansas State Library Commission, before he is entitled to receive his salary as librarian. It is his duty to carry out all orders of the county board; to conduct his library according to approved library methods and to attend all meetings of the state library commission. (A. Ark., 1927, 834.)

All funds of the county free library are kept by the county treasurer, in a separate fund known as the "County Free Library Fund." No claim can be approved by the county court until it is approved by the county library board. (A. Ark., 1927, 832.)

Records kept by the county librarian include a membership file, card index of books and magazines and a circulation record.

Membership

195. (REGISTRATION CARD), 1938--. 2 file boxes.
Card, giving name, address, and signature of applicant; date of application, and registration number. Arr. alph. by name of applicant. Typed on pr. card. 12 x 5 x 3.

Catalog

196. (FILE CATALOG), 1938--. 12 file boxes.
Catalog of books in library, giving title; name of author; identification number, and location of volume. Arr. alph. by name of author. Typed. 18 x 5 x 3.

197. (RECORD OF BOOKS LOANED), 1938--. 6 file boxes.
Record of books loaned to individuals and schools, giving name of author; title of book; registration number of borrower; date borrowed, and date due for return. Arr. chron. by date due and alph. thereunder by name of author. Hdw. and typed on pr. fm. 12 x 5 x 3.

(Next entry 198, p. 204)

XXIX. HEALTH UNIT

The first public health work undertaken by the counties in Arkansas was by authority of an act of the General Assembly of 1903,which allowed the county judge to appoint a county board of health (A. Ark.,1903, 71). Prior to the passage of this act, the only work done had been under the direction of the state board of health, by authority of an act of the General Assembly of 1881 (A. Ark., 1881, 178).

A county board of health consisted of three members, all resident physicians of the county. It was the duty of the board to order the quarantine of any person regarded as a possible carrier of an infectious or contagious disease, and to carry out all other regulations outlined by the state board. The act also empowered the county board to prosecute any offenders against the health regulations. (A. Ark., 1903, 71.)

An act of the General Assembly of 1911 authorized the state board of health to appoint a county commissioner of health for a term of four years to work in connection with the county board. The commissioner was required to be a resident of the county, a graduate of a reputable medical college and of "good moral character". If the commissioner chose to do so, he was allowed to act as commissioner of health of the town or city in which he resided. As compensation, as commissioner, he was paid one cent per year for each individual in the county, residing outside of municipalities, and in the event he served as city or town health officer, he was paid one cent per year for each inhabitant of the city or town served. (A. Ark., 1911, 485.)

The county commissioner was required to enforce all rules and orders of the state board of health; to inspect all public buildings and institutions for menaces to public health and sanitation; to enter and inspect private property for the purpose of finding and removing causes of disease. He was empowered to order and enforce quarantines, and to order any necessary and reasonable precaution for the prevention and suppression of disease. He was authorized to close schools,and churches, and stop other public gatherings, if an epidemic threatened a community. (A. Ark., 1911, 485.)

The General Assembly of 1913 abolished the county board of health and the office of county health commissioner, supplanting them with the county health officer. The health officer was required to be a resident physician, and to have practiced medicine in the State of Arkansas for three years. He was appointed by the state board of health,with the approval of the county judge, for a term of two years. His salary was determined by the county court and was paid in monthly installments out of the county treasury. He could be removed from office, at any time, by the state board of health for failure to perform the duties prescribed by the board. (A. Ark., 1913, 354.)

The duties of the health officer were similar to those of the county health commissioner and the county board of health. In addition,however, he was required to supervise care of prisoners in the county jail, inmates of the county poor farm, and patients in the county hospital. He was also made registrar of vital statistics for the county. He was re-

quired to attend the annual meetings of the state,county and city health officers. Expenses incurred were paid by the county. (A. Ark., 1913, 354, 361.)

The General Assembly of 1923 passed an act which authorized the state board of health to participate with the Federal government under authority of the Tower Act in the promotion of the welfare of maternity and infancy cases. A state appropriation was made to finance the program and the state board authorized to regulate the expenditures. (A. Ark., 1923, 50.)

The 1925 General Assembly made an appropriation known as the "County Organization of State Aid Fund" to be used for the exclusive purpose of promoting a more systematized public health service in the counties. The fund was available to any county that made an appropriation of its own, in an amount satisfactory to the state board of health. Before any aid could be obtainable by a county,however, a cooperative budget had to be framed by the county judge and the chief state health officer and other contributing agencies. (A. Ark.,1925, 1061.) The same session of the General Assembly passed a law authorizing the quorum court to appropriate necessary amounts of money to be used under the direction of the county judge for the promotion and protection of public health (A. Ark., 1925, 361).

A health unit in Faulkner County was first established in 1928. The personnel consisted of a director,a county nurse and a sanitarian. This set-up was abandoned the following year and, until 1936,there was no organized public health program in the county.

Several acts of the General Assembly paved the way for the present form of public health work in the counties. In 1929, an act was passed which authorized the state to participate with various Federal agencies, the Rockefeller Foundation, the Julius Rosenwald Fund and other agencies in the melioration of public health conditions. The program was not launched that year, however, because the appropriation made to finance it was vetoed by the governor. (A. Ark.,1929, II, 1298.) The 1931 session of the General Assembly voted to tax all life, health, and accident insurance companies, and all bond and surety companies in the state, $2\frac{1}{2}$ per cent annually, on their gross premium receipts for the purpose of raising sufficient revenue to carry out this program. Money raised by this legislation was known as the "Sanitation Fund of the State Board of Health". It was specified that $85,000 per year be used for maintaining the division of rural sanitation, county health units, county health nurses and additional personnel agreed upon by the county authorities, the state board of health, and the Federal authorities in charge of the various foundations and any other contributing agencies. Counties may obtain the benefits of this program by appropriating funds to defray a portion of the expense. (A. Ark., 1931, 722.) Faulkner County's quorum court appropriates the sum of $800, and the city of Conway $600, annually. The present health unit in Faulkner County was formed in 1936.

Some of the counties in the state operate independent health units, but the state board of health allows two or more counties to participate in the formation of district health units. Faulkner and Cleburne Coun-

ties comprise such a unit which is known as the fourth district unit. The office, which is in the post office building at Conway, employs four persons, including a director, a sanitarian, a county health nurse and a clerical assistant. (Arkansas State Board of Health, Report, Little Rock, 1937, 2.) Employees are selected by the state board of health, for an indefinite period of time and the salaries are fixed by the county judge and the state board. The purposes of the county or district health unit are as follows: Thorough studies for the purpose of determining existing conditions and urgent needs in the field of maternal and child health; provide health consultation facilities for mothers and children; distribute literature on hygiene to mothers; develop, on a permanent basis, local activities in maternal and child welfare; organization of local advisory committees soliciting support of essential civil and public-spirited groups; solicit full support of the local medical and dental fraternities; supervise the work of midwives; prevent the spread of venereal diseases; aid in seeking facilities for medical or surgical service to indigents and others in actual need; cooperate with the State Public Welfare Department in the care, location and rehabilitation of crippled children; inaugurate local facilities for health education of parents, children and the public generally; make periodic examination of children to determine physical defects and install effective methods to obtain corrections of physically defective, or otherwise handicapped children; enforce measures to prevent the spread and, wherever possible, the occurrence of communicable diseases; increase individual resistance to certain specific diseases by means of mass immunization and to encourage complete, prompt, and accurate reporting of births and deaths to local registrars of vital statistics. Before any health program can be inaugurated in a county, it must be approved by the county medical society. (Arkansas State Board of Health, Report, 1937, 5.)

The duties of the director of the health unit are many and varied. He must use all means at his command, in educating the public on the subject of health and hygiene, and enlist the aid and cooperation of teachers in the public schools, local civic organizations, churches, fraternal bodies and private individuals in the health program.

It is the duty of the director to coordinate the work of the other staff members; to investigate all reports of communicable and contagious diseases; to be accessible to all physicians in his district for consultation and diagnostic service; to examine school children and report to their parents any physical disabilities or defects found; to vacinate all residents of the district against diseases that may be prevented, such as smallpox, diphtheria and typhoid fever, and to conduct various health clinics. Well Child Clinics are held by the director for the purpose of examining infants and pre-school children to prevent later sickness and defects. (Arkansas State Board of Health, Report, 1937, 9.) Efforts are being made to start pre-natal clinics in Faulkner County. Free clinics are held at convenient places throughout the district for the purpose of innoculating residents against smallpox, typhoid fever and diphtheria. All school children are compelled to be vaccinated against smallpox before entering public school. Food handlers are required to take a Wassermann test, which may also be given any other person making application for it.

The county health nurse is required to assist the medical director in holding the clinics and to make follow-up visits to the homes of patients to give advice and distribute helpful literature. She must be at the service of private physicians of the district; instruct and supervise the activities of midwives; and visit schools for the purpose of examining and recommending treatment of undernourished, crippled or physically defective children. She is empowered to order local quarantines, upon the report of a reputable physician in the district. It is the duty of the health nurse to assist the medical director in all of his duties, and in his absence, take charge of the unit. (Arkansas State Board of Health, Report, 1937, 9.)

An extensive program for malaria control is carried on by the sanitarian and it is his responsibility to check on the quality of the local water supply, inspect sewage outlets, supervise mosquito control measures, inspect food and drink dispensaries and generally see that State Board of Health regulations are enforced (Arkansas State Board of Health, Report, 1937, 10).

The present program of public health is the most elaborate and far-reaching one that has ever before been attempted in the state and it is showing results in every phase of its operation.

The General Assembly of 1937 appropriated an annual sum of $100,000 to be expended under the supervision of the State Department of Public Welfare to provide hospitalization for persons with less than $30 per month income. The act provided that children and expectant mothers constitute a preferred list, thus, indigents receiving pre-natal supervision in their local health unit clinics may be transferred to the welfare department for hospitalization. (A. Ark., 1937, 410.)

Complete and accurate records of all examinations, blood tests, vaccinations, hospitalizations, visits and all other activities of the district health unit are kept in the office of the public health nurse at Conway, and eventually, they become a part of the permanent record of the state board of health.

Correspondence

198. (CORRESPONDENCE FILE), 1937--. 1 file drawer.
Letters of instruction from the State Board of Health and United States Public Health Service and all correspondence by the county health officer and county health nurse. Arr. alph. by name of person with whom correspondence is had. Typed. 18 x 12 x 9.

Reports

199. (REPORTS), 1936--. 1 file drawer.
Weekly and monthly reports of the county health officers of work done in the county and district to the state department of health. These reports cover vital statistics; record of communicable diseases; quarantines; requests for and report of maternity nursing service; field visits of

health officers; tuberculin test given; treatment and hospitalization of crippled children; red cross activities; operation of midwives, and aid in promoting hygiene for school children and adults. Arr. alph. by type of report and chron. thereunder by date of report. Hdw. and typed. 18 x 12 x 9.

200. (SANITARIAN'S FILE), 1937--. 1 file box.
Work report of county sanitarian, giving detailed report of sanitary conditions in hotels and rooming houses, dairies, public eating places, public drinking places, pasturization plants, private premises, swimming pools, public schools, cream stations, and requirements for their establishment. Arr. chron. by date of report. Hdw. and typed. 18 x 12 x 9.

Case Records

201. CHRONOLOGICAL FILE, 1937--. 1 file drawer.
Individual report of each case of communicable and reportable disease, giving date; number assigned, and name of person afflicted. Contains individual record of tuberculin test. Arr. alph. by name of person. Hdw. and typed on pr. fm. 24 x 12 x 3. (Double file).

202. LABORATORY SPECIMEN FILE, 1937--. 1 file box.
Printed forms upon which are recorded the results of specimens sent to state laboratory for examination, giving name and address of attending physician; date; name, address, occupation, color and sex of patient; kind of test, and results. Arr. alph. by name of patient. Typed. 18 x 12 x 9.

203. IMMUNIZATION FILE, 1932--. 2 file drawers.
Record of tests and immunization treatments given to individuals, giving name, age, address, sex, color, education, and names of parents of client; kind of immunization or test; date treatment given; remarks, and results. Arr. alph. by name of client. Hdw. and typed on pr. fm. 24 x 12 x 3. (Double file).

204. (TUBERCULOSIS RECORD), 1937--. 1 file box.
File box contains record of results of tuberculosis skin tests, giving name, age, sex, school, and address of person (child) given test; result; doctor's name; whether or not X-ray is needed. Arr. alph. by name of person examined. No index. 8 x 4 x 4.

205. (SCHOOL RECORD), 1937--. 1 file box.
Individual health record of each school child, giving name, age, address, sex, and color of each; names and birthplaces of parents; general medical record of child, showing results of tests and immunizations given; summary of infant and pre-school record; note on clinical, conference, and field visits, and notices to parents suggesting the correction of certain defects in their child. Arr. alph. by name of school and alph. thereunder by last name of child. Hdw. and typed. 18 x 12 x 9.

206. (FAMILY CASE HISTORY), 1937--. 1 file drawer.
File contains daily report forms kept by health officer and general medical record of families coming under his supervision. Medical record is

a case history of family,giving name, address, age, and sex of each member of family; living conditions; history of tests, and treatment of entire family. Arr. in manila folders,alph. by name of community and alph. thereunder by name of family. Hdw. and typed. 18 x 12 x 9.

Certificates

207. HEALTH CERTIFICATES, 1937--. 1 file drawer.
Health certificates of food handlers, giving name, age, and address of holder of certificate; date test given; results, and remarks. Also contains complaints of nuisances (mosquitoes, carcasses, etc.), and report of the 1938 industrial survey for Faulkner and Cleburne counties.

Index

208. INDIVIDUAL INDEX, 1937--. 1 file drawer.
General index to all records,giving name and address of person receiving treatment; date of birth; sex; color; names of parents; type of record, and where filed. Arr. alph. by name of person. Hdw. and typed on pr. fm. 24 x 12 x 2. (Double file).

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XXX. COUNTY BOARD OF PUBLIC WELFARE

The first county board of public welfare was established in Faulkner County in 1935, by authority of an act of the General Assembly, which authorized all counties in the state to set up county boards. The county boards, as originally established, were abolished in 1937, but county welfare agencies have continued to function under the original name and, virtually, in the original form. (A. Ark., 1935, 56; ibid., 1937, 152, 163, 896-898.)

Prior to the establishment of public welfare boards, the county court and the board of supervisors administered aid to the poor. By an act of the General Assembly of 1838, the responsibility of the paupers of the county was placed on the county court (A.Ark., 1838, as contained in Rev. Stat. Ark., 1838, 230), but when the county court was abolished and supplanted by the board of supervisors in 1873, that board took over the supervision of the poor of the county (A. Ark., 1873, 54; see "Board of Supervisors", p. 66). Upon the adoption of the Constitution of 1874, which abolished the board of supervisors and re-created the county court, the welfare of the poor of the counties was again placed under the jurisdiction and supervision of the county courts (Const. 1874, art. VII, sec. 1; see "County Court", p. 53).

The county board is composed of five members, appointed by the State Board of Public Welfare, upon the recommendation of five designated county officers. The creative act of 1935 authorized that the county judge, sheriff, county clerk, circuit clerk and county treasurer were each permitted to submit names of three persons to serve on the board. The General Assembly of 1937 specified that the tax assessor should replace the circuit clerk in the nominating group. (A. Ark., 1935, 56; ibid., 1937, 896.) In the event the designated constitutional officers fail or neglect to make nominations for the county board of public welfare, the Arkansas State Board of Public Welfare may make the selections and appointments (A. Ark., 1937, 897).

The act of 1935 creating the county boards was somewhat vague as to the qualifications of the members of the boards, merely stating that the appointments should be approved by the Arkansas State Board of Public Welfare. The 1937 act was more explicit, in that it set out that members should be chosen from all parts of the county; should have an interest in, and be well-informed on the principals of public welfare, and possess the willingness and ability to serve on a public welfare board. The same act excluded retail merchants or holders of elective or appointive political positions from serving on the county boards. (A. Ark., 1935, 56; ibid., 1937, 897.)

Each county department of public welfare is in charge of a county director, who is appointed by the county board, according to qualifications required by the state department. Directors, and all other employees of the county department that the state department may designate, are required to furnish bonds in amounts stipulated by the state department. The expense of executing any required bond is to be paid by the state department. Other employees of county departments are selected by the director, subject to the approval of the county board, and in

accordance with requirements of the state department. (A. Ark., 1937, 154.)

After the county board is named the members select a chairman from their number (A. Ark., 1935,56; ibid., 1937, 897). Members were originally appointed for a term of two years (A. Ark.,1935, 57), but now it is provided that, in accordance with regulations made by the state board, the terms of office are staggered: one terminates within a year, each of the others, two years, three years, four years, and five years, respectively. Members are not allowed to serve more than two consecutive terms. (A. Ark., 1937, 897.) No provision has been made for compensation of members of the county boards,so they serve without pay (A. Ark., 1935, 56).

The State Board of Public Welfare may remove members of the county boards for failure to perform their duties, as required by law, or for misfeasance, nonfeasance or malfeasance in office (A. Ark., 1935, 56; ibid., 1937, 897).

Faulkner County has had a county board since the creative act was passed in 1935 (A. Ark., 1935, 56). The office of the county department is located in the courthouse at Conway. Miss Mildrid Alewyne is the county director. She and her two assistants administer, at present, to approximately 350 relief families. This list totals approximately 1200 persons, all being on direct relief and classed as "unemployable."

The act of 1935 directed county board members to cooperate fully with the state board and enforce its rules in their respective counties; to select and fix the compensation of all employees in the county units; to receive, disburse and account for all funds provided for the maintenance of county welfare offices; and, when called upon by the state board, furnish a complete report of all activities of the unit (A. Ark., 1935, 57).

Board members are authorized to examine the qualifications of the employees of the county departments of public welfare; to review the applications of welfare clients and to make recommendations to the state department for their approval or rejection. They are further empowered to pass on amounts of grants, after being approved by the state department. It is the duty of the county board to procure office space, furnishings, supplies and utilities for the county departments of public welfare. Three members constitute a quorum and may transact or pass on any business that comes before the board. (A. Ark., 1937, 152.)

The county director is required to serve as secretary of the county board of public welfare, and as agent for the state department. He is required to submit an annual budget to the county board; to prepare an annual report of the affairs of the county department,and to perform any other duties the state department may request. It is within the power of the county director to receive and disburse funds from the state department or from any other lawful source. A special fund known as the county welfare fund is available. The director is authorized to draw on it for the general relief to eligible clients. (A. Ark., 1937, 154.)

Both the state and county boards of public welfare cooperate with the Federal Government in the matter of administration, with the ultimate purpose of forming a set-up that will work to the best advantage of all concerned. Also, the state and county departments are aided financially by the Federal Government. (A. Ark., 1937, 150.)

The state board of public welfare has supervisory control of the juvenile courts of the state, an authority which, from the creation of the courts in 1911 until 1937, was vested in the attorney general (A. Ark., 1911, 170; ibid., 1937, 149; see "Juvenile Court", p. 120).

The General Assembly of 1937 enacted a provision whereby persons with less than $30 per month income could receive necessary hospitalization. Applicants must furnish a recommendation from a reputable, practicing physician to the director of the county department of public welfare, who, in turn, refers the application to the state department where it is either approved or rejected. In this phase of the work, the county welfare department works in conjunction with the county health unit, in that eligible clients of the health clinics may, with the proper credentials, receive needed hospital treatment as provided by the county welfare department. (A. Ark., 1937, 410; see "Health Unit", p. 201.)

The 1937 law prohibits employees of state or county boards from active participation in any political campaign. The same law states that no employee of the county, state, or Federal Government may be employed by any county, or state board of public welfare. (A. Ark., 1937, 155.)

In the event a county is, for any reason, unable to establish a county board of public welfare, the law provides that two or more counties may unite and jointly form a district department of public welfare (A. Ark., 1937, 152).

The records of the county departments contain applications and grants of all assistance rendered applicants. Because the relations between the department and its clients, and affairs of each unit, are on a confidential standard, records are not a matter of public record; they may be seen only by persons authorized by the state department or by the Federal government.

Records of the county board of public welfare are kept in the office in the courthouse at Conway.

Applications

209. (REGISTER OF RELIEF APPLICATIONS), 1936--. 1 vol.
Register of applications for all forms of relief, except CCC, giving name and address of applicant; date of application; date of approval or rejection, and amount of grant. Arr. alph. by name of client and chron. thereunder by date of application. Hdw. 200 pp. 22 x 12 x 2.

210. (APPLICATIONS FOR CERTIFICATION - WPA), 1939. 1 card file.
File of applications for relief pending approval or rejection, giving name and address of applicant; date of application, and brief summary of

needs and qualifications. Arr. alph. by name of applicant. Hdw. on typed card. 8 x 4 x 4.

Visitation

211. (RECORD OF VISITATIONS), 1936--. 3 file boxes (By name of investigator).
Card record of visits made by investigator to welfare clients, giving name and address of client;date of visit, and signature of investigator; also contains record of cases that were formerly visited but are now closed. Arr. alph. by name of client. No index. Hdw. and typed on pr. fm. 14 x 5 x 5.

Disposition of Cases

212. (RELIEF APPLICATIONS ACCEPTED), 1936--. 3 file boxes (A-G, H-P, Q-Z).
File boxes contain approved applications for old age pensions; general relief; aid to dependent children, and aid to blind, giving name of applicant,address,report of investigation;record of, and date of approval. Arr. alph. by name of relief client. Hdw. and typed on pr. fm. 18 x 14 x 10.

213. (APPLICATIONS FOR AID - CLOSED CASES), 1936--. 12 file boxes.
These file boxes contain rejected applications for relief; WPA applications accepted and rejected;CCC applications accepted and rejected. Arr. alph. by name of client. Hdw. and typed on pr. fm. 18 x 14 x 10.

214. (RECORD OF CERTIFICATION - WPA), 1936--. 1 card file.
Record of certification of WPA applicants for work relief, giving name and address of applicant; case number; date of investigation; report and name of investigator; record of acceptance or rejection, and record of cancellation. Arr. alph. by name of client. Hdw. and typed on pr. fm. 18 x 7 x 5.

215. (WPA LABOR ASSIGNMENTS AND DISCHARGES), 1936. 3 file boxes.
WPA form 402, labor assignment,gives name and address of worker; identification number;sex, race, and classification; place of assignment; time to report; and number of hours to be worked; signatures of placement officer, employee, and foreman. Form 403, notice of termination of employment,gives name and address of worker; identification number; sex, race, and classification; date termination of employment to become effective; number of project; signature of persons issuing and approving order.Arr. alph. by name of worker. Typed. 12 x 5 x 3.

Pensions

216. (RECORD OF OLD AGE GRANTS - CONTROL LEDGER), 1936--. 1 vol.
Record of old age grants affecting those receiving combined state and Federal grants,giving name and address of client;proof of age; client's signature, and verification of signature. Arr. alph. by name of client

and chron. thereunder by date of payment. No index. Hdw. on pr. fm. (loose leaf). 16 x 12 x 3.

CCC Enrollments

217. (REGISTER OF CCC APPLICATIONS), 1936--. 1 vol.
Register of applications for service in CCC, giving name and address of applicant;date of application;date of approval or rejection. Arr. alph. by name of applicant and chron. thereunder by date of application. Hdw. 200 pp. 22 x 12 x 2.

218. (RECORD OF CCC ENROLLMENTS & DISCHARGES), 1936--. 1 box(CCC).
Service Record of CCC enrollees,giving name,age,and address of enrollee; date of enrollment,and date of discharge. Arr. alph.by name of enrollee. No index. Hdw. on pr. card. 8 x 4 x 4.

Financial

219. (REGISTER OF CHECKS ISSUED), 1937--. 1 vol.
Record of checks issued each month by county welfare board to relief clients between the ages of 16 and 65, giving name of applicant; number of check; amount of check; balance cash of welfare fund on hand assigned to county by state welfare board (loose leaf). Arr. alph. by name of applicant and chron. thereunder by date of check. No index. Hdw. on pr. fm. 12 x 7 x 2.

Index

220. (CARD INDEX FILE), 1936--. 5 file boxes.
A file containing a general index to all records kept in this office. Arr. alph. by name of applicant. Typed. 8 x 4 x 4.

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XXXI. COUNTY SURVEYOR

When Arkansas was made a state in 1836, the constitution adopted that year authorized the electorate of each county to choose a surveyor, who was required to be a resident and elector of the county, and a man of proven ability. Three ensuing constitutions have made the same provision, provided for the same manner of selection and set the term of office at two years. (Const. 1836, art. VII, sec. 17; Const. 1861, art. VI, sec. 18; Const. 1864, art. VII, sec. 20; Const. 1874, art. VII, sec. 46.) The Constitution of 1868 made no provision for the office of surveyor. A statutory provision, enacted the same year, sustained the office from 1868 until 1874, setting the term at four years. (A. Ark., 1868, 326.)

The surveyor is commissioned by the governor and is required to take the official oath of office provided in the constitution for all county and state officials (Const. 1874, art. VII, sec. 48; ibid., art. XIX, sec. 20; Const. 1868, art. VI, sec. 17; ibid., art. XV, sec. 17).

Not more than 15 days after being commissioned, he is required to furnish bond in a sum of not less than $1000 nor more than $6000, the amount to be determined by the county court (A. Ark., 1909, 180; A. Ark., 1837, as contained in Rev. Stat. Ark., 1838, 219; A. Ark., 1878, 92). The office is declared vacant if the bond is not made and the vacancy is reported to the governor who appoints a new surveyor to fill the vacancy (A. Ark., 1838, as contained in Rev. Stat. Ark., 1838, 219; A. Ark., 1875, 192).

The circuit court may remove a surveyor from office, upon conviction, for incompetence, corruption, gross immorality, criminal conduct, malfeasance, misfeasance or nonfeasance in office (Const. 1874, art. VII, sec. 50; Ark. Crim. Code, 1869, sec. 287). A vacancy in office is filled at a special election, called by the governor, unless it occurs within six months of the next general election. In the latter event, the governor appoints a surveyor to serve the unexpired term. (Const. 1874, art. VII, sec. 50; see "Governmental Organization and Records System", p. 17.) Prior to 1874, vacancies were also filled by appointment by the governor (A. Ark., 1868, 361).

Since 1874 the surveyor has been entitled to all the fees of his office, up to $5000. All in excess of this amount is turned over to the county treasurer and placed in the county general fund. (Const. 1874, art. XIX, sec. 23.) The surveyor is allowed the following fees: for each day spent in performance of his duties, whether under an order of the county court, or otherwise, $10; for each mile traveled from his residence to the place he is to work, and return, ten cents; for calculating the amount of land in each survey made and preparing a plat of same, $1; for recording the plat and certificate, 50 cents; for every copy made of plat and certificate, 50 cents (A. Ark., 1921, 298; ibid., 1929, I, 500). Prior to 1921, he was allowed five cents a mile for travel, and $5 per day for his services (A. Ark., 1875, 116; ibid., 1867, 294). The surveyor is authorized to appoint one or more deputies, and is responsible, on his official bond, for all their actions (A. Ark., 1838, as contained in Rev. Stat. Ark., 1838, 221). The county surveyor is ex-officio timber inspector (see "County Timber Inspector", p. 214).

County Surveyor

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Any person who has acquired ownership of public lands of the United States and has obtained proper title to the lands, may ask the county surveyor to lay off the land, in accordance with his certificate of title. The surveyor may request that owners of adjoining property be present at the survey. In the event the land was originally surveyed under authority of the Federal government, the surveyor is required to make his survey conform with the original one. (A. Ark., 1838, as contained in Rev. Stat. Ark., 1838, 219.)

The surveyor is required by law to execute all orders directed to him by any court of record for the survey or re-survey of any tract of land in litigation; to obey all orders of courts to make survey for the partition of real estate and to accompany viewers of roads for the purpose of running or measuring any proposed new road. It is the duty of the surveyor, upon the application of any person holding the proper certificates of purchase, to survey all lands that have been forfeited to the state for the non-payment of taxes. (A. Ark., 1838, as contained in Rev. Stat. Ark., 1838, 219.) The county surveyor is allowed to make copies of all field notes or maps for his own use (A. Ark., 1857, 67).

The General Assembly of 1909 passed a law requiring the counties to furnish and maintain a complete set of surveying instruments for the use of the surveyor during his term of office (A. Ark., 1909, 180). Each surveyor is required to furnish himself with a compass of approved construction, a two-pole chain of 50 links and a book in which he is required to note every survey made, showing the description of land surveyed, the name of the owner, date survey was made, and, as near as is practicable, the boundaries of the land. The record book of the county surveyor is available for inspection by the public and must be delivered to his successor in office. If any surveyor fails to deliver his books to his successor in office, he may be fined $1 for each day he keeps the records after demand for them has been made. (A. Ark., 1838, as contained in Rev. Stat. Ark., 1838, 221.)

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XXXII. TIMBER INSPECTOR

The office of timber inspector, which was created for each county in 1901, has been filled in an ex-officio capacity at all times by the county surveyor (A. Ark., 1901, 204). Prior to this time,the timber inspection function was performed by the state timber inspector, a position filled in an ex-officio capacity by the state land commissioner (A. Ark., 1883, 144). Since the office of surveyor and timber inspector are filled by one person, his qualifications, manner of selection and term of office are discussed in "County Surveyor", p. 212.

The timber inspector is required to subscribe to an oath of office that pertains especially to his work and to post a $5000 bond, with two or more sureties, guaranteeing that he will faithfully discharge his duties and deliver to his successor in office all bills, papers, books and other effects of the office (A. Ark., 1901, 204).

The timber inspector is paid for his services on a fee basis. For measuring logs, timber or lumber and preparing reports, he is allowed to charge five cents per thousand feet of logs; 12 cents per thousand feet of square timber; and ten cents per thousand feet of sawed lumber. The fees are paid by the owner of the logs,timber or lumber. He is entitled to a fee of 50 cents for recording each timber mark, and, for recording every timber mortgage,bill of sale or other written instrument he is allowed the fee paid the recorder of deeds for the same service. (A. Ark., 1901, 207; ibid., 1933, 479.)

The timber inspector is not allowed to purchase public land, and, for every violation of this law, he may be fined $200. He may appoint one or more deputies and is responsible, on his own official bond, for the conduct and fidelity of his deputies. (A. Ark., 1901, 205.)

Upon the request of an owner of logs,timber, or lumber, the inspector must make an estimate of the amount of the holdings. The inspector is required to put his mark and the mark of the owner on all logs, lumber or timber included in each estimate he makes,keeping a record of his estimate and the marks. These estimates are made for the purpose of establishing legal ownership of logs,timber or lumber that may be involved in a sale or transfer of title. (A. Ark., 1901, 205.) Owners of logs, timber or lumber may adopt for their use any mark they select, provided it is not similar to one used by another person. All marks adopted must be registered with the timber inspector, who records them in a book. (A. Ark., 1883, 140.)

It is the duty of the timber inspector to report to the General Assembly, within ten days after the opening of the regular biennial session, the amount of logs,timber and lumber scaled or measured during the two previous years. He is also required to make quarterly reports to the state auditor of all money he has collected, and to pay to the auditor any money he may have collected which belongs to the state. (A. Ark., 1901, 206.)

To have general validity, all mortgages, liens, bills of sale or other instruments of writing that, in any way, affect the ownership of

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marked logs, timber or lumber,must be recorded in the office of the timber inspector (A. Ark., 1883, 146).

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XXXIII. AGRICULTURAL EXTENSION SERVICE AGENTS

Agricultural extension work, in virtually its present form, was inaugurated in Arkansas in 1915, after the General Assembly of that year passed an act which authorized the farmers in the state to participate in the benefits of the Smith-Lever Act, passed by Congress the previous year (A. Ark., 1915, 1078; U. S. Stat. L., Washington, 1915, XXXVIII, part 1, 372).

As early as 1905, however, the United States Department of Agriculture agents had instituted a fight against the cotton boll weevil in Arkansas. In the same year,the Department's regional agent for Arkansas and Louisiana appointed a district agent for Arkansas who organized agricultural interests in the war against the boll weevil. The demand for a larger number of agents increased and it became apparent that the Federal government's expenditures were inadequate. An ensuing campaign for contributions to set up county agents' offices elicited response from private citizens and business firms in every part of the state and many from outside the state. The educational board of New York contributed substantially to this program and the mail order firm of Sears, Roebuck and Company made an offer which was subsequently accepted by several Arkansas counties. The company offered $1000 to each county that would match this amount for the employment of a farm demonstration agent. By 1912 there were 36 county agents employed in Arkansas. These agents gradually broadened their activities until they ultimately became not only consultants on the subject of boll weevil extermination, but general agricultural consultants, as well. Public interest, combined with the rising importance of agriculture as an economic factor, made the passage of the Smith-Lever Act in 1914 almost inevitable. This legislation provided cooperative agricultural extension work for all the states of the union. It established direct contact between the Secretary of Agriculture and the heads of various agricultural colleges in the state; and through them,with student farmers. It also specifically provided for an educational program which consisted largely of the dissemination of instructive material, through publications and by demonstration among farm families not connected with projects organized and sponsored by co-operating agricultural colleges. The work was carried on in a manner mutually agreed upon by the Secretary of Agriculture and the colleges receiving benefits under the act. (Extension Service, Agricultural and Mechanical College of Texas, Silver Anniversary, Cooperative Demonstration Work, 1903-28, College Station, Tex., 1929, 91; U. S. Stat. L., 1915, XXXVIII, part 1, 372.)

The 1911 session of the General Assembly passed an act authorizing the quorum court to make an annual appropriation to finance the county participation with the Department of Agriculture in its program of Farmers' Cooperative Demonstration Work, which was the original name given the extension service. Appropriations undoubtedly had been made prior to the passage of this act because,the act declared "an appropriation for this purpose heretofore made by any quorum court is hereby declared as valid and legal as any appropriation hereafter to be made by virtue of this act". (A. Ark., 1911, 21.)

The University of Arkansas' agricultural extension work carried on

 (Next entry 221, p. 218)

under the Smith-Lever legislation was authorized by the General Assembly of Arkansas in 1915 when it passed an act which permitted the university's college of agriculture to accept federal funds under the provisions of the Smith-Lever Act (A. Ark., 1915, 1078).

Faulkner was among the first counties to have the services of a county agent and a home demonstration agent. S. B. Webb and Bertha Wilson were appointed to the positions, under provisions of the act of 1911. (A. Ark., 1911, 21; Files of the Agricultural Extension Service, Little Rock.) More recently the extension service staff in the county averaged eight persons: the county agent, two assistant county agents, the home demonstration agent, two assistant home demonstration agents, and two stenographers. The assistant agents also served in a like capacity in Conway County on a half-time basis. (University of Arkansas College of Agriculture, Annual Report of Extension Work, 1938, Circular No. 418.)

The Farmers' Cooperative Act of 1911 was amended by the General Assembly of 1927 to permit the quorum court to make an annual appropriation for cooperative extension work, and authorize the county to pay all legitimate claims in connection with the extension program. Another amendment, passed by the General Assembly in 1931, authorized the county judge to appoint such persons as he thought necessary to carry on the extension work, in the event vacancies in these offices occurred. (A. Ark., 1911, 21; ibid., 1927, 15; ibid., 1931, 968.)

The General Assembly of 1937 passed an act which required the state, rather than the county,to pay the salaries of the county and home demonstration agents. A special fund known as the "Agricultural Extension Fund", was set up to support the statewide extension program in all counties. This fund is derived from an alcoholic beverage tax. Salaries of agents and administrative expenses are paid out of this fund,although the county may, at its discretion, make a supplementary appropriation. The act establishing this fund amended previous acts of 1933 and 1935 which had also imposed a tax on beer and liquor. (A. Ark., 1937, 964; ibid., 1933, 467; ibid., 1935, 301.)

The county agents and home demonstration agents are selected by the Federal Agricultural Extension Service and the University of Arkansas College of Agriculture, in accordance with provisions of the Smith-Lever Act. The agents are required to be graduates of some accredited agricultural college and to possess practical knowledge of rural life. Faulkner County has had several negro county and home demonstration agents, but since 1928, the personnel has been all white people. Their appointments are for indefinite periods, but their contracts are renewed each year, during their terms of office. They may be removed at any time by the appointing agencies. (U. S. Stat. L.,1913-1915,XXXVIII, part 1, 372.)

The agricultural extension agent is not a constitutional officer and state law does not clearly define his duties, which are many and varied. The county agent's work in 1938 centered largely around the rural electrification program which is being stressed in Arkansas; establishment of sewage disposal plants; programs for raising better

livestock; method demonstrations and result demonstrations coupled with group and community talks on farm subjects; control of plant diseases and parasites; soil and forest conservation, and diversified farming and terracing. Garden demonstrations and other lines of home economics occupied the time of the home demonstration agents. (University of Arkansas College of Agriculture, Annual Report of Extension Work, 1938.)

The stenographer in the county agent's office is responsible for the keeping of a well-ordered, comprehensive filing system. The files, which are standard, are in four main divisions: (1) correspondence; (2) general information file; (3) 4-H Club file, and (4) Agricultural Adjustment Administration file. The Federal Agricultural Extension Service Office at Little Rock published instructions for maintaining a uniform records system in 1937, which is followed in all county offices to insure uniformity of files. (Extension Service University of Arkansas College of Agriculture and United States Department of Agriculture, Cooperating, Organization of a Uniform Filing System for County Extension Offices in Arkansas, Fayetteville, 1937, 1-3.)

Farm Demonstration Agent

221. CORRESPONDENCE FILE, 1938--. 1 file drawer.
Letters of instructions from various specialists, United States and Arkansas state departments, and miscellaneous correspondence containing general information. Arr. alph. by name of correspondent and chron. thereunder by date of letter. No index. Typed. 18 x 13 x 10½.

222. GENERAL INFORMATION FILE, 1935--. 4 file drawers.
File drawers containing miscellaneous collection of papers pertaining to county agent's work in county; Agricultural Adjustment Administration program; animal husbandry; agriculture; extension methods; field crops; forestry; home economics; publicity; farm and home records; progress reports; rural electrification; soil conservation; rural life; wild life, and WPA information. Arr. in headed manila folders chron. by date of filing. No index. Pr. fms. 18 x 13 x 10½.

223. (INACTIVE FILE), 1935--. 1 file drawer.
File containing bulletins on Agricultural Adjustment Administration programs; committees appointed; agricultural economics; farm management; agricultural education; County Agricultural Agent work; dairy cattle; campaigns, and conferences. Also contains: Annual reports, 1930--, entry 224, Monthly Reports, 1935--, entry 224. Arr. by subject. Pr. fms. 18 x 13 x 10½.

224. (REPORTS, Monthly and Annual), 1930--. In Inactive File.
Annual reports of county agents, 1930--, and monthly reports, 1935--, contain feature stories; records and achievements; pictures; newspaper publicity; facts and figures; general accomplishments of farm demonstration club men and 4-H Club boys together with summary of activities of farm demonstration agent.

Agricultural Adjustment Administration

225. A. A. A. FILES, 1933-38. 10 file drawers.
Contain acreage adjustment contracts; corn-hog contracts; pool trust agreements; Bankhead contracts, and reports on performance. Arr. numer. by contract no. No index. Hdw. and typed on pr. fms. 18 x 13 x 10½.

226. A. A. A. (Operations File), 1937--. 1 file drawer.
Record of operations and expenses of office personnel of agents of Agricultural Adjustment Administration. Arr.chron. by months.18 x 13 x 10½.

Home Demonstration Agent

227. CORRESPONDENCE, 1935--. 1 file drawer.
Letters of instruction from departments connected with demonstration work,and miscellaneous letters. Arr. alph. by name of correspondent and chron. thereunder by date of letter. No index. Typed. 18 x 13 x 10½.

228. GENERAL INFORMATION, 1935--. 4 file drawers.
Bulletins pertaining to home demonstration agent's work: fairs and exhibits; agricultural education; house plans; building, construction, remodeling; animal husbandry; agriculture; home economics; horticulture, and recreation. Arr. by subject matter. Pr. fms. 18 x 13 x 10½.

229. PATTERNS, RECREATION MATERIAL AND REPORTS, 1935--.
Instructions and information on various recreational activities of home demonstration agents. Also contains: Monthly Reports, 1926--.

230. (REPORTS, Monthly), 1926--. In Patterns, Recreation Material and Reports, entry 229.
Monthly reports of home demonstration agents containing records and achievements; pictures; newspaper publicity; facts and figures; general accomplishments of home demonstration club women and 4-H Club girls together with summary of activities of the home demonstration agent.

Activities Record

231. PERMANENT FARM AND HOME RECORD, 1935--. 1 file drawer.
Record of participation of farm family and individual members in activities advocated by extension agents. Permanent home record shows name, address, and ages of wife and children;description of house;home garden; major practices and activities;and boys and girls in 4-H Club. Permanent farm record, shows name, age and address of farmer;whether owner or tenant; size of farm; type of farming; membership in organizations, and major practices adopted and activities conducted. Arr. alph. by name of community and alph. thereunder by name of family. No index.

232. 4-H CLUB FILE, 1935--. 4 file drawers.
Records pertaining to 4-H Club work, giving names of members of each club and their individual records;programs, program material, and correspondence. Arr. alph. by name of club and alph. thereunder by name of member. No index. Hdw. and typed on pr. fms. 18 x 13 x 10½.

APPENDIX

CONSTITUTION OF 1868
(Original Art. VIII)

FRANCHISE

Section 1. In all elections by the people the electors shall vote by ballot.

Section 2. Every male person borned in the United States, and every male person who has been naturalized, or has legally declared his intentions to become a citizen of the United States, who is twenty-one years old or upwards, and who shall have resided in the State six months next preceding the election, and who at the time is an actual resident of the county in which he offers to vote, except as hereinafter provided, shall be deemed an elector, Provided, no soldier or sailor, or marine in the military or naval service of the United States shall acquire a residence by reason of being stationed on duty in this State.

Section 3. The following classes shall not be permitted to register, or vote, or hold office, viz:

1st. Those who during rebellion took the oath of allegiance, or gave bonds for loyalty and good behavior to the United States government and afterwards gave aid, comfort or countenance to those engaged in armed hostility to the government of the United States, either by becoming a soldier in the rebel army, or by entering the lines of said army, or adhering in any way to the cause of rebellion, or by accompanying any armed force belonging to the rebel army, or by furnishing supplies of any kind to the same.

2nd. Those who are disqualified as electors, or from holding office in the State or States from which they came.

3rd. Those persons who during the late rebellion violated the rules of civilized warfare.

4th. Those who may be disqualified by the proposed amendment to the Constitution of the United States, known as article XIV, and those who have been disqualified from registering to vote for delegates to the Convention to frame a Constitution for the State of Arkansas under the act of Congress entitled An Act to provide for the more efficient government of the rebel States," passed March 2nd 1867, and the acts supplementary thereto.

5th. Those who shall have been convicted of treason, embezzlement of public funds, malfeasance in office, crimes punishable by law with imprisonment in the penitentiary, or bribery.

6th. Those who are idiots or insane, provided, that all persons included in the 1st, 2nd, 3rd, and 4th, Subdivisions of this section, who have openly advocated or whom have voted for the reconstruction pro-

posed by Congress, and accept the equality of all men before the law, shall be deemed qualified electors under this Constitution.

Section 4. The General Assembly shall have the power, by a two-thirds vote of each house, approved by the Governor to remove disabilities included in the 1st, 2nd, 3rd and 4th subdivisions of sec. 3, of this Article, when it appears that such person applying for relief from such disabilities, has in good faith returned to his allegiance to the government of the United States; Provided, the General Assembly shall have no power to remove the disabilities of any person embraced in the aforesaid subdivisions who, after the adoption of this Constitution by this convention, persists in opposing the acts of Congress and Reconstruction thereunder.

Section 5. All persons before registering or voting must take and subscribe the following oath: I____do solemnly swear, (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of the State of Arkansas, That I am not excluded from registering or voting by any of the clauses in first, second, third or fourth subdivisions of Article VIII of the Constitution of the State of Arkansas, that I will never countenance or aid in the secession of this State from the United States, that I accept the civil and political equality of all men, and agree not to attempt to deprive any person or persons, on account of race, color or previous condition, of any political or civil rights, privilege or immunity enjoyed by any other class of men; and, furthermore, that I will not in any way injure, countenance in others any attempt to injure person or persons,on account of past or present support, of the government of the United States, the laws of the United States of the principle of the political party. Provided, that if any person shall knowingly and falsely take any oath in this Constitution prescribed, such person so offending, and being thereof duly convicted,shall be subject to the pains,penalties and disabilities, which, by law are provided for the punishment of the crime of wilful and corrupt purjury.

Section 6. Electors shall in all cases except treason, felony, or breach of the peace, be privileged from arrest and civil process during their attendance at elections, and in going to and returning from same.

Section 7. It shall be the duty of the General Assembly to enact laws giving protection against the evils arising from the use of intoxicating liquors at elections.

LIST OF COUNTY OFFICIALS

COUNTY JUDGES

J. W. Duncan, 1874-1878
R. F. Adams, 1878-1880[1]
L. C. Lincoln, 1880-1882
E. M. Merriman, 1882-1888
P. H. Prince, 1888-1890
E. G. Sevier, 1890-1894
G. W. Rice, 1894-1898
W. H. Duncan, 1898-1902
W. B. Wilson, 1902-1906
J. A. Lea, 1906-1912
John W. Holt, 1912-1916
E. L. Smith, 1916-1918
J. A. Lea, 1918-1920
E. L. Smith, 1920-1922
W. M. Harper, 1922-1928
J. A. Lea, 1928-1932
J. A. Hutto, 1932-1936
W. M. Harper, 1936--

[1]Resigned June 1, 1880

BOARD OF SUPERVISORS

E. L. Allen, 1873-1874
M. R. Sevier, 1873-1874
A. J. Horton, 1873-1874

COUNTY CLERK AND EX-OFFICIO PROBATE CLERK, 1873-1874; 1890--; ALSO EX-OFFICIO CIRCUIT CLERK AND RECORDER, 1873-1874

C. L. Lander, 1873-1874
F. M. Morgan, 1890-1894
R. S. Maddox, 1894-1896[1]
J. A. Lea, 1896-1900
T. J. Bullion, 1900-1902
J. H. Hartje, 1902-1908
J. H. Bailey, 1908-1912
J. A. Lea, 1912-1916
John Reeves, 1916-1920
J. A. Hutto, 1920-1926
A. H. Burkett, 1926-1928
T. E. Wofford, 1928-1932
John Griffith, 1932-1936
C. E. Gentry, 1936--

[1]Resigned and J. E. Martin appointed

CIRCUIT JUDGES

John Whytock, 1868-1874
J. J. Clendenin, 1874-1878
J. W. Martin, 1878-1882
F. T. Vaughan, 1882-1886
J. W. Martin, 1886-1890
R. J. Lea, 1890-1902
J. S. Thomas, 1902-1906
Eugene Lankford, 1906-1914
Tom C. Trimble, 1914-1919
Geo. W. Clark, 1919-1927
W. J. Waggoner, 1927--

List of County Officials

CIRCUIT CLERK, EX-OFFICIO RECORDER, 1874--; EX-OFFICIO CHANCERY COURT CLERK, 1885--; EX-OFFICIO COUNTY CLERK AND PROBATE CLERK, 1874-1890

F. C. Moore, 1874-1878
J. V. Mitchell, 1878-1890
J. R. Donnell, 1890-1894
W. B. Wilson, 1894-1898
J. M. C. Vaughter, 1898-1902
J. A. Lea, 1902-1906
A. M. Ledbetter, 1906-1910
J. H. Hartje, 1910-1914
A. M. Ledbetter, 1914-1918
W. F. Whiddon, 1918-1924
A. H. Burkett, 1924-1926
J. A. Hutto, 1926-1928
H. W. Montgomery, 1928-1932
A. H. Burkett, 1932-1936
T. E. Wofford, 1936--

CHANCERY JUDGES

D. W. Carroll, 1878-1895
T. B. Martin, 1895-1903
Jessee C. Hart, 1903[1]
J. G. Wallace, 1903-1912
Jordan Sellers, 1912-1921
W. E. Atkinson, 1921-1935
J. B. Ward, 1935--

[1]Appointed January 20, 1903

PROSECUTING ATTORNEYS

J. M. Harrell, 1873-1874
J. W. Martin, 1874-1878
F. T. Vaughan, 1878-1880
T. C. Trimble, 1880-1884
R. J. Lea, 1884-1886
Gray Carroll, 1886-1888
R. J. Lea, 1888-1890
W. H. Pemberton, 1890-1894
George M. Chapline, 1894-1898
F. E. Brown, 1898-1908
Geo. W. Clark, 1908-1912
Jas. B. Reed, 1912-1916
G. Otis Bogle, 1916-1921
W. J. Waggoner, 1921-1927
Guy E. Williams, 1927-1930[1]
O. E. Williams, 1930-1931[2]
C. E. Condrey, 1931-1932
Geo. Hartje, 1932-1939
J. B. Reed, 1939--

[1]Resigned

[2]Appointed Oct. 1930

COUNTY ATTORNEY

P. H. Prince, 1873-1874

List of County Officials

SHERIFFS (EX-OFFICIO TAX COLLECTORS)

Benton Turner, 1873-1874
J. E. Martin, 1874-1876
W. J. Harrell, 1876-1878
J. D. Townsend, 1878-1882
A. J. Witt, 1882-1886
L. B. Dawson, 1886-1890
J. B. Wilson, 1890-1894
H. B. Ingram, 1894-1898
W. S. Hendrickson, 1898-1900
W. H. Duncan, 1900-1902
W. B. Wilson, 1902-1906
W. M. Brady, 1906-1910
J. S. Johnson, 1910-1914
W. W. Bishop, 1914-1918
W. M. Brady, 1918-1922
J. I. Summers, 1922-1930
Neel Webb, 1930-1934
J. I. Summers, 1934-1938
R. E. Speaker, 1938--

CORONERS

R. T. Harrison, 1873-1874
W. C. Gray, 1874-1876
W. Martin, 1876-1878
S. V. Castleberry, 1878-1880
J. A. Phillips, 1880-1884
S. E. Wilson, 1884-1886
B. G. Wilson, 1886-1888
A. P. Powell, 1888-1890
J. A. Phillips, 1890-1894
R. B. McCulloch, 1894-1896
W. J. Hinson, 1896-1898
F. G. Richardson, 1898-1906
J. H. Pence, 1906-1914
J. A. Pence, 1914-1938
L. B. Pence, 1938--

TAX ASSESSORS

A. B. Henry, 1873-1874
W. H. C. Nixon, 1874-1876
G. W. Brown, 1876-1880
J. M. C. Vaughter, 1880-1882
J. P. Price, 1882-1884
J. N. Harris, 1884-1886
Bruse Shaw, 1886-1890
W. T. Wilson, 1890-1892
W. J. Snow, 1892-1894
J. H. Ghist, 1894-1898
Jos. Roden, 1898-1902
Frank Whiddon, 1902-1906
W. W. Bishop, 1906-1910
W. N. Jones, 1910-1914
Austin Johnson, 1914-1918
Roy Rogers, 1918-1922
A. Johnson, 1922-1926
Jim Holt, 1926-1930
T. F. Ford, 1930-1934
B. M. Tilley, 1934-1938
Ed Middleton, 1938--

List of County Officials

TREASURERS

M. E. Moore, 1873-1874
James Jones, 1874-1875[1]
W. J. Harrell, 1875-1876
G. T. Clifton, 1876-1890
S. P. C. Smith, 1890-1894
W. T. Piercy, 1894-1898
J. P. Tines, 1898-1902
A. J. Witt, 1902-1906
J. R. Giddens, 1906-1910
R. K. Wilkerson, 1910-1913[2]
J. H. Baily, 1913-1914
J. R. Giddens, 1914-1916
T. J. Bullion, 1916-1920
J. E. Wofford, 1920-1924
H. W. Montgomery, 1924-1928
B. M. Tilley, 1928-1934
Neel Webb, 1934--

[1]Resigned

[2]Resigned

COUNTY EXAMINERS

J. M. Clifton, 1874-1875
James M. Fergerson, 1875-1876
W. M. Caldwell, 1876-1879
J. W. Thompson, 1879-1882
Frank Knowlton, 1882-1884
T. J. Bullion, 1884-1886
Frank Knowlton, 1886-1887
J. M. C. Vaughter, 1887-1889
J. M. C. Vaughter, 1889-1891
J. M. C. Vaughter, 1891-1892
Will Smith, 1892-1893[1]
W. I. Clark, 1893-1896
T. J. Bullion, 1896-1898
J. T. Bullion, 1898-1900
J. W. White, 1900-1902
J. W. White, 1902-1904
F. F. Forrest, 1904-1911
J. M. Vaughter, 1911-1918
A. A. Parsons, 1918-1933
F. M. Bollen, 1933-1938
B. G. Harrison, 1938-1939[2]
J. D. Bollen, 1939--

[1]Killed Nov. 25, 1893

[2]Resigned

SURVEYORS (EX-OFFICIO TIMBER INSPECTOR, 1901--)

G. W. Johnson, 1873-1874
B. J. McHenry, 1874-1878
B. Moss, 1878-1882
J. W. Thompson, 1882-1884
J. D. Conlon, 1884-1886
A. B. Dickerson, 1886-1888
F. Hegi, 1888-1890
J. S. Lander, 1890-1894
J. H. Hall, 1894-1898
B. F. Stermer, 1898-1908
J. H. Lincoln, 1908-1910
D. O. Harton, 1910-1912
B. G. Wilson, 1912-1916
Ed Mitchell, 1916
J. H. Hall, 1916-1920
Hugh Stermer, 1920-1922
B. F. Stermer, 1922-1924
J. H. Hall, 1924-1936
B. F. Stermer, 1936--

[1]Failed to qualify and J. H. Hall appointed

List of County Officials

STATE REPRESENTATIVES

S. B. Burns, 1874-1877
J. E. Martin, 1877-1879
Joseph Roden, 1879-1881
G. W. Bruce, 1881-1883
J. H. Harrod, 1883-1887
J. F. Campbell, 1887-1889
J. E. Martin, 1889-1891
John Dunaway, 1891-1893
S. A. Stewart, 1893-1895
Isaac M. Campbell, 1895-1897
P. H. Prince, 1897-1899
George W. Clark, 1899-1903
Benjamin F. Witt, 1903-1905
Frank Witt, 1905-1907
Thomas J. Bullion, 1907-1909
J. A. Batson, 1909-1911
Wm. W. Martin, 1911-1913
George M. Connell, 1913-1915
C. E. Condray, 1915-1917
H. B. Hardy, 1917-1919
I. M. Campbell, 1919-1921
E. T. Herring, 1921-1923
H. B. Hardy, 1923-1925
J. C. Dawson, 1925-1927
C. A. Holland, 1927-1929
Geo. W. Clark, 1929-1931
Kenneth C. Coffelt, 1931-1933
Jas. Clarence Dawson, 1933-1937
Russell C. Roberts, 1937--

STATE SENATORS (27TH SENATORIAL DISTRICT)

J. W. House, 1874-1879
J. W. Duncan, 1879-1883
T. W. Wells, 1883-1887
John Dunaway, 1887-1891
J. H. P. Russ, 1891-1895
Julius V. Connell, 1895-1899
Richard A. Dowdy, 1899-1903
Jas. M. C. Vaughter, 1903-1907
Chas. E. Bush, 1907-1911
A. C. Martin, 1911-1915
Wm. D. Davenport, 1915-1919
Geo. J. Hartje, 1919-1923
W. H. Abington, 1923-1927
Dr. H. B. Hardy, 1927-1931
Dr. W. H. Abington, 1931-1935
Dr. H. B. Hardy, 1935-1939
Steve Combs, 1939--

ARKANSAS COUNTIES IN THE ORDER OF CREATION

NO.	COUNTY	DATE	TAKEN FROM
1.	Arkansas*	Dec. 31, 1813	Dist. of Arkansas Missouri Terr.
2.	Lawrence	Jan. 15, 1815	New Madrid Co., Terr. of Missouri
3.	Pulaski	Dec. 15, 1818	Arkansas County
4.	Clark	Dec. 15, 1818	Arkansas County
5.	Hempstead	Dec. 15, 1818	Arkansas County
6.	Miller**	Apr. 1, 1820	Arkansas County
7.	Phillips	May 1, 1820	Arkansas & Hempstead Counties
8.	Crawford	Oct. 18, 1820	Pulaski County
9.	Independence	Oct. 20, 1820	Lawrence County
10.	Chicot	Oct. 25, 1823	Arkansas County
11.	Conway	Oct. 20, 1825	Pulaski County
12.	Crittenden	Oct. 22, 1825	Phillips County
13.	Izard	Oct. 27, 1825	Independence County
14.	St. Francis	Oct. 13, 1827	Phillips County
15.	Lafayette	Oct. 15, 1827	Hempstead County
16.	Sevier	Oct. 17, 1828	Miller & Hempstead Counties
17.	Washington	Oct. 17, 1828	Crawford County
18.	Pope	Nov. 2, 1829	Crawford County
19.	Union	Nov. 2, 1829	Clark & Hempstead Counties
20.	Hot Spring	Nov. 2, 1829	Clark County
21.	Monroe	Nov. 2, 1829	Arkansas & Phillips Counties
22.	Jefferson	Nov. 2, 1829	Arkansas & Pulaski Counties
23.	Jackson	Nov. 5, 1829	Independence County
24.	Mississippi	Nov. 1, 1833	Crittenden County
25.	Pike	Nov. 1, 1833	Clark & Hempstead Counties
26.	Greene	Nov. 5, 1833	Lawrence County
27.	Scott	Nov. 5, 1833	Crawford & Pope Counties
28.	Van Buren	Nov. 11, 1833	Conway, Independence & Izard Counties
29.	Carroll	Nov. 11, 1833	Izard County
30.	Johnson	Nov. 16, 1833	Pope County
31.	White	Oct. 23, 1835	Jackson & Pulaski Counties

*First established as District of Arkansas by an act of the Territory of Louisiana passed June 27, 1806; district government erected August 23, 1808; officially designated as a county unit of government by legislature of the Territory of Missouri December 31, 1813.

**First established 1820; abolished 1836; Re-established 1874.

Arkansas Counties
in the Order of Creation

NO.	COUNTY	DATE	TAKEN FROM
32.	Randolph	Oct. 29, 1833	Lawrence County
33.	Saline	Nov. 2, 1835	Hempstead & Pulaski Counties
34.	Marion	Sept.29, 1836	Izard County
35.	Madison	Sept.30, 1836	Washington County
36.	Benton	Sept.30, 1836	Washington County
37.	Franklin	Dec. 19, 1837	Crawford County
38.	Poinsett	Feb. 28, 1838	Greene & St. Francis Counties
39.	Desha	Dec. 12, 1838	Arkansas County
40.	Searcy	Dec. 13, 1838	Marion County
41.	Yell	Dec. 5, 1840	Pope & Scott Counties
42.	Bradley	Dec. 18, 1840	Union County
43.	Perry	Dec. 18, 1840	Conway County
44.	Ouachita	Nov. 29, 1842	Union County
45.	Montgomery	Dec. 9, 1842	Hot Spring County
46.	Newton	Dec. 14, 1842	Carroll County
47.	Fulton	Dec. 21, 1842	Izard County
48.	Polk	Nov. 30, 1844	Sevier County
49.	Dallas	Jan. 1, 1845	Clark & Bradley Counties
50.	Prairie	Nov. 25, 1846	Pulaski County
51.	Drew	Nov. 26, 1846	Bradley County
52.	Ashley	Nov. 30, 1848	Drew County
53.	Calhoun	Dec. 6, 1850	Dallas & Ouachita Counties
54.	Sebastian	Jan. 6, 1851	Crawford, Scott & Polk Counties
55.	Columbia	Dec. 17, 1852	Hempstead, Lafayette & Ouachita Counties
56.	Craighead	Feb. 19, 1859	Greene, Mississippi & Poinsett Counties
57.	Cross	Nov. 15, 1862	Crittenden, Poinsett & St. Francis Counties
58.	Woodruff	Nov. 26, 1862	Jackson & St. Francis Counties
59.	Little River	Mar. 5, 1867	Hempstead & Sevier Counties
60.	Sharp	July 18, 1868	Lawrence County
61.	Grant	Feb. 4, 1869	Hot Spring, Jefferson and Saline Counties
62.	Boone	Apr. 9, 1869	Carroll & Madison Counties
63.	Nevada	Mar. 20, 1871	Columbia, Hempstead & Ouachita Counties
64.	Logan	Mar. 22, 1871	Franklin, Johnson, Scott & Yell Counties
65.	Lincoln	Mar. 28, 1871	Arkansas, Bradley, Desha, Drew & Jefferson Counties

Arkansas Counties
in the Order of Creation

NO.		DATE	TAKEN FRØM
66.	Clay	Mar. 24, 1873	Greene & Randolph Counties
67.	Baxter	Mar. 24, 1873	Fulton, Izard, Marion & Searcy Counties
68.	Garland	Apr. 5, 1873	Hot Spring, Montgomery & Saline Counties
69.	Faulkner	Apr. 12, 1873	Conway & Pulaski Counties
70.	Lonoke	Apr. 16, 1873	Prairie & Pulaski Counties
71.	Cleveland*	Apr. 17, 1873	Jefferson, Dallas, Bradley & Lincoln Counties
72.	Howard	Apr. 17, 1873	Hempstead, Pike, Polk & Sevier Counties
73.	Lee	Apr. 17, 1873	Crittenden, Monroe, Phillips & St. Francis Counties
74.	Stone	Apr. 21, 1873	Independence, Izard, Searcy & Van Buren Counties
75.	Cleburne	Feb. 20, 1883	Independence, Van Buren & White Counties

*Formerly called Dorsey County; became Cleveland County on March 5, 1885.

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