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INVENTORY
of the
COUNTY ARCHIVES
OF GEORGIA

NO. 81 JEFFERSON COUNTY
(Louisville)

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THE GEORGIA HISTORICAL RECORDS SURVEY
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JEFFERSON COUNTY COURTHOUSE
Louisville, Georgia

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Louisville, Georgia

INVENTORY OF THE COUNTY ARCHIVES

OF GEORGIA

Prepared by

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

NO. 81

JEFFERSON COUNTY (LOUISVILLE)

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Atlanta, Georgia
The Georgia Historical Records Survey
May 1940

The Historical Records Survey Program

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Georgia State Planning Board, Sponsor
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FOREWORD

The Inventory of the County Archives of Georgia 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 Jefferson County, is No. 81 of the Georgia series.

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carrying out this objective, the project was organized to compile inventories of historical materials, particularly the unpublished government documents and records which are basic in the administration of local government, and which provide invaluable data for students of political,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

The inventories produced by The Historical Records Survey attempt to do more than give merely a list of records - they attempt further to sketch in the historical background of the county or other unit of government, and to describe precisely and in detail the organization and functions of the government agencies whose records they list. The county, town, and other local inventories for the entire county 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 by Luther H. Evans, who served as Director until his appointment as Director of the Legislative Reference Service of the Library of Congress. He was succeeded on March 1, 1940, by Sargent B. Child, who had served in the capacity of Field Supervisor since the inauguration of the Survey. The Survey Program operates as a Nationwide 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 in Georgia was organized in October 1936, as an independent state unit of the Nation-wide Federal Project No. 1 of the Works Progress Administration, under the supervision of Dr. Luther H. Evans, National Director. The project at the beginning was set up as part of the Federal Writers' Project, and is indebted to Mrs. Carolyn P. Dillard, State Director of that project, for its initiation. Miss Annie Laurie Hill was in charge of the Historical Records Survey as Assistant State Supervisor under Mrs. Dillard until November 1936, when the survey was separated from the Writers' Project. Raiford J. Wood was named State Director in November 1936 and served in such capacity until July 1939, at which time the present State Supervisor was appointed. On September 1, 1939, the transfer of the Survey from a Federal project to the status of a State-wide project was effected.

The principal objective of the Survey in Georgia is to prepare complete inventories of the public archives of the State and its political subdivisions, and to make readily accessible to research students and historians this large store of source material. Such a survey should greatly aid and encourage a more systematic study of local governmental structure and should point the way to an improvement in the methods of storage and preservation of both current and non-current records. The officials of Jefferson County are to be commended for the thought and care which has been given to the arrangement, filing, indexing and preservation of their records.

The arrangement of agencies in Part B of the inventory classifies them according to governmental function: Administration; registration of property titles; administration of justice; law enforcement; finance; elections; education; health; welfare; public works; and miscellaneous. The structural organization of the agency, the powers and duties (or jurisdiction of courts), and the records requirements are discussed in a section preceding the inventory of the records of each agency. Records are classified, in general, according to the agencies which make them, unless other disposition of the records is directed by law. Under agencies, records have been classified, insofar as possible, according to the subjects with which they deal.

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

The Inventory of County Archives in Georgia will, when completed, consist of a separate, numbered volume for each county in the State. Each county unit of the series is numbered according to its respective position in an alphabetical list of Georgia's 159 counties. Thus, the Inventory of Jefferson County becomes No. 81, in accordance with such list. The Inventory of the State archives, of municipal and other local records, will constitute separate publications.

The Survey was begun in Jefferson County in August 1938, and the initial field work was completed in February 1939. The initial inventory was rechecked in November and December of 1939. For the completeness and accuracy of the inventory of the records, the field workers are responsible. The preliminary

drafts of the essays and entries were prepared by the State Office staff, and were edited by Harold Warnell, State-wide Project Technician.

The Georgia staff has profited in all phases of its work by the constructive advice and criticism of the Washington staff. This inventory in manuscript form was edited by Mabel S. Brodie, assistant archivist in charge of public records inventories, of the staff of the Library of Congress project in the District of Columbia.

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

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

PHILIP WARREN
State Supervisor
The Georgia Historical Records Survey

Atlanta, Georgia
May 1940

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1. HISTORICAL SKETCH

Physical Features

Jefferson County is situated in the eastern central part of Georgia and has an area of 646 square miles.(1) It is irregular in outline, its greatest length being north and south. On the north it is bounded generally by the counties of Glascock, Warren, McDuffie, and Richmond; on the east, by Burke; on the south, by Emanuel and Johnson; and on the west, by Washington. The county was created by an act of the General Assembly of February 20, 1796, from the two older counties of Burke and Warren.(2) Since that time only minor changes have been made in the county's boundary lines. (3) Jefferson County was named in honor of Thomas Jefferson, who became Vice President of the United States a year after its creation and President in 1801.

Jefferson County lies in the upper part of the coastal plain. The surface is a gently undulating plain, generally well drained by a number of streams, the most important of which are the Ogeechee River and Rocky Comfort, Big, and Reedy Creeks. The land slopes in a general southeasterly direction, varying in elevation from 495 to 234 feet. There are a large number of soils which differ in texture, color, and structure, making possible a diversified agriculture. Approximately two-thirds of the land is clear and open, and the rest is covered with brush and trees, consisting principally of second-growth pine and scrub oak.(4)

The climate of Jefferson County is mild. Farming operations can be carried on during the entire year. There is generally no killing frost from the latter part of March until early November, giving an average growing period of 226 days. The annual mean rainfall is something over 45.5 inches and is fairly well distributed throughout the year. There is more rainfall in the summer and less in the autumn.(5)

Early History

Before the English colonization of Georgia, Indian traders had found their way into the region that was to become Jefferson County. Tradition has it that by the time of General Oglethorpe's arrival, in 1733, there were settlers at Galphinton, the trading post on the Ogeechee River established by George Galphin.(6) At any rate, during the period when Georgia

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1) Fifteenth Census of the United States, 1930, Population, I, 227.
2) Horatio Marbury and William H. Crawford, Digest of the Laws of the State of Georgia from its settlement as a British Province, in 1755 to the Session of the General Assembly in 1800, inclusive... (Savannah, 1802), 169.
3) Ga. Acts 1810, pp. 98, 99; 1839, p. 33; 1853-54, p. 319; 1855-56, pp. 125-135; 1857, p. 229; 1858, p. 43; 1860, pp. 138, 139.
4) Soil Survey of Jefferson County, Georgia, by R. T. Avon Burke, et al, Series 1930, Number 26 (n.p., n.d.), 1, 2, 7, 31.
5) Ibid., 3.
6) Mrs. Z. V. Thomas, History of Jefferson County (Macon, Ga., 1927), 17; George G. Smith, The Story of Georgia and the Georgia People, 1732 to 1860 (Macon, Ga., 1900), 217.

was a royal province, settlers began to arrive in this backwoods region in considerable numbers.

The Parish of Saint George

The General Assembly of Georgia passed an act in March 1758, dividing the province into parishes, and establishing "Religious Worship therein according to the Rites and Ceremonies of the Church of England...."(1) The boundaries of the parish of Saint George were defined as the "District of Halifax, extending from the North West boundaries of the Parish of Saint Matthew, up the River Savannah from the Mouth of Mackbeen's Swamp, to the Head thereof; and from thence to the head of Lambol's Creek, to the river Great Ogeechee...."(2) The same act gave wide powers to the officials and provided for the erection of a church, rectory, and cemetery in the parish. (3) Saint George included approximately what is now Burke, Screven, and Jefferson Counties.

The parish had two representatives in the Commons House of the Assembly of the Colony.(4) On one occasion, in 1761, some of the freeholders of the parish protested against the election of two representatives as "Illegal and Contrary to the real Intentions of the Majority of the Inhabitants...."(5) The proceedings of the legislature of the colony show that there was considerable activity on the frontier which was to become Jefferson County. In 1760 the members from Saint George reported "that they had examined the State and Condition of the Fort within that Parish and found that in order to render the same defensible it will require Six Swivel Gunns and Ammunition."(6) The Indians were a problem to the settlers of the parish. Some of the settlers, for their protection, formed "an Association to assist one another in attacking or even killing any Indians who should come into their Settlement and kill or carry away their Cattle or Horses or do any kind of Injury to the white People...." Governor James Wright condemned such "illegal Schemes" of "these Associators" in letters to the captains of the militia companies and promised the people protection "on their behaving in a Manner becoming good Colonists...."(7)

The tide of immigration into Georgia by way of Virginia and North Carolina, instead of Savannah, began a number of years before the Revolution. Generally these immigrants had been engaged in raising tobacco, and, when their soil had become exhausted, they moved on to find new and richer land. These people, called Crackers, seemed strange and uncouth to the men who came direct from Europe. They had become Americanized long before reaching Georgia, and to them may be credited the stiffest resistance to British rule in the years that followed. These people, and those who in

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1) The Colonial Records of the State of Georgia, compiled by Allen D. Candler (Atlanta, Ga., 1904-15), 24 vols. in 27, XVIII, 258.
2) Ibid., 259.
3) Ibid., 262.
4) Ibid., XIII, 417.
5) Ibid., 488.
6) Ibid., 455.
7) Ibid., X, 515.

like manner came later, furnished by far the majority of citizens of middle and upper Georgia.(1) The Governor and the English gentlemen of Savannah did not seem to understand the independent and democratic nature of the backwoodsmen. Governor Wright thought it imperative to keep a garrison at Augusta because the people there "were not only liable to the Insults of the Indians but also those of a parcel of people commonly called Crackers, a set of Vagabonds often as bad or worse than the Indians themselves...."(2)

The General Assembly of the Colony passed various bills for laying out roads in Saint George's Parish.(3) In 1763, a bill passed the Commons House for building a courthouse in the parish,(4) but there is no record of its passing the Upper House. When the people of Augusta petitioned the legislature for a county court at which the inhabitants of Saint George were to attend, the latter protested and prayed that they might have a county court in their own parish or "be permitted to bring their Causes before the Courts at Savannah as formerly--"(5) But whether or not the parish ever had a county court, many justices were appointed and courts of conscience were established.(6) Before the outbreak of the American Revolution the Parish of Saint George was so "Extensive and Populous" that two Courts of Conscience had been established there "for the ease of the Inhabitants...one at the place called the Court House at Halifax and the other at the Township of Queensborough...." To avoid confusion as to jurisdiction, the parish was divided into two districts.(7)

Queensborough

Halifax, the older part of the Parish of Saint George, lay in what is now Burke County, but Queensborough Township and Galphinton were within the present boundaries of Jefferson County.(8) The founding of Queensborough was an important event in the settlement of upper Georgia. In 1766, the General Assembly passed an act to encourage settlers to come into the province, and granted over 1800 pounds sterling for the purpose.(9) This venture was principally the work of John Rae and George Galphin who had "greatly at Heart the settling a Township in this Province with Protestant Families from the north of Ireland...." The Governor approved the plan, calling attention to "the great Utility and Advantage the Province in general would reap from strengthning the Frontier...." The Irish did not come in 1766, for South Carolina offered them better inducements to settle.(10)

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1) Ulrich Bonnell Phillips, Georgia and State Rights (Washington, 1902), 87-89.
2) Colonial Records of Georgia, XIV, 475, 476.
3) For example, see Colonial Records of Georgia, XIV, 32.
4) Colonial Records of Georgia, XVII, 42.
5) Ibid., XIV, 528.
6) Ibid., X, 852.
7) Ibid., XIX, part 2, pp. 31-33.
8) Rev. George White, Historical Collections of Georgia...(New York, 1854), 502.
9) Colonial Records of Georgia, XIV, 348; XVII, 263.
10) Ibid., XVII, 401, 402.

Historical Sketch
Early History

(First entry, p. 85)

The Governor granted 50,000 acres of land "on the Branches of Ogeechee" to be reserved for three years. The land was not taken up in the given time, and in 1768 the reservation was extended for one year on condition that"the Quakers, for whom a Reserve is made of Twelve thousand Acres on Little River, (1) choose to Settle on the said fifty thousand Acres they are to be accomodated— Nevertheless Lambtons big Creek is to be reserved intirely (sic) for the Irish Settlement."(2) These Irish, or Scotch-Irish, were good bargainers. They refused to embark for Georgia until they were assured that "they could have their Passage paid, their lands laid out free of Expence, and exempted from Taxes for ten Years."(3) The General Assembly was considering a bill for an additional 600 pounds toward the project,(4) when the "Royal Disallowance of the former Act arrived...," placing before the Governor "impediments to his countenancing any such Encouragement...."(5)

However, the veto from the royal government came too late. The Irish were on their way to Georgia. Early in December 1768, over a hundred immigrants arrived in Savannah from Northern Ireland "in the Ship Prince George, Captain Beatty...." Since John Rae had acted "upon the Public faith" in bringing them over, the Governor and Council thought the next tax bill should provide a sum "to be applied to the use and encouragement of the persons now come in...."(6)

These Scotch-Irish settled in the Parish of Saint George in Queensborough Township on the land which the colony had provided for them, which they found "extremely good, and Capable of any Cultivation...." They reported to their friends in Ireland their favorable reception in Georgia, and a year later another group arrived "in the Ship Hopewell, Thomas Ashe, Master, from Belfast...." These settlers, "chiefly Farmers," found their rents and taxes in Ireland extremely oppressive. Some came over "upon Redemption, yet the far greater part...paid their Passage...." They were industrious, but the expense of emigration made it imperative to ask the aid of the Governor to enable them "to get up to their Lands" in Queensborough Township.(7) The General Assembly appropriated 200 pounds to aid this second group. John Rae and Samuel Elbert were appointed to disburse the fund.(8)

During the following years, more settlers from Ireland arrived. Early in 1771, another group arrived in the Hopewell. The government of the colony seems to have been reluctant to give them money and paid John Rae only 50 pounds to aid them in getting settled.(9) About 200 more arrived in 1772 and "more are daily Expected...." Rae reported that "all the

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1) This was the settlement of Wrightsborough, now in McDuffie County. E. Merton Coulter, A Short History of Georgia (Chapel Hill, 1933), 92.
2) Colonial Records of Georgia, X, 435.
3) Ibid., XVII, 402.
4) Ibid., 406; XIV, 550, 559.
5) Ibid., X, 671, 672.
6) Ibid., 672; XV, 71.
7) Ibid., XV, 70-72.
8) Ibid., XV, 73, 74, 81; XIX, part 1, p. 182.
9) Ibid., XV, 271, 272, 288.

plantable Land within Queensborough Township are already laid out and Granted to the Irish Settlers who formerly Arrived...." The Governor and Council reserved an additional 25,000 acres adjoining the township for the new settlers.(1)

The aid extended by Georgia to "the Irish Settlers" after their arrival was considerable. Various men had to be paid to survey the land and audit the accounts involved in settlement.(2) The principal interest of the colony in the settlement of this frontier region appears to have been economic. Georgia wanted to foster "the speedy Settlement of the back Countrey" in order to build up her commercial importance to rank with those of the other American Colonies. The tax act of 1770 appropriated ten pounds for flaxseed to be distributed by John Rae to the new settlers.(3) Although the manufacture of Irish linen proved unsuccessful in the backwoods of Georgia, the land was settled by a sturdy stock of people who, with their descendants, played a conspicuous part in the history of the colony and the State. De Brahm, "His Majesty's Surveyor- General" for the Southern colonies, visited Queensborough soon after its settlement and found that the town had 70 inhabitants with some 200 families living nearby.(4)

Many thousands of acres of land were given to settlers in the region that became Jefferson County. A great many of the names can easily be identified as prominent residents later in county and State affairs, such as Thomas and Jared Irwin, and John and Amos Emanuel, who were given land in 1769.(5) In 1770, 28 men were granted numbered lots in Queensborough, (6) which were exempted from quit rents for a period of ten years.(7) Occasionally the settlers sent petitions to the General Assembly praying for roads(8) or more justices to try small causes.(9) In 1769 the Governor and Council set aside 50 acres of land in Queensborough Township "at a place called Sandy Run Spring...for the Scite of a Church...." Five hundred acres at the fork of Dry Creek were ordered surveyed as a glebe for the parish.(10)

The Sctoch-Irish who settled at Queensborough were not Anglican in religion and it is doubtful that they ever sustained a congregation of the established church. Most of them were members of the Associate Reformed Presbyterian Church. They were visited by various clergymen of that denomination, but not until after the Revolution did they have a regularly installed pastor.(11) In 1773 several of the inhabitants protested against

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1) Colonial Records of Georgia, XII, 212, 213.
2) Ibid., XIX, part 1, pp. 187, 191, 194, 490.
3) Ibid., XVII, 401; XIX, part 1, p. 182.
4) John Gerar William De Brahm, History of the Province of Georgia... (Wormsloe, 1849), 7, 8, 25, 26.
5) Colonial Records of Georgia, X, 395, 481, 729, 789.
6) Ibid., XI, 85.
7) Ibid., X, 981, 982.
8) Ibid., XV, 109.
9) Ibid., XII, 332.
10) Ibid., X, 788.
11) George White, Statistics of the State of Georgia...(Savannah, 1849), 103.

a move to place "a Teacher of the Established Church...in the lower part of the Parish of Saint George...." This would be oppressive to them in "increasing their Taxes in Order to provide for his Support and Maintenance...." Already the people of Queensborough had provided for the expense of a "teacher" to reside there, and they did not feel that it was just to ask the residents to contribute to the support of one in another part of the parish.(1)

The Revolution

The settlement of the Parish of Saint George and the Township of Queensborough had hardly well begun when the region was torn asunder by the revolt of the American Colonies against Great Britain. Discontent with the British government had not reached such intensity in the young colony of Georgia as in the older colonies. However, in the late summer of 1774 meetings were held in Savannah to fix a policy for Georgians to follow in the dispute. Two delegates from the Parish of Saint George attended the meeting of August 10, which drew up resolutions strongly condemning the British government.(2) A great many people of the colony, on the other hand, condemned such proceedings.

More than a hundred men from Saint George signed a protest against the meeting, which they said reflected "very improperly upon our King and the Parliament..., and can serve no good purpose...." Some of these had voted for delegates because otherwise, they had been told, the Stamp Act would be put into force again.(3)

Georgians saw little fighting until three years after the Revolution began. After the fall of Savannah in the last days of 1778, the British overran the State. A bitter civil war among the Georgians was added to the devastation of the invading armies and the State "now swung backward swiftly into a state of nature, more savage than brute creation."(4) Guerrilla warfare raged, Whigs were pitted against Tories, and one group of murderers and plunderers against another. From this confused struggle arose a great number of heroes and heroines who have become almost legendary figures for their feats of bravery.(5) Not the least among these was Patrick Carr, an Irishman, who lived for many years and died in Jefferson County. According to tradition, Carr counted his military career a failure since he killed only 100 Tories with his own hands.(6)

The settlers in the region suffered much during the war, not only from the British invaders, but also from their neighbors and the Indians. Added to this, there were two religious factions, the Burghers and anti-Burghers. Some of the anti-Burghers and their pastor, the Rev. Mr. Donaldson, "conscientiously opposed the War..." The minister was captured and his

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1) Colonial Records of Georgia, XV, 473
2) Coulter, Short History of Georgia, 108, 109.
3) White, Historical Collections of Georgia, 283, 284.
4) Coulter, Short History of Georgia, 123, 132.
5) Ibid., 132.
6) Ibid., White, Historical Collections of Georgia, 504, 505.

pastorate "violently dissolved...," only a few rallying to form two congregations after the war had ended.(1)

In addition to Patrick Carr, many other men who lived in or later removed to Jefferson County saw service during the Revolution. Chesley Bostick, the first clerk of the superior court of the county, was the captain of a company of the Georgia Battalion raised in 1776.(2) Jared Irwin, twice Governor of the State, and David Emanuel, also Governor and for a number of years tax receiver for Jefferson County, both served in the war with distinction.(3) John Berrien was a lieutenant in the first Georgia Battalion at the age of 15 years and had risen to the rank of a major when he joined Washington's forces at Valley Forge.(4)

Louisville Made the Capital of the State

The Revolution left Georgia in a devastated condition. At its end the State government returned to Savannah for three years. However, the growth of the up-country was manifested by a movement to locate the capital of the State in that region. By an act of the General Assembly of January 26, 1786, provisions were made "for erecting of Public buildings and establishing the Seat of Government and the University, provided the same shall be within twenty miles of Galphin's Old Town...." Nathan Brownson, William Few, and Hugh Lawson were named commissioners to acquire a tract of not more than a thousand acres "and to lay out a part thereof in Lotts Streets, and Alleys, which shall be known by the name of Louisville...." They were to reserve land for the State Capitol, the university, and other public buildings, and to sell the remaining lots as State property in Savannah. Until such time as this was done Augusta was made the capital of Georgia.(5)

Evidently the state of Indian affairs prevented the immediate carrying out of the provisions of this act. In 1785 Georgia made a treaty with the Creeks at Galphinton, obtaining from them a cession of the Tallassee country south and southwest of the Altamaha River. The Creeks later denied the validity of this and other treaties, and until 1796 there raged an intermittent war with the Indians on the Georgia frontier.(6) Although under such conditions it was manifestly unwise to place the seat of the State government near the borderlands of the red man, arrangements were under way for the contemplated removal to Louisville. In November 1792, the Secretary of State wrote to the Governor, from the "Capitol at Louisville," that the house intended for public offices was ready and that the State records would be moved as soon as the order was given.(7)

In accordance with a provision of the Constitution of 1789, a convention

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1) White, Historical Collections of Georgia, 504.
2) Ibid., 94, 96.
3) Ibid., 218, 219, 221, 222.
4) Ibid., 94, 503.
5) Colonial Records of Georgia, XIX, part 2, pp. 466-468.
6) Phillips, Georgia and State Rights, 40-46.
7) Manuscript letter of John Wilcox, November 1, 1792, Department of Archives and History, Atlanta, filed under Capital-Capital Commissioners.

Historical Sketch
Louisville Made the Capital
of the State

(First entry, p. 85)

convened at Louisville on May 3, 1795, to amend that document.(1) There was much excitement and strong feeling in the State on account of an act of the General Assembly of the preceding January, the so-called Yazoo Fraud, whereby the State parted with much of her western land for about a penny an acre.(2) The convention shortened the term of Senators to one year, reapportioned representatives, and provided for another Constitutional convention in 1798. Louisville was made "the permanent seat of government:- And that the Governor, Secretary of State, the Treasurer, the Auditor, and the Surveyor-General remove with their offices thereto...previously to the next meeting of the General Assembly."(3)

A two-story house was rented in Louisville from a Mrs. Campbell for the use of the Governor and furnished with a pair of large mahogany tables, ten green Windsor chairs, several large mirrors, and card and tea tables.(4) The construction of the capitol had been delayed by lack of funds, legal suits, and the death of the contractor, Reuben Coleman. After ten years this capitol, the first to be built by the State, was completed. The town of Louisville, named for Louis XVI of France, contained 40 acres, laid out in squares and streets and patterned after the city of Philadelphia.(5)

The first session of the General Assembly to be held at the new capitol began on January 12, 1796, and adjourned on February 21.(6) The corrupt members of the Yazoo legislature of the preceding year had been turned out and a new group elected, determined on wiping out the odium which had been brought upon Georgia. A rescinding act was quickly passed "which departed from the general nature of a law to argue for pages against the wickedness and unconstitutionality of the Yazoo Act." The legislature declared that the act was not "democratical," that it proposed to establish an aristocracy in America. To demonstrate their utter contempt for the act, the legislators ordered every reference to the act expunged from the State records and the act publicly burned.(7)

On the day set aside, the members took their places in front of the Statehouse. A fire was built, and the messenger of the house consigned the infamous act to the flames with these words: "God Save the State! And Long Preserve her Rights!! And May every Attempt to Injure Them Perish as these Corrupt Acts now Do!!!" A year later a similar ceremony took place when 19 pages of a mortgage book were discovered to deal with the Yazoo sales.(8)

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1) Ga. Const. 1789, art. IV, sec. VII.
2) Coulter, Short History of Georgia, 187, 188.
3) Ga. Const. 1789, amendments of 1795.
4) Manuscript letter of Edward Watts, January 20, 1794, Department of Archives and History, Atlanta.
5) Thomas, op. cit., 36, 37.
6) Douglas C. McMurtrie, Located Georgia Imprints of the Eighteenth Century Not in the De Renne Catalogue (Savannah, Georgia, 1934, reprinted from The Georgia Historical Quarterly for March, 1934), 42.
7) Coulter, Short History of Georgia, 188-190; for act of February 13, 1796, see Robert and George Watkins, A Digest of the Laws of the State of Georgia... (Philadelphia, 1800), 577-585.
8) Coulter, Short History of Georgia, 190. According to tradition, a

Creation of Jefferson County

The official journal of the General Assembly of 1796 states that the session was "begun and held at the town of Louisville, in the County of Burke...."(1) Actually, however, by an act of February 20, 1796, the day before its adjournment, that body created Jefferson County from the counties of Burke and Warren.(2) By midsummer of that year the county government was organized. The inferior court, composed of John Shellman, Douglass Hancock, Solomon Wood, Michael Shelman, and John Clements,(3) met for the first time on July 11 and concerned itself principally with roads and bridges. Since Louisville was the capital of the State, it was necessary to keep roads open leading to Augusta, Savannah, Georgetown, Montgomery Court House, Waynesboro, and Washington, as well as local county roads.(4) The inferior court allowed Richard Gray the sum of $248 "for running and marking out the County lines of Jefferson and for expenses incurred therein...." (5) The clerk was ordered to contract for "a seal with the following inscription...Inf. Court. Jefferson fiat justicia with the Sword of Justice in the Centre."(6) Such were the first acts of the body which controlled county affairs in Jefferson.

Courthouses

The act creating the county of Jefferson provided for holding courts and elections in the house of Joseph Chears.(7) Accordingly, for a number of years, courts were held at the house of Chears to whom the court issued a license to retail spirituous liquors. For the use of his house, the court ordered that $10 be paid to Chears for each term of court. In 1800 an order was given him for $30. Evidently, however, the rent was in arrears, for the following year the clerk of the inferior court was ordered to pay $130 to Chears, and early in 1802 a final sum of $20 was ordered to be paid to him.(8)

On March 8, 1802, acting in pursuance of an act of the legislature of 1801,(9) the justices of the inferior court "by and with the Consent of his

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white-haired stranger galloped up, announcing to the crowd that he had come to see justice done. Only fire from heaven, he said, should destroy such iniquitous documents, as he drew a sunglass from his pocket and held it over the pile of papers until they were lighted. He then mounted his horse and rode away, never to be seen again.

1) McMurtrie, Located Georgia Imprints, 42.
2) Act of February 20, 1796, Marbury and Crawford, pp. 169-171.
3) Inferior Court Minutes, vol. 1, 1796-1800, pp. 1, 7, 13, see entry 83.
4) Ibid., 2-5.
5) Ibid., 6.
6) Ibid., 8.
7) Act of February 20, 1796, Marbury and Crawford, pp. 169-171. Here his name is spelled Cheers. In the minutes of the inferior court the spelling of this name varies: Chears, Cheares, Chairs, the first being most often used.
8) Inferior Court Minutes, vol. 1, 1796-1800, pp. 47, 51, 86, 174; vol. 2, 1800-1803, pp. 64, 65, 95, see entry 83.
9) The General Assembly repealed that part of the act of 1796 requiring

Excellency the Governor fixed upon the State House, as a fit and Convenient place" for holding court and elections.(1) However, a few months later courts and elections were ordered held at the house of Jonathan Hilton in Louisville.(2) It is likely, nevertheless, that the Statehouse was used when the General Assembly was not in session. References to the place of meeting are generally made in the records as "at the Court House in Louisville...."(3) In 1808, after the removal of the capital of Georgia to Milledgeville, the Statehouse was made into a public arsenal, and the inferior court ordered that courts and elections be held at the Louisville Academy.(4) In July 1809, court sessions were transferred to the Old Coffee House, then occupied by William Wilkie.(5) The residence of Daniel Lemle was next used for a brief period,(6) and then the courts were again held at the Old Coffee House, now occupied by William Schley.(7) From 1813 to 1816, the county again used the old Statehouse.(8) The State had authorized the sale of the building in 1813,(9) and it was bought by the St. Patrick Masonic Lodge No. 2.

As early as 1800, the inferior court of Jefferson County ordered $300 to be paid to a committee for erecting a courthouse,(10) but not until 1816 was the first courthouse of the county completed. On February 20 of that year—exactly 20 years after the creation of the county—the inferior court accepted the structure from the contractor, Isaac Rawls, Jr.(11) This building was used until the fall of 1824, when the county again began to use the old Statehouse. A contract was made in November 1824, providing for the purchase of the Statehouse for $1,500, the Masonic Lodge retaining the use of the rooms on the upper floor.(12) The original courthouse building was ordered sold for $100 to a group for use as a church.(13) However, eight years later this order was revoked on the grounds that the terms of the contract had not been fulfilled, and the building was resold to Jonathan Roberson for the same amount.(14) This old courthouse, on the corner of Green and Eighth Streets,(15) still stands as the Jackson Hotel.

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courts and elections to be held at the house of "Joseph Chairs," and gave the inferior court power to select a place. - Augustin Smith Clayton, A Compilation of the Laws of the State of Georgia..., 1800, to...1810, Inclusive..., (Augusta, 1812), 19.

1) Inferior Court Minutes, vol. 2, 1800-1803, pp. 100, 101, see entry 83.
2) Ibid., p. 112.
3) Ibid., pp. 153, 154.
4) Ibid., vol. 5, 1807-10, p. 22.
5) Ibid., p. 54.
6) Ibid., vol. 6, 1810-13, p. 77.
7) Ibid., p. 83.
8) Ibid.
9) Act of December 2, 1813, Lucius Q. C. Lamar, A Compilation of the Laws of the State of Georgia...1810 to 1819, inclusive (Augusta, 1821), 971.
10) Inferior Court Minutes, vol. 1, 1796-1800, p. 174, see entry 83.
11) Ibid., vol. 7, 1814-18, pp. 53, 54.
12) Ibid., vol. 9, 1820-35, pp. 157, 158.
13) Ibid., p. 179.
14) Ibid., vol. 10, 1835-40, p. 21.
15) Ibid., vol. 9, 1820-35, p. 24.

Historical Sketch (First entry, p. 85.)
The Land and the People

In 1843 the inferior court appointed commissioners to contract for the building of a wooden courthouse; but in June of that year the order was rescinded and the commissioners were instructed to call for plans from an Augusta architect for a brick building, using as much as possible materials from the old Statehouse.(1) Not until 1847, however, did the commissioners contract with John Finn, of Augusta, for the new building. The price was $6,000, of which $1,500 was to be paid in cash and the balance as the work progressed, except 20 percent of the value which was to be paid on its completion.(2) The courthouse was completed by January 1848, and the justices ordered that an extra tax of 100 percent of the amount of the State tax for the county be levied "for county purposes and liabilities of the county in building the new courthouse...."(3)

This courthouse of 1848 served Jefferson County through the remainder of the nineteenth century. Late in 1903, a contract was signed between the board of county commissioners and F. P. Heifner to build the present courthouse at a cost of $37,615, from plans drawn up by W. F. Denny of Atlanta. At the same time, the board approved a bid of $101 made by E. W. Wilkie for the old courthouse, and signed another with M. C. Vandiver for a central heating plant in the new building at a cost of $1,890.(4) To meet the expense of the building the county issued "Courthouse and Jail Bonds" to the amount of $50,000 and passed additional taxes to take care of the interest and principal.(5)

On March 2, 1904, appropriate exercises were held in Louisville to celebrate the laying of the cornerstone.(6) The May session of the superior court was dispensed with because the old courthouse was not deemed in a safe condition.(7) Finally, on September 22, 1904, the board of commissioners inspected the new building and received it from Heifner, paying the balance due him under his contract.(8)

The Land and the People

Most of the inhabitants of Jefferson County during the first years of its existence were small farmers. In 1796 only one man in the county owned as many as twenty-five Negroes.(9) Most of the people owned none at all and the majority of the slaveholders had only one or two each.(10) By the time the American Revolution began, many farmers had turned their attention to the

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1) Inferior Court Minutes, vol. 11, 1840-58, p. 66, see entry 83.
2) Ibid., 120.
3) Ibid., 132, 134.
4) Minutes of Jefferson Commissioners Court, vol. 14, 1897-1921, pp. 146, 147, see entry 1.
5) Ibid., 148, 149.
6) Ibid., 155.
7) Ibid., 158.
8) Ibid., 167, 171. For description of present courthouse, see pp. 67-73.
9) Tax Digest, 1796, p. 43, see entry 8. There were 1,301 "Polls without Property...." Ibid., 63.
10) Ibid., passim. According to this digest the largest slaveholders were Thacker Vivion, Chesley Bostick, B. Harvey, Jesse Paullett, John Berrian, John Scott, and Philip Clayton. See Ibid., 7, 43, 51, 53.

cultivation of tobacco for a cash crop, especially those who had emigrated from Virginia and North Carolina. It was estimated that in 1779 about two-thirds of these planters would have raised tobacco for market had not the British army invaded the State.(1) The tobacco was generally packed in large wooden casks through which axels were run and shafts attached so that they might be drawn to market by horses. The roads used to roll tobacco to market usually followed a ridge to avoid crossing streams. Louisville was a tobacco market of enough importance to have the inferior court appoint "inspectors of Tobacco at the Louisville Warehouse."(2)

The invention of the cotton gin in 1793 made the growing of cotton in the uplands a profitable business. Large plantations grew up, supplanting in many instances the smaller farms. The demand for new lands to turn to the production of cotton forced the Indians in Georgia to give up their claims and finally leave the State. At various times between 1800 and 1835 the government of Georgia provided for the distribution of the newly-acquired lands through land lotteries. The Jefferson inferior court provided for the registration of those entitled to draws in the lotteries,(3) and many of the winners in Jefferson and other counties removed westward to take up their new lands.

Life in Middle Georgia during the early years of Jefferson County was virile and, according to modern standards, crude. Gatherings of the military companies was the signal for much gaiety, frequently accompanied by general disorder. Fights, horse races, gander pullings, cock fights, and other sports, took place at the militia musters.(4) Whiskey flowed freely on every hand. The first grand jury of the county complained that the justices of the peace were "not Cloathed with full power under the Law to prevent profane cursing...and swearing...," and protested against "the practice so generally used in the town of Louisville & the County of Jefferson of keeping open, on the Sabbath, trading and tipling houses."(5) Shortly afterward, in 1797, another grand jury presented as a grievance "the retailing of Spirituous liquors in the Town of Louisville without sufficient authority under the Laws of the State."(6) During the last six months of that year, the inferior court issued no less than ten licenses permitting the retail of liquor in small quantities.(7) In 1799 the commissioners of Louisville found it necessary to pass an ordinance to "prevent persons from galopping horses in the street...and other disorderly behavior." The fine for "getting intoxicated, and wrangling, fighting or profane swearing" was $2 for the first offense and $10 for each thereafter, and "in case of refusal, inability or neglect to pay the same, (he) shall be confined in the stocks,

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1) White, Historical Collections of Georgia, 107.
2) Inferior Court Minutes, vol. I, 1796-1800, p. 39, see entry 83.
3) Ibid., vol. 2, 1800-1803, pp. 153, 154; vol. 4, 1805-07, pp. 27, 28.
4) Thomas, op. cit., 51.
5) Minutes, 1796-1800, presentments of October 1796(pp. of early vols. of superior court minutes not numbered), see entry 55.
6) Ibid., presentments of April 1797.
7) Inferior Court Minutes, vol. 1, 1796-1800, pp. 38, 39, 41-43, 55, see entry 83.

imprisoned or whipped at the discretion of the board...." Provisions were made to prevent "a pernicious practice of gambling and drinking at unseasonable hours of the night...," and to prevent the promiscuous discharging of firearms.(1)

But the people were no better or worse than in any similar frontier region. Above all, they were independent and democratic. In 1806 John Melish, a Scotchman, found Louisville a pleasant town containing about 100 dwellings and 550 inhabitants, "a civil well bred society."(2) As early as 1799, a Mr. Francis, of Augusta, informed "the respectable Inhabitants of LOUISVILLE and its Environs," through an advertisement, that he would "be at Mr. Posners for the purpose of collecting their sentiments respecting opening a DANCING SCHOOL, for Youth of both sexes."(3)

It is not recorded how Mr. Francis succeeded with his dancing school, but one can be certain that most of the people of Jefferson County took little interest in such doings. In spite of intense suffering from a fever, John Melish was able to make some shrewd observations on the people in general. A Dr. Powell and his wife, "a very sensible judicious lady," invited him to take a room in their home, by which he "was relieved from the bustle of a public tavern, and the still more disagreeable sting of the musquetoes ...."(4) After a stay of a few days in Louisville, Melish was convinced "that the American character was very indifferently understood in Britain; and, indeed, very much misrepresented." He found no animosity against the British people, but only against the British government for "a series of injuries long persevered in...." No one, he observed, could fairly judge Americans from what could be seen in the seaport towns and cities.(5)

"To view the American character fairly," Melish wrote, "we must go into the interior of the country, and there the first remark will probably be, that the inhabitants have a spirit of independence, and will brook no superiority. Every man is conscious of his own political importance, and will suffer none to treat him with disrespect. Nor is this disposition confined to one rank; it pervades the whole, and is probably the best guarantee for the continuance of the liberty and independence of the country." Melish had been told that his spirit of equality and independence "may encourage rudeness; but I have not yet seen it. As the people will bend to no superiority, they really affect none; and I am impressed with the belief, that it is a stranger's own fault, if he does not feel very happy among them."(6)

The Plantation Regime

While the early pioneers in Jefferson County made little more than their subsistence from the land and the abundant wild life, before many

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1) The State Gazette, and Louisville Journal, September 3, 1799.
2) John Melish, Travels through the United States of America, in the years 1806 & 1807, and 1809, 1810, & 1811..., 2 vols. (Philadelphia, 1815), I, 39.
3) The State Gazette, and Louisville Journal, December 24, 1799.
4) Melish, op. cit., I, 40, 41.
5) Ibid., 43, 44.
6) Ibid., 44.

years a new type of agriculture came into being. As the country became more generally settled, cotton was added to the crops already grown and soon became the dominant crop. When farmer or planter of pre-Civil War days sold his cotton crop, he usually invested his profits in more land and more Negro slaves.(1) Between the years 1800 and 1850, the slave population of Jefferson County increased from about 30 percent of the total population to 60 percent. According to the census of 1860 there were more than 6,000 Negro slaves in the county to something over 4,100 whites.(2) Although a great majority of the white people of the South owned no slaves and very few owned enough to be called large planters, the plantation system so dominated central Georgia that most of the people of Jefferson County occupied themselves with the routine life of the plantation.

"Cherry Hill" was the birthplace and early home of two brothers, Howell and Thomas R. R. Cobb, who played conspicuous parts in the ante-bellum history of the State.(3) Their father, John A. Cobb, was an extensive planter, and, after the removal of the Cobb family to Athens, Georgia, the Jefferson County lands were kept in the family. Howell Cobb became the owner of "Cherry Hill" as well as extensive holdings in other parts of Georgia. Upon his entrance into politics, he left the management of his plantations in the hands of his brother-in-law, John B. Lamar, of Macon. Lamar, whose forebears had also lived in Jefferson,(4) found his hands full in managing plantations extending throughout central and southwest Georgia and into Florida.(5)

Lamar frequently visited Jefferson County, but the management of the "Cherry Hill" place was under an overseer by the name of Linam. Usually a good crop of cotton could be produced there, but nothing to compare with that on lands which were being opened up in southwest Georgia. That the lands of Jefferson County were less productive than formerly due to over cultivation is seen by the fact that "Cherry Hill" in the late forties was hardly able to sustain itself. In 1848 the plantation produced only 108 bags of cotton, causing Lamar to transfer 10 of the 40 hands to another plantation where they might be more useful. To add to the trouble, "Cherry Hill" that year made only half enough corn for its own use.(6) The problem of producing enough corn, fodder, and meat for plantation consumption had proved a problem on other occasions.(7) It is doubtful whether Howell Cobb realized a profit from the place, and he probably retained it largely on

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1) Soil Survey of Jefferson County, 4.
2) For exact figures see Population of Jefferson County 1800-1930, p. 34.
3) Dictionary of American Biography, 20 vols. and index, Allen Johnson and Dumas Malone, editors (New York, 1928-37), IV, 241-244; 246, 247.
4) In 1799 Zachariah Lamar was appointed one of the commissioners of Louisville by the General Assembly. — Ga. Acts 1799, pp. 143, 144.
5) Ulrich B. Phillips, editor, Plantation and Frontier (Volumes I and II of A Documentary History of American Industrial Society, John R. Commons, et al, editors), 2 vols. (Cleveland, 1910), I, 167.
6) Ibid., 181, 182, letter of John B. Lamar to Howell Cobb, February 7, 1848.
7) Ibid., 171, same to same, April 12, 1848.

account of family associations. It served as a convenient place to send the family servants when the Cobbs were in Washington.(1)

Another absentee plantation owner of Jefferson County, more fortunate than Cobb, was Alexander Telfair, of Savannah. Like Cobb's, his land holdings were extensive. To his overseers he issued detailed instructions on the management of his property. The overseer was not to have a driver,(2) but was to set tasks in person and require of each hand "a reasonable day's work, well done." A peck of corn was to be issued to each hand every week with a half ration for small children. Each month every grown Negro was to receive 14 pounds of pork, with fresh beef as a variation in July, August, and September. Turnips and peas were to be grown in abundance. The slaves were allowed to plant anything for themselves except cotton, and were to be given "tickets" to allow them to leave the plantation to sell their produce and visit friends. No night meeting or preaching, except on Saturday night and Sunday morning, was allowed. No slave was to have more than 50 lashes, however great the crime. "If there is any fighting..., whip all engaged in it — for no matter what the cause may have been, all are in the wrong." A physician was to be called when a patient did not respond to simple remedies. The overseer was required to keep a journal of everything that happened on the plantation, and with that journal before him to write a report to Telfair each month.(3)

Telfair and his daughters after him were fortunate in having such an overseer as Elisha Cain to conduct the work on "Retreat," their Jefferson County plantation, for a quarter of a century. Cain had his troubles with occasional truants such as John who "did not feel disposed to be governed by the same rules & regulations that the other negroes on the land were governed by."(4) Friday, who was sent up to "Retreat" from Savannah, worked little, and made himself a nuisance by spreading a disease among the other Negroes which baffled Cain's and a doctor's healing art.(5) On one occasion Jacob ran away to his mistress in Savannah who sent him back with instructions to the overseer not to whip him. Cain replied that he would obey the instructions, but that such interference would hamper his administration. She did not realize "how inconsistent they will act and talk...." He had appointed a driver who did not lay off the tasks and who was not allowed to use the whip. He did not treat her Negroes with severity and "over thought my fault on the side of lenity...."(6)

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1) Ibid., 171, same to same, May 5, 1844. Lamar reported that Polly and Eliza were so pleased with "Cherry Hill" that they would probably not wish to return to Athens. One carried water to the field hands while the other tended the cows. Both looked "as lively as two crickets."
2) That is, a trusted Negro to assist the overseer in superintending the other hands.
3) Phillips, Plantation and Frontier, I, 126-128.
4) Ibid., II, 85, letter of Elisha Cain to Alexander Telfair, October 10, 1829. John soon returned. Ibid., same to same, November 1, 1829.
5) Ibid., I, 191, 192, 314, 315, Cain to Telfair, September 11, 1829; November 5, 1829; January 16, 1830.
6) Ibid., 334-336, same to Miss Mary Telfair, December 14, 1840.

Historical Sketch
The Land and the People

(First entry, p. 85)

From the available records, it seems that, in addition to producing cotton for sale, "Retreat" was self-sustaining, or nearly so. Cain reported in 1829 that spinning and weaving were going on apace. The Negroes had woven 138 yards of cotton cloth and 368 yards of woolen cloth. There was plenty of wool on hand, 113 fleeces weighing 475 pounds.(1) Frequently various articles of clothing, especially shoes, were sent up from Savannah in parcels, each labeled with the name of the Negro to whom it should be given. In 1833 the overseer regretted that only eight pieces of homespun of 45 yards each had been completed.(2) Later Cain made a recommendation in regard to the manufacture of cloth on the plantation. Eight hands were regularly employed in spinning, four of whom spun warp only. This, he said, was "very ungaining," since all the warp needed could be bought at the factory(3) for $120, as was done on the Cobb plantation. Some 400 pounds of cotton would be saved, leaving $60 for the value of the hands' time. At least five good field hands were thus unprofitably employed, making neither corn nor meat.(4)

By 1840 the slaves at "Retreat" had increased to about 90. In the period from 1830 to 1836 the cotton crop had increased from "205 Baggs"(5) to about 300 bales. In the later years a new cotton gin was brought from Augusta, which required four mules to work it. The old one had been worked by only two mules. Wagons generally carried the cotton from the plantation once a week,(6) and took such surplus produce as butter, hams, poultry, soap, either for sale or for the use of the Telfairs in Savannah. On the return trip they brought to the plantation many miscellaneous articles including clothing, grindstones, nails, files, scythe blades, and occasionally food.(7) Cain wrote in 1831 that he had killed 13,000 pounds of pork. Many pigs had been lost though well attended and fed, the young steers were "quite smawl," and the sheep had not had many lambs.(8) A decade later he reported that 1,050 pounds of meat were given out at each allowance and that the supply had held out from January through November, or for eleven allowances.(9)

Such are a few facts from letters of one overseer on a Jefferson County plantation.(10) Whatever else may be said of the plantation system and

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1) Ibid., 191, 192, same to Alexander Telfair, September 11, 1829; November 5, 1829.
2) Ibid., 192, same to Miss Mary Telfair, October 25, 1833; November 20, 1836.
3) Presumably the cotton factory operated in Jefferson County by a Mr. Schley, of Augusta. Phillips, Plantation and Frontier, II, 332, 333, quoting the Georgia Courier (Augusta), July 14 and October 9, 1828.
4) Phillips, Plantation and Frontier, I, 334, Cain to Miss Mary Telfair, November 20, 1836.
5) A "bag" contained about 300 pounds of cotton.
6) Phillips, Plantation and Frontier, I, 330-333, Cain to Alexander Telfair, February 18, 1831; same to Mary Telfair, November 20, 1836.
7) Ibid.
8) Ibid., 330, 331, Cain to Alexander Telfair, February 18, 1831.
9) Ibid., 336, Cain to Miss Mary Telfair, December 14, 1840.
10) In 1859 J. N. Bethea was the overseer and W. B. Hodgson, of Savannah, either the owner or administrator of "Retreat." - Phillips, Plantation and Frontier, I, 315.

of Negro slavery, on which it rested, two facts remain: 1) An agrarian civilization as varied as the individuals who composed it was built up in the South. The personal equation was always present. Neither masters, nor overseers, nor Negro slaves, nor non-slaveholding whites had a monopoly upon virtue or vice. 2) The institution of slavery was a solution to the Negro race problem. Slavery was never a problem; the presence of the Negro in a country dominated by white people was and remains the problem. During the ante-bellum period there were never many free persons of color in Jefferson County, averaging about 40 from 1800 to 1860.(1)

Education

One of the early acts of the inferior court of Jefferson County in 1796 ordered a road to be built from Louisville to Fenn's Bridge by way of "the Old School house on Camp branch...."(2) From this it appears that there was at least one school in the county prior to its creation. The General Assembly established the Louisville Academy during its first session in Louisville in 1796. The Reverend David Bothwell, John Shellman, James Meriwether, John Cobbs, and Josiah Sterrett were appointed commissioners of the academy. The commissioners were empowered to lay out ten four-acre lots, to sell three of them, and to build a school on another lot. In addition, they were given property confiscated during the Revolution to the amount of a thousand pounds as an endowment for the academy.(3) Soon afterwards a building was erected, in the same style as the capitol, two stories and severely plain, surmounted by a cupola for a bell.(4) The legislature later aided the academy by allowing the sale of lots, alleys, and the commons in Louisville.(5) In 1827 a new set of trustees(6) was named and the academy was given $400 of the poor school fund which had accumulated for Jefferson County. The school was allowed to continue drawing on the academy fund provided by the State.(7) Mr. William Lowry was principal of Louisville Academy for more than 30 years.(8)

In 1834 its share of the funds was $258 and the amount for the following year, the same.(9) There were 56 pupils enrolled in these years, approximately an equal division between the sexes.(10) In 1837 with a cash

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1) See Population of Jefferson County, 1800-1930, infra, p. 34. The figures given in the United States Census do not agree with those from the Register of Free Negroes, 1818-59, see entry 86. This record shows that these Negroes were occupied as spinsters, seamstresses, washerwomen, farmers, carpenters, boat hands, and one tavern keeper.
2) Inferior Court Minutes, vol. 1, 1796-1800, p. 21, see entry 83.
3) Act 1796, Marbury and Crawford, pp. 567, 568.
4) News and Farmer, (Louisville, Ga.), October 27, 1921, see entry 163.
5) Act 1803, 1808, Clayton, pp. 126, 127, 496; Ga. Acts 1843, pp. 109, 110.
6) Roger L. Gamble, Asa Holt, Ebenezer Bothwell, Benjamin Gobert, Samuel W. Robins, and Joseph Lowry.
7) Ga. Acts 1827, pp. 5, 6.
8) News and Farmer, October 27, 1921, see entry 163.
9) Ga. Acts 1834, Appendix, p. 18; 1835, Appendix, p. 2.
10) Ga. Acts 1834, Appendix, p. 34; 1835, Appendix, p. 33.

surplus of about $400 on hand and an enrollment of 60 pupils, the academy was reported to be in "a prosperous condition."(1)

During the ante-bellum period the State of Georgia attempted to set up provisions for poor or common schools. At best these schools were only a makeshift for a system of public schools. In 1844 the grand jury of Jefferson County presented "the law in regard to the Poor School fund, as weak and insufficient to answer the purposes intended — But...all suggestions by previous Grand Juries of this County have been disregarded by the Legislature."(2) A previous grand jury looked over the situation and found "that the sum due to this county, will be so...inconsiderable, that a tax...would be either too small to do any Good or too burthensome for our fellow citizens."(3)

For a time, at least, Jefferson County received funds from the State for poor schools. In 1834 Samuel B. Tarver, the trustee for the poor school fund in the county, received $210.84. The receipts and expenditures for the preceding year were both just above $325.(4) No reports were made as to the number of children eligible to participate in the poor school fund in Jefferson, but from a survey of the State in general, the per capita expenditure must have been extremely small. In 1847 a grand jury of the county recommended to the inferior court a tax of 20 percent on the general tax to be appropriated as poor school funds.(5)

Religion

The Scotch-Irish Presbyterians had congregations around Queensborough before the American Revolution. Most of these Presbyterians, it seems, were associated with the reformed branch of the church. After the Revolution a petition was sent to the Presbytery of Monaghan in Ireland for a pastor. In 1790 the Reverend David E. Bothwell, a graduate of the university at Glasgow, Scotland, arrived to take charge of the church at Queensborough and another in Burke County. After his death in 1801, he was followed by a number of occasional ministers. From 1814 to 1840, the Reverend Joseph Lowry, of South Carolina, served the two congregations in Jefferson and Burke Counties. He was succeeded by the Reverend John S. Pressly. Most of the members of the Associate Reform Presbyterian church were gradually assimilated to the General Assembly, or "old school," Presbyterians.(6)

The early years of the nineteenth century witnessed the tremendous growth of the Baptist and Methodist churches in Georgia. These faiths soon became dominant in Jefferson County. The county was visited by a number of itinerant preachers such as Lorenzo Dow and Bishop Francis Asbury. Dow, an

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1) Ga. Acts 1837, Appendix, p. 31.
2) Minutes, 1839-50, presentments of the grand jury, November term, 1844, see entry 55.
3) Ibid., May term, 1844.
4) Ga. Acts 1834, Appendix, pp. 20, 40.
5) Minutes, 1839-50, presentments of the grand jury, June term, 1847, see entry 55.
6) White, Statistics of Georgia, 103, 104; White, Historical Collections of Georgia, 503, 504.

eccentric Methodist minister, traveled throughout the United States, usually afoot. On his first visit to Louisville, the Governor of the State offered him money which he did not feel free to accept.(1) In November 1803, Dow spoke "to as many as could conveniently get into the State-house," attacking all "partism" and inviting his audience to meet him "at the throne of Grace, for a limited period of time...."(2) An incident showing the rivalry existing at this time between the Baptists and Methodists in particular took place at Louisville during this visit. While he was exhorting the crowd, Dow stood in a chair placed on the top of a writing table. He saw his chair move two or three times, and descended from his perch to keep from falling. Afterwards he was told that "a Baptist preacher...put his foot on my chair..., apparently to tilt me over and set the house in a laughter." A considerable row grew out of this incident, of which the legislature took cognizance. Before he left Louisville, Dow was given "a recommendation, as a preacher of the gospel to the world of mankind, signed by the Governor, Secretary, and twenty-eight members of the Legislature with the great seal of the State." (3)

Bishop Francis Asbury, "the father of Methodism in American," made numerous visits to Georgia between 1788 and 1814, and organized the Methodist Episcopal Church in the State. As early as 1790 he preached in an old church near Waynesboro, at "Wyche's," and at Galphin's Old Town, where "the house was open, and the day was cold."(4) In 1803 Asbury passed through Louisville and stopped at the home of Mr. Flournoy, "a new convert" whose wife was "amongst the respectables...." He preached at a new Chapel in the woods of Jefferson County called Bethel.(5) As Lorenzo Dow had done, Asbury found Brigadier-General John Stewart a leader of Methodism in the county.(6) During his last visit to Georgia in November 1814, he was feeble, but preached at a number of camp meetings. At the Little River camp meeting some 3,000 persons were present, and about 30 conversions took place; at another, 2,500 were present, and 25 converted. But at Louisville the results were disappointing. There were "scarcely more than one thousand, there might be ten converts...." Each of the meetings continued four days.(7)

As the years went by the people of Jefferson County, and of Georgia in general, became more religious, and the general rowdiness of the earlier days to a great extent subsided. This tendency to "settle down" is reflected in the laws of the State to curb such practices as gambling, duelling, cock fighting, and to regulate the sale of intoxicating liquors. In 1818 the commissioners of Louisville were given authority to pass laws "for suppressing

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1) Lorenzo Dow, History of Cosmopolite; or the Four Volumes of Lorenzo's Journal Concentrated into one, from Childhood to 1814...(New York, 1814), 172.
2) Ibid., 187, 188.
3) Ibid., 188.
4) Francis Asbury, The Journal of the Rev. Francis Asbury, Bishop of the Methodist Episcopal Church, from August 7, 1771, to December 7, 1815, 3 vols. (New York, 1821), II, 67.
5) Ibid., III, 126.
6) Ibid., 237; Dow, History of Cosmopolite, 187, 188.
7) Asbury, Journal, III, 371, 372.

vice and indecency...."(1) Somewhat later they were empowered to place a tax on "pleasure carriages" owned and used by the citizens of the town.(2) Again in 1859, the General Assembly allowed the commissioners of Louisville "to tax free persons of color, retailers of spirituous liquors, billiard tables, ten pin allies, showmen, itinerant traders, hawkers, peddlers, &c." (3) In 1847 the grand jury of the county presented the practice of the Central of Georgia Railroad running their trains on Sunday "as a very great grievance to the moral sense and feeling of the community, and as a flagrant violation of the laws of God...."(4)

Politics and Politicians

It was no coincidence that Lorenzo Dow chose to denounce "partism" on his visit to Louisville, for, during the period from 1796 to 1807 when the capital of the State was located in the town, it was a hotbed of political dissension. The principal issue in the politics of the period was concern over the Yazoo land fraud. William Few, a signer of the Constitution of the United States and judge of the first superior court to be held in Jefferson County, congratulated the jurors in 1796 on the formation of the county, calling attention to "the human race groaning under the oppressive hand of Tyranny" in distant lands. Few then launched into political questions by felicitating them "on the detection and overthrow of unrighteous Speculation." The legislature had "hurled that gigantic monster to the dust, whose avaricious grasp extended to Millions of acres of our Western Territory...."(5) George Walton, a signer of the Declaration of Independence and later judge of the same court, lamented the prevalence of party strife in the county. He attacked James Jackson, leader of the anti-Yazoo forces, and Governor of the State, declaring that "the Yazoo business... has been Converted for too long a time into a Popular Hobby Horse — riding down all decency, order and and (sic) propriety..." He invited all juries to his assistance "by which the laws will recover their efficient force; order, harmony and justice will be restored; and the names of Lynch, Antilynch, Yazoo & Antizoo (sic) will be no longer heard of."(6)

But politics went on and general excitement scarcely abated around election time. The Fourth of July was a field day for political speeches and general hilarity. In 1806 John Melish witnessed a celebration of the anniversary of American independence at Louisville. The day "was ushered in by the firing of great guns; and military companies had collected...from the whole country round." At the tavern a considerable number of the Jefferson Artillery had gathered about mid-day, and invited Melish to dine with them. The captain sat at the head of the table and the first lieutenant at the foot. After the dinner the company drank Madeira wine to series of toasts, each followed by a discharge of artillery and music. A number of "excellent

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1) Ga. Acts 1818, p. 169.
2) Ga. Acts 1837, pp. 263, 264.
3) Ga. Acts 1859, p. 182.
4) Minutes, 1839-50, presentments of the grand jury, November term, 1847, see entry 55.
5) Minutes, 1796-1800, charge to the grand jury, October 11, 1796.
6) Minutes, 1796-1800, charge to the grand jury, April 11, 1799.

songs were sung, and the afternoon was spent with great convivality and good humour." By evening "the cordial drop had added greatly to the elevation of the animal spirits of the company." A number of military officers high in command, among them General James Jackson, had joined the company. More toasts followed and the Britisher was politely received.(1)

The first national election in which Jefferson County participated was that of 1796, in which John Adams and Thomas Jefferson were the principal candidates for President. The Republicans, or Democrat Republicans as they were later called, carried the county for Jefferson, and badly beat the Federalists throughout the State.(2) In State politics it is impossible to form a conception of the strength of the local parties which grew out of the Yazoo fraud, for between 1800 and 1825 the Governor was elected by the General Assembly.(3) Two parties, the Troup and the Clarke, named for their respective leaders, furiously waged political warfare for control of the State. The Jefferson County grand jury lamented with "bitter sadness of our hearts...the existence of that detestable monster..., Party Spirit which appears at no distant period...to sap & undermine the very vitals of our liberty & we fear is rapidly hurrying us on to our ruin---."(4) In 1825 Jefferson County voted for Troup.(5) As a rule the well-to-do class in Georgia, especially the slave owners, were members of the Troup party, while the poorer whites, who tended to be more numerous in newly-settled parts of the State to the west, were members of the Clarke party.(6) The vote in Jefferson County indicates that the frontier was moving westward and leaving that county a settled region dominated by the planting class.

With the coming of the crisis over nullification of the tariff in the early 'thirties, the Troupers generally went into a State Rights party and the Clarkites into the Union party. Jefferson County gave her support in 1831 to George R. Gilmer, the unsuccessful State Rights candidate.(7) After the development of the major national parties, the Whigs and the Democrats, Jefferson County seems to have been overwhelmingly Whig.(8)

A prominent political figure of Jefferson County was Roger Lawson Gamble. He was born in the county in 1787, studied law, and began to practice his profession in Louisville about 1815. Gamble, in addition to being a lawyer, was a cotton planter. During the War of 1812, he was a lieutenant in the "Homespun Foresters," an organization formed in Jefferson County. Gamble served in the Georgia House of Representatives in 1814 and 1815. He was elected as a Democrat to Congress and served from 1833 to 1835. After an unsuccessful campaign for reelection, he changed his party affiliations, and was again elected to Congress, as a Whig, serving from 1841 to 1843.

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1) Melish, op. cit., 42, 43.
2) Phillips, Georgia and State Rights, 91 and Plate II, opposite.
3) Ibid., 98
4) Minutes, 1824-38, presentments, May term, 1826, see entry 55.
5) Phillips, Georgia and State Rights, Plate IV, opposite p. 104.
6) Ibid., 105.
7) Ibid., 126 and Plate VI, opposite.
8) In 1848 over 75 percent of the total votes of the county went to Zachary Taylor, the Whig candidate for President.

From 1845 until his death in 1847, Gamble was a judge of the superior court. (1)

During the 1850's Georgia was Democratic in politics by a safe majority. Most of the opposition came from the American party, or Know-Nothings, as they were popularly called. Ambrose R. Wright was a leader in Jefferson County of the Know-Nothings, having previously been a Democrat.(2) The best known political figure from the county was Herschel Vespasian Johnson. A native of the adjoining county of Burke, he received a good education and began the practice of law. In 1839 Johnson removed to Jefferson County where he acquired a plantation which he called "Shady Grove." For a time he practiced law at Louisville in partnership with James W. M. Berrien, and later, alone. His entrance into politics occured when he was appointed a delegate from Jefferson County to the Democratic convention at Milledgeville in 1841. Johnson held many offices during the ante-bellum period, serving as United States Senator in 1848 and 1849 and as Governor of Georgia from 1853 to 1857. (3) As a delegate from Jefferson County, he played an important part in the Georgia Convention which passed the ordinance of secession.

The Civil War

The Election of 1860 and the Secession of Georgia

The long train of events which widened the sectional breach between the North and the South culminated in the election of 1860, the secession of the states of the lower South, and the beginning of the Civil War. The Democrats split into two branches over the question of whether or not Congress should actually protect slavery in the territories of the United States. The "Northern" Democrats, meeting in Baltimore, nominated Stephen A. Douglas, for President, and Herschel V. Johnson, of Jefferson County, as Vice-President. Johnson had been a Southern Rights man, and had been denounced as a "fire eater" by his opponents in his campaign for Governor in 1853.(4) By 1860, however, Johnson was pleading for the preservation of the Union. He urged the Democrats to stick together, for the overthrow of that party would be a long stride toward the dissolution of the Union.(5)

The "Southern" Democrats nominated John C. Breckinridge and Joseph Lane, who were generally supported by those favoring the extreme Southern position. Most of the former Know-Nothings in Georgia went into the Constitutional-Union party which ignored the issues of the day with the Federal Constitution as the only plank in its platform. This party nominated John Bell and

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1) Biographical Directory of the American Congress, 1774-1927 (Washington, 1928), 998; Letter of Roger L. Gamble, April 15, 1816, Department of Archives and History, Atlanta.
2) Joseph T. Derry, Georgia, volume VI of Confederate Military History, Clement A. Evans, editor, 12 vols. (Atlanta, 1899), 456.
3) Percy Scott Flippin, Herschel V. Johnson of Georgia, State Rights Unionist (Richmond, Va., 1931), 3, 4; Biographical Directory of the American Congress, 1153.
4) Phillips, Georgia and State Rights, 168, 169.
5) Ibid., 189.

Edward Everett.(1) The Republican party meanwhile nominated Abraham Lincoln and Hannibal Hamlin, who received no support whatever in Georgia. The Douglas and Bell supporters in the State had much in common. Both groups wished to preserve the rights of the South in the Union and remove the question of slavery from politics. Georgia was divided in its support between Breckinridge, Douglas, and Bell; however, Breckinridge carried the State. Jefferson County gave the Bell-Everett ticket a plurality, in spite of the fact Johnson, a resident of the county, was the nominee for Vice-President on the Douglas ticket.(2)

After the election of Lincoln, the General Assembly of Georgia called a convention to meet on January 16, 1861, to determine what course the State should follow.(3) Herschel V. Johnson and George Stapleton were delegates to the convention from Jefferson County.(4) Both opposed the State's withdrawal from the Union in the test vote.(5) Johnson offered a substitute for the secession ordinance, declaring that "Georgia is attached to the Union, and desires to preserve it, if it can be done consistent with her rights and safety...." These resolutions by Johnson looked toward a delay during which time a convention of the Southern States would be held and some compromise with the United States worked out.(6) Johnson's attempt at compromise failed. The convention by an ordinance passed on January 19, 1861, declared Georgia to be "free, sovereign, and independent."(7)

This convention recognized the ability of Ambrose R. Wright, of Jefferson County, by appointing him as commissioner to Maryland to induce that State to follow the action of Georgia.(8) In March Wright reported that the convention in Maryland was "almost unanimous for resistance to Black Republican rule," but that the State would have to await the decision of Virginia and North Carolina.(9)

Daily the situation grew more critical. The seceded States met at Montgomery and formed a central government, the Confederate States of America. Finally, the first gun was fired at Fort Sumter and for the next four years there was fought the greatest war the world had witnessed to that time.

Jefferson County Soldiers

The first military company organized in Jefferson County to fight the War for Southern Independence was the "Jefferson County Guards," formed on June 14, 1861. This company became Company C, 20th Regiment of the Georgia Volunteer Infantry, and served in the Army of Northern Virginia of

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1) Phillips, Georgia and State Rights, 188, 190, 191.
2) Ibid., Plate X, opposite p. 205.
3) The Confederate Records of the State of Georgia, compiled by Allen D. Candler, 5 vols. (Atlanta, 1909-11), I, 209-211.
4) Ibid., 215.
5) Ibid., 253.
6) Ibid., 230-235.
7) Ibid., 260.
8) Ibid., 330.
9) Ibid., 649.

the Confederate States. All told the company was composed of 118 men. Its captain was Roger L. Gamble, a young physician, and Willie F. Denny, Joseph H. Polhill (afterwards made captain), and R. W. Carswell were lieutenants of the company. Lieutenant Denny became the first judge of the county court after the war, and Lieutenant Carswell became judge of the superior court of the Middle Circuit. Captain Polhill represented the county in the State Senate and House of Representatives.(1)

The "Jefferson Greys" began organization at Waldins Church in July 1861. This was Company I, 28th regiment, Georgia Volunteer Infantry, and was assigned to Colquitt's Brigade in the Army of Northern Virginia. Its captain was James G. Cain, who was promoted to lieutenant-colonel and wounded at Malvern Hill in July 1862. After the war Cain was judge of the county court and a lawyer of prominence. Isaac F. Adkins, the company's first lieutenant, was afterwards county surveyor for many years. The second lieutenants, James Stapleton and Augustus J. Pughesley, were after the war a successful farmer and a physician, respectively. Most of the 122 men composing the "Jeff Greys" enlisted during August 1861, but the final organization seems to have taken place on September 10. The muster roll of the company shows that many were killed and a great number died of disease.(2)

The "Battey Guards" was organized on October 1, 1861, and became Company G, 38th Regiment of the Georgia Volunteer Infantry. Captain William H. Battey was killed at the battle of Sharpsburg in September 1862. Second Lieutenant L. W. Farmer, Jr., was killed at Spotsylvania in May 1864. The company's first lieutenant, John W. Brinson, became prominent in county politics after the war, and Isaac C. Vaughn, a second lieutenant, was a physician-farmer for many years.(3)

On March 4, 1862, the "Jefferson Volunteers" were organized, and became Company E, 48th Regiment of the Georgia Volunteer Infantry. Its captain, R. W. Carswell, was promoted to the rank of lieutenant-colonel. Thomas N. Polhill, second captain of the company, was killed at Gettysburg in July 1863. Lieutenant W. A. Spier was killed at Chancellorsville in May of the same year. The second lieutenants of the Volunteers were William J. Smith and Jeremiah Winter, Jr.(4)

A company known as the "Grubbs Hussars" was organized in July 1861, composed largely of Jefferson County men, but including some from Burke and Emanuel Counties. This company was Company F, Cobb's Legion of Georgia Cavalry. Its captain was Malcolm D. Jones, of Burke County, F. A. Sinquefield was followed by Thomas Pierce as first lieutenant and William Boyd and Robert McBride were second lieutenants.(5) Company H, 63rd Regiment

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1) Roster of Confederate Soldiers, 1861-65, see entry 145; W. L. Phillips, "War Between the States" in Thomas, op. cit., 103, 104.
2) Roster of Confederate Soldiers, 1861-65; Phillips, "War Between the States" in Thomas, op. cit., 105.
3) Phillips, "War Between the States" in Thomas, op. cit., 105, 106.
4) Ibid., 106.
5) Ibid.

of Georgia Volunteer Infantry, was organized in December 1862,(1) and was composed of men from Jefferson and Laurens Counties. H. H. Scranton was captain of this company of some 168 men who served in the Confederate Army of Tennessee.(2)

The most distinguished soldier from Jefferson County was Major General Ambrose Ransom Wright. Before the war he had built up a lucrative law practice and was making a name in politics. He supported the Bell-Everett ticket in the election of 1860, and, as has been stated, was sent by the Georgia secession convention to Maryland. He enlisted in the Third Georgia Regiment as a private, but was elected colonel in May 1861. Wright saw service on Roanoke Island, and in June 1862, he was commissioned a brigadier general. His brigade took part in the battles of Malvern Hill, Second Manassas, and he himself was taken wounded from the field at Sharpsburg. He led his brigade at Fredericksburg, Chancellorsville, Gettysburg, and in the fighting around Richmond and Petersburg. Wright was rewarded by promotion to the rank of major general in November 1864, and sent to command a division in Georgia. After the war he made his home at Augusta where he edited the Chronicle and Sentinel. He was elected to Congress in 1872, but died before the beginning of his term.(3) Alexander H. Stephens was elected to his vacant seat.(4)

Sherman's March

Actual warfare did not touch Jefferson County until the latter part of 1864. The Federal army entered Georgia in the late spring of that year and by the end of the summer Atlanta had fallen and General William Tecumseh Sherman began his famous march to the sea. After taking Milledgeville, the army headed for Savannah. The 20th Army Corps, having passed through Sandersville, reached the Central of Georgia Railroad at Tennille, and marched toward Louisville by way of Davisboro, destroying the railroad and crops as they advanced. One section moved by way of Fenn's Bridge in Jefferson County.(5) One of Sherman's officers wrote of stopping at Tarver's Mill and later at Tarver's home, where a number of officers gathered. He mentioned Judge Tarver's large plantation establishment, and regretted the pillaging of the countryside and the taking of horses and mules along the line of march. As they skirted Williamson Swamp the officer observed that the army wagons were overflowing with corn and fodder.(6)

In spite of the destruction along their path, the invaders did comparatively little damage to the county seat of Jefferson. The grand jury reported in May 1865 that the jail had been burned and the courthouse defaced by the enemy. A large amount of money in the hands of the county

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1) Most of the enlistments are dated December 20, 1862.
2) Roster of Confederate Soldiers, 1861-65, see entry 145.
3) Derry, Georgia, 456-458.
4) Biographical Directory of the American Congress, 322.
5) M. A. DeWolfe Howe, editor, Marching with Sherman, Passages from the letters and campaign diaries of Henry Hitchcock..., November 1864-May 1865 (New Haven, 1927), 106, 107.
6) Ibid., 105-107.

treasurer was either destroyed or taken away by the invaders.(1) Another grand jury of the county reported "that the ravages of the enemy have left us in such condition as to have no Jail or County Records to examine..., all having shared in the general ruin of the Enemy."(2) Evidently referring to the then current records, another grand jury in 1866 stated that the "County records were all destroyed when General Sherman passed through this State." (3) The loss of the county records for the war period was the most permanent injury inflicted on Jefferson County by the invasion of the Federal forces.

Reconstruction

In May 1865, the funds of Jefferson County amounted to a little over $150. The grand jury, however, made recommendations for education less "the happiness we once enjoyed will not descend to our posterity." That body was confused as to what action on other matters they should take. The "uncertainty as to whether the Government of the U. S. will allow us to retain our present possessions, & if they do..., whether they will deprive us of all our income in the way of Taxes, cause us to hesitate in making many recomendations (sic)...." Everything bespoke of "want & desolation...." Many people were without the necessities of life. Soldiers were returning to "find nothing upon which to eke out a subsistence." The "utter worthlessness" of Confederate currency and the want of gold and silver but added to the unfortunate situation. "Riots, thefts and indiscriminate rascality seems riot through the land.... Whither we are drifting none can tell." (4)

"Peace is again with us," announced another grand jury a year later, "but many of its blessings have not accompanied it. In looking over our County and listening to the various reports as they come up to us, we are sorry that we cannot proclaim that all is well.... We hear the cry of distress...from the dwellings of the widowed and the orphaned, and the knowledge that we cannot 'lend a helping hand' but adds to the intensity of our grief." The "unplesant truth...that poverty has entered all of our doors," forced itself upon the jurors, "and...only by the assistance of a Kind Providence that we can hope ever in the course of time to stem the misfortunes which have poured in upon us." There was no money for the education of the poor. The roads of the county were "in a miserable condition." Farmers pleaded "hard times, the scarcity and inefficiency of laborers...." (5) To make matters worse, smallpox was prevailing "to an alarming extent in the County."(6)

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1) Minutes, 1865-72, presentments of the grand jury, May term, 1865, entry 55.
2) Ibid., presentments, October term, 1865.
3) Ibid., presentments of the grand jury, May term, 1866. Sherman's raid undoubtedly accounts for the absence of the inferior court minutes from 1859 through 1864, and the superior court minutes from 1851 through 1864. These records would be invaluable for a history of Jefferson County during the war years and prior thereto. See entries 55, 83.
4) Minutes, 1865-72, presentments, May term, 1865.
5) Ibid.
6) Ibid., presentments, October term, 1865.

Historical Sketch (First entry, p. 85)
Reconstruction

These dark days of "Reconstruction" became little better as the years went on. The entire social and economic structure of ante-bellum life had been uprooted or severely shaken. Crime ran rampant. In 1867 a grand jury lamented "the growing disposition in our community to allow violators of law to go unwhipt of Justice." Regular acquittals were worse than taking no notice of offenses, for "to the ignorant such acquitals are taken as a license for further & still greater violations of law." The "present constitution of Society" demanded a rigid enforcement of law and order.(1)

The subject of roads was a trying one for Jefferson County. Grand jury after grand jury, year after year, made recommendations, but nothing more than the adoption of a resolution followed. The system of appointing road commissioners by the inferior court had proved ineffectual. The road overseers seemed to have felt their duty had been done when "a few hoes full of dirt (are) drawn from a fence corner to the middle of the road & perchance one or two roots taken out...."(2)

On the problem of education, the county officials were at a loss as to how to act or what to recommend. The grand jury felt "a proper sense of its importance" and deeply deplored "the want of it among the poorer classes..., yet...our straightened circumstances, the heavy burden of Taxation...for the building of Bridges and other necessary public expenses, we are almost inclined to shrink from it...." Nevertheless, the jury went on, "something must be done to prevent ignorance from spreading over our land, and corrupting and tarnishing the fair name of our once happy but now prostrate people...." They recommended a tax for education equal to ten percent of the State tax.(3)

By November 1869, affairs in Jefferson County were reported to be "perfectly quiet" and the people "cheerful and full of hope..., exerting every energy to repair their waste places and rebuild their decayed fortunes." The laws were better kept and most offenses were minor ones. The county offices were discharging their duties "without fear or favor." Yet, in the midst of this calm, a body of Federal soldiers were sent into the county and quartered there. The grand jury regretted their presence and announced that whoever was responsible was unacquainted with the people of Jefferson County. No armed force, it was asserted, was needed "either to overawe the disaffected or to assist in carrying out the laws."(4)

However, there soon began a period of turmoil in the county, the like of which had not taken place in the preceding years. The Ku Klux Klan had been active in the county, dealing with obstreperous Negroes. A mob had lynched a Negro man, which incident accounted for the belated appearance of the squad of soldiers. Eleven white men suspected of taking part in the affair were arrested and taken to Atlanta.(5) General conditions in

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1) Minutes, 1865-72, presentments, November term, 1867, see entry 55.
2) Ibid.
3) Ibid., presentments, May term, 1868.
4) Ibid., presentments, November term, 1869.
5) C. Mildred Thompson, Reconstruction in Georgia: Economic, Social, Political, 1865-1872 (Columbia University Studies in History, Economics, and Public Law, Volume LXIV, Number 1.) (New York, 1915), 368, 369.

Historical Sketch
Reconstruction

(First entry, p. 85)

Jefferson County became worse with the murder of Dr. Benjamin Ayer, a member of the legislature. Ayer had made himself thoroughly objectionable to most of the white people of the county on account of his intimate relations with the Negroes. In politics he was "a Carpet-bag Radical," a supporter of those who were in control of the State government.(1)

A special session of the superior court was held in September 1870, and meted out justice to the "armed ringleaders in that uprising...." A subsequent grand jury congratulated the county "upon the dignified, manly, fearless & thoroughly legal course pursued by its officials, its Sheriff & his posse...." The "serious outbreak" had been quelled. Some thought that when lawlessness became rampant and the courts slow that "the people ought to rise up in their indignation and take the punishment in their own hands. But such precedents are dangerous," declared the jury, "and ought never to be resorted to." Some laws were objectionable, it went on, and one did not have "to approve of the corruption and general rascality that flourish... among the prominent officials of the State, yet we should pay obedience to the powers that be, a bad law is better than no law at all." Eventually the muddy political waters would subside and "the foam and scum which have been floating about everywhere on the surface will dry up & disappear...." (2)

Outbreaks and disorder, however, did not cease. Another special term of court was called in February 1871, to look into the acts of some "lawless men...which has cast a stigma upon the fair name of our County...." On the night of January 14 — "when all good men should have been in their beds" — a band of disguised men broke into the jail at Louisville, took out the inmates and "after the infliction of severe and cruel punishment, ...disappeared as mysteriously as they had assembled." The jury was unable to identify the men. The passing of a number of horsemen in a distant part of the county early in the night and their returning just before daylight, led that body to hope that the mysterious men "came not from among us." If they were, however, the jury disowned them. Whatever the motives of their action, the jury thought that the legislature had so modified the penal statutes that there was "hardly any adequate punishments for any kind of crimes." However, the laxness of the law was no excuse for men "who in secret sit in judgment and in the dark hours of night execute their sentence."(3)

The State of Georgia was readmitted to the Union in 1870, but no until 1872 was the Radical State government put out. "Public opinion eventually controls everything;" declared a Jefferson County grand jury in 1871, "most generally after the unsuccessful termination of disastrious Civil Wars, public opinion is fettered, and great confusion and much wrong is the result. The only remedy is patience, long forbearance. As a people we have bourn many grievances & endured unnumbered wrongs, with a calmness, a fortitude which has written manhood in indelible characters over all our proceedings. Now that the day star of redemption is dawning,"continues the account,

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1) Thompson, Reconstruction in Georgia, 368, 369.
2) Minutes, 1865-72, presentments, November term, 1870, see entry 55.
3) Ibid., presentments, called special session, February 1871.

"and our evil days drawing to an end, how thoughtless, how exceedingly foolish for a few unwise and misguided men, to throw away their good names unmindful of their glorious past and perpetuate deeds which will tarnish that lustre which has been kept bright only by the united Virtue and manhood of an entire people."(1)

The years of reconstruction in many ways left a deeper impression on Jefferson County and the South than even the years of the war. The freeing of the Negroes upset the economics of the region and left open the problem of capital and labor. Negro slavery had effectively solved the relations between capital and labor by embodying the one in the other. Then too, the attempt to disfranchise many whites and grant the Negro political and social equality proved disastrous to relations between the races. Whereas before the war the South had divided its support between several political parties, after the years of reconstruction the section became the "Solid South," that is, solidly in support of the Democratic party. The effects of the reconstruction period have reached clearly down to the present day and may extend well into the future.

The New South

Agriculture

Jefferson County has always been and remains today an agricultural region. Considerable changes have occurred since the war in regard to labor, the ownership of land, and the crops raised. The turbulent conditions in the county after the war induced one grand jury to remark: "Planters are in trouble and are perplexed with annoyances only surpassed by the plagues of Egypt. The raising of stock is almost abandoned, and only those commodities are produced which from their nature can not be conveniently stolen." (2) The freeing of the slaves made farm operators dependent on hired labor. The lack of available capital resulted in the adoption of the tenant system of farming which has prevailed to the present time.(3)

The principal crops since the war, as before, have been cotton and corn, supplemented to some extent by forage crops, as cowpeas, and to a much less extent by wheat, oats, and peanuts. Generally, since 1880, the acreage devoted to cotton and to corn have been nearly equal. However, in 1909 cotton reached its maximum acreage of something over 63,000 acres devoted to that crop. Since then there has been a considerable reduction in the amount of land devoted to cotton. To the bollweevil was partly due this reduction. Some crop readjustment has taken place to maintain or increase the productivity of the soils through the use of legumes and cover crops. Cotton was and still is the chief income crop of the county.(4) In 1934 the

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1) Ibid. The grand jury also presented W. H. Watkins, ordinary of Jefferson County, for wilfully "refusing to permit the sentence passed by his Honor at the last term of the Court upon certain prisoners confined in the County Jail...."
2) Minutes, 1865-72, presentments, February 1871, see entry 55.
3) Soil Survey of Jefferson County, 4.
4) Ibid., 4, 5.

county produced 13,194 bales.(1)

In addition to such crops as peanuts, small-grain, hay, sweet potatoes, sugar cane and others, Jefferson County has seen a considerable revival, in recent years, of a crop associated with its early history - tobacco. White burley tobacco seems to be most adaptable to the region.(2)

The great majority of the farms of Jefferson County contain from 20 to 140 acres. Only 18 have over a thousand acres. In 1935 there were 2,295 farms reported on which over 15,000 persons lived, a large majority of whom were Negroes.(3) Most of the farms are operated by tenants and sharecroppers. Of those operated by white persons, 667 are tenant farms and 477 are fully owned by the operators. Tenancy is much greater among colored farmers. There are some 1,040 Negro tenant and sharecropper farms to only 111 fully owned.(4) The most common plan under the sharecropper-tenant system is for the landlord to supply the land, mules or horses, feed, implements, and a half of the cost of fertilizer. The tenant supplies all the labor and pays for half the fertilizer. Each receives a half of the crops produced.(5)

Most of the farms in the county have a dwelling, tenant houses, barns, cribs, and sheds. Some of the farmers have tractors and binders, and nearly all have the usual plows, cultivators, harrows, and so forth. Threshing outfits and hullers are usually hauled from place to place and the crops threshed for a toll of one-eighth the crop. Many farms are equipped with only tenant houses as dwellings, the owners living in nearby towns. Nearly all farm owners have small vegetable gardens and a few nut and fruit trees, but very few tenant farmers have either.(6)

Manufacturing

Although Jefferson County is predominantly rural and agricultural, there are some manufacturing enterprises of a small nature. A census of manufacturers in 1937 shows there are 23 establishments, a reduction from 48 in 1935. The same statistics show that 274 earners receiving a total of $84,926 were employed in these industries. The value of the products produced amounted to $947,768. While there was a tremendous reduction in the number of establishments and in the number of wage earners from 1935 to 1937, the value of manufactured products showed a considerable increase in the same period.(7)

Education

Public education in Jefferson County has gorwn up almost entirely since

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1) United States Census of Agriculture: 1935, 1, 526.
2) Soil Survey of Jefferson County, 5.
3) United States Census of Agriculture: 1935, Second Series, II, 524.
4) Ibid., I, 511.
5) Soil Survey of Jefferson County, 6, 7.
6) Ibid., 4-7.
7) Biennial Census of Manufactures, 1937, Part I, 1446.

the Civil War. The poor schools of the ante-bellum period were never satisfactory, furnishing only a very limited elementary education. The Louisville Academy was an important institution, but it could only provide for the privileged few who were able to attend. During the war this school did not suspend operations. After the war several other schools were opened in the county.(1) In recent years Jefferson County has been a leader among the rural counties of the State in the consolidation of schools. Small, isolated, one-room schools have given way to large, well-equipped consolidated schools. This centralization took place largely at the opening of the county schools in September 1926.(2) In 1938 Jefferson County had six standard elementary schools and six accredited senior high schools. Four of the high schools are accredited by the Georgia Association and two by the Southern Association.(3)

Religion

A survey of the churches of Jefferson County, possibly incomplete, shows a total of 89 churches still functioning. Of this number, about 31 are white and the rest are colored churches. The Baptist and Methodist denominations are by far the most numerous. There are 19 white Baptist Churches and 24 colored of the same faith. The Methodists have 14 white and 20 colored churches. At Louisville there is a Presbyterian Church and at Wrens, a congregation of the Associate Reformed Presbyterians. In recent years seven Holiness or Churches of God have been established in the county. There are also one non-denominational congregation, one Seventh Day Adventist, and three congregations of Fire Baptized.(4)

Towns and Villages

Louisville, Wrens, and Wadley, the three principal towns of Jefferson County, are on Federal Highway No. 1, which passes through the county from north to south. The Central of Georgia Railway Railroad passes through Wrens, Stapleton, Avera, and Matthews in the upper part of the county.

In 1873 a sawmill was operated by William Donovan in the southern part of the county near the Central of Georgia Railway. A wood or tram road was built from the mill to a point on the railroad called "Shake Rag." At the instigation of Donovan and Judge A. E. Tarver, who owned most of the land thereabout, the railroad company was induced to build sidetracks, a freight house, and a station. This place, named Wadley in honor of the president of the Central Railroad, is today a thriving town.(5) Wadley was incorporated in 1876.(6)

In 1859 there were only two houses in what is now the town of Bartow,

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1) Thomas, op. cit., 57.
2) Ibid., 59.
3) Georgia State Department of Education, 66th and 67th Annual Reports, 11, 13.
4) Data in possession of the W.P.A. Historical Records Survey, Atlanta.
5) Thomas, op. cit., 79-81.
6) Ga. Acts 1876, p. 153.

then called "Spier's Turnout," on the Central Railroad. In that year a school was built and new houses erected. Spier's Turnout was renamed Bartow in honor of General Francis S. Bartow, who died at the first battle of Manassas in 1861. The town was near the main path of Sherman's army and suffered considerably from the war. Afterwards, however, recovery was rapid until today it is one of considerable size.(1) Bartow was incorporated by the legislature in 1887.(2)

Stapleton was first a country post office known as "Spread." Located in a rich farming section in the higher part of the county, the town has grown rapidly, especially since railroad communications were established in 1885.(3) The town was incorporated as Spread in 1903, and the name changed to Stapleton in 1917.(4) Matthews and Avera are also important communities of several hundred inhabitants each.(5)

The town of Wrens, the second in size in the county, is one of the youngest incorporated towns in Jefferson. Wrens had its beginning in 1884 with the building of a railroad through the place. W. J. Wren built a home and store here about that time and since then its growth has been rapid. Most of the industries in the county, such as a flour mill, a woodwork factory, a cotton seed oil mill, and so forth, were built there. Wrens is well known for its advanced school, Wrens Institute, founded in 1899.(6) In 1901 Wrens was incorporated by the General Assembly.(7)

Stellaville, like many rural communities, grew into a town with a church and school at its beginning. As early as 1817 there was a Baptist Church at this place by the name of Darcy's Meeting House. The name was changed to Way's Church, which remains one of the strongest in the county. The town was first called Sistersville, but was changed to Stellaville in 1871.(8) The town was incorporated in 1891.(9)

There are several unincorporated communities in Jefferson County, among them Moxley, Zebina, and Bethany. Bethany is almost a forgotten town. At one time it was a center of ante-bellum life. During the Civil War, the orphans from Bethesda Orphanage in Savannah were refugees at Bethany. Its proximity to the town of Wadley resulted in most of the people moving there. (10)

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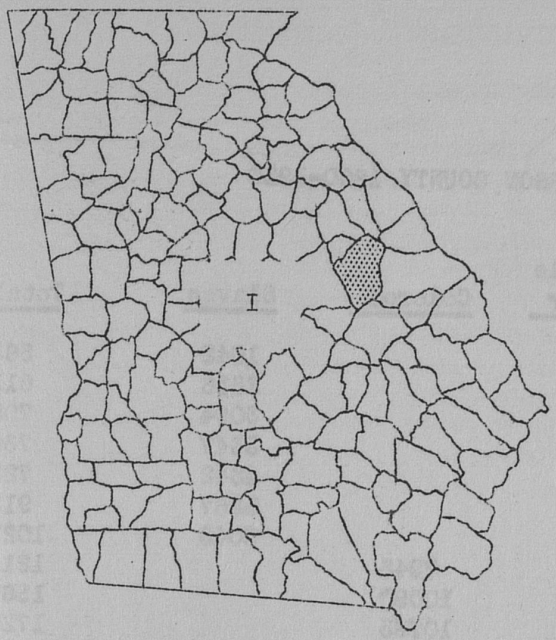
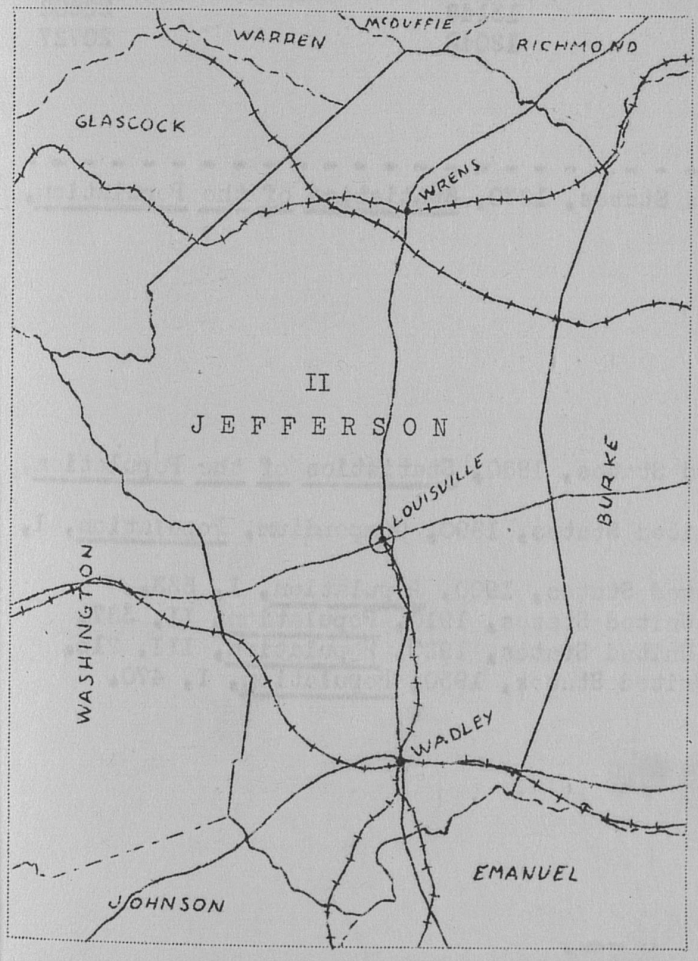
1) Thomas, op. cit., 81-85.
2) Ga. Acts 1887, pp. 506-508.
3) Thomas, op. cit., 86-89.
4) Ga. Acts 1903, pp. 668-671; 1917, pp. 872-874.
5) Thomas, op. cit., 92. Avera was incorporated in 1900, and Matthews in 1904. - Ga. Acts 1900, pp. 207, 208; 1904, pp. 516-519.
6) Thomas, op. cit., 92-95.
7) Ga. Acts 1901, pp. 722-725.
8) Thomas, op. cit., 89-92.
9) Ga. Acts 1890-91, Volume II, pp. 753-755.
10) Thomas, op. cit., 85, 86, 95-97.



I
Current map of Georgia showing location of Jefferson County (stippled) therein.

The boundaries of Jefferson County have been changed several times by the General Assembly, but the changes were not great enough to indicate on a map of this size (Act 1796, Marbury and Crawford, pp. 169-171; Ga. Acts 1810, pp. 98, 99; 1857, p. 229; 1860, pp. 138, 139).



II
Current map of Jefferson County.

(First entry, p. 85)

POPULATION OF JEFFERSON COUNTY 1800-1930

	Year	Whites	Free People Of Color	Colored	Slaves	Totals
1)	1800	4008	34		1642	5684
2)	1810	3746	29		2336	6111
3)	1820	3932	28		3094	7054
4)	1830	3603	59		3647	7309
5)	1840	2877	35		4342	7254
6)	1850	3717	47		5367	9131
7)	1860	4133	41		6045	10219
8)	1870	4247		7943		12190
9)	1880	5581		10090		15671
10)	1890	6450		10763		17213
11)	1900	6634		11578		18212
12)	1910	8400		12979		21379
13)	1920	9454		13148		22602
14)	1930	8685		12042		20727

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(First entry, p. 85)

2. GOVERNMENTAL ORGANIZATION AND RECORDS SYSTEM

Legal Status of the County

The Georgia county is a territorial and political subdivision of the State, a body corporate, vested only with such powers and subject to such limitations as are prescribed for it by the legislative authority of the State. The county is the administrative unit of the State government in which county officers execute State policy, and the county serves as an agent of the State in the collection of taxes and other revenue accruing the State, cooperates in the administration of functions designed to promote public health, education, welfare, and in the enforcement of law. The smallest political subdivision of the county is the militia district, which has no local administrative powers, but exists merely as a judicial and political division, subject to change or abolition by the county governing authority (county commissioners in Jefferson County).

The Supreme Court of Georgia has defined a county as "one of the civil divisions of a state for judicial and political purposes, created by the sovereign power of the state of its own will, without the particular solicitaion, assent, or concurrent action of the people who inhabit it; a local organization which, for the purpose of civil administration, is invested with certain functions of corporate existence."(1)

Two types of county government are in operation in Georgia. One hundred and forty-seven counties are governed by boards of county commissioners of roads and revenue, of from one to eight members, each board created by a separate legislative act.(2) In the 12 remaining counties, the ordinary has jurisdiction, control and management of county affairs, in addition to the performance of his duties as a probate judge.(3) A third form of county administration is provided for in an act of 1922, namely, a county-manager-commission type of government. This plan has not yet been adopted in any Georgia county, although an attempt was made in an amending act of 1927 to apply its provisions to DeKalb County.(4)

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1) Hammond v. Clark, 71 S.E. 479; 136 Ga. 313 (1911).
2) Ga. Const. 1868, art. V, sec. XV; Ga. Code of 1933, #2-4601.
3) Ga. Const. 1868, art. V, sec. V, par. 2; Ga. Code of 1933, #23-701.
4) Ga. Acts 1922, p. 83; 1927, pp. 211-214. In 1927 the county manager law of 1922 was amended to make it optional with any county of 44,051 population at the 1920 census by a majority of those voting on the proposition. The amendment applied to DeKalb County alone. It made it easier to adopt the plan in DeKalb County than in others because the amendment omitted the requirement of a petition for the election by one-fifth of the voters of the county, where a majority of the qualified electors was still required under the 1922 act. In 1927 amendment was held unconstitutional by the Georgia Supreme Court on the grounds that it was special legislation. The court admitted that the legislature might classify counties and pass general laws with respect to these classes, but, in the opinion of the court, "If the attempted classification is so hedged about and restricted that the act applies to only one county, and other counties cannot come within the class created, it is a local law and not a general one having operation throughout the State."(Marbut v. Hollingshead, 172 Ga. 536 (1931). No

Governmental Organization and Records System (First entry, p. 85)
Legal Status of the County

Counties are electoral and primary election units. Statehouse officers, judges of the Supreme Court and of the Court of Appeals, and United States Senators and Representatives in Congress are nominated on a county unit plan but elected by popular vote.(1) The county is the basis of representation in the General Assembly, three being the maximum number of representatives in the House from each of the eight counties of largest population, two from the thirty next largest, and one from each of the remaining 121 counties.(2) Jefferson, as one of the counties in the latter group, has one representative.(3) The upper house of the General Assembly consists of 52 Senators from as many senatorial districts.(4) Jefferson County is one of three counties composing the eighteenth senatorial district.(5) The total membership of the General Assembly is 257.(6) The ordinary is the administrator of elections.(7) Registration takes place in the tax collector's office, where the voters' books are kept.(8) Returns in elections for Statehouse officers and for all other officers commissioned by the Governor, are sent to the Secretary of State at the capitol, who certifies the results to the Governor.(9)

For several years the State has gradually assumed some of the functions previously regarded as belonging to the counties, among which may be mentioned highway construction and maintenance.(10)

Education since 1919 has become more of a State than a county function. It was in this year that the legislature first made large appropriations for the common schools, and this policy has continued in expanding degree.(11) Taxes from several sources are allocated to state-wide educational purposes, supplementing liberal biennial appropriations by the legislature.

Public health and public welfare have both become subjects of more

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county other than DeKalb could come within the scope of the act of 1927. Thus, it was a special law, in violation of the constitution, and was void. While the court held the 1927 amendment unconstitutional, it declared the 1922 act, providing for the county manager form of government, constitutional. The a ct of 1922 was, in the opinion of the court, a "general law having general application throughout the territorial limits of the State." It was not robbed of its general character by the fact that it did not go into effect in a particular county "except upon a majority vote of the qualified voters of the county."— Arthur W. Bromage, American County Government (New York, c., 1917), 143, 144.

1) Ga. Code of 1933, #34-3212; Ga. Acts 1917, pp. 183, 184; Ga. Code of 1933, #34-2404; Ga. Acts 1913, p. 135.
2) Ga. Code of 1933, #2-1401.
3) Ga. Acts 1931, p. 48.
4) Ga. Code of 1933, #2-1302; Ga. Acts 1937, p. 32.
5) Ga. Acts 1937, p. 30.
6) Ga. Code of 1933, #47-101, #47-102.
7) Ga. Code of 1933, #34-1912.
8) Ga. Code of 1933, #34-101.
9) Ga. Code of 1933, #34-2201, #34-2202; Ga. Acts 1918, p. 154.
10) Ga. Acts 1919, p. 242.
11) Ga. Acts 1919, pp. 288-363.

state-wide concern and administration during the past two decades. In both these functions the State has assumed direction of activities, and large sums are spent in behalf of this work.(1)

Counties in Georgia are important units for the administration of justice. The jurisdiction, powers, proceedings and practice of all courts or officers invested with judicial powers (except city courts) of the same grade or class, so far as regulated by law, are uniform.(2) There are 33 judicial circuits in the State, and while each superior court circuit embraces from one to nine counties, there is a superior court in each county.(3) The clerk and sheriff and all other officers of this court, except the judge and colicitor general, are provided by each county. Thus, although the superior court is the highest tribunal of original jurisdiction in the State and is a State institution, it is also a local court. Jefferson is one of five counties composing the Middle Judicial Circuit, to which it was attached February 23, 1796.

Additional counties may be created in Georgia only through constitutional amendment. In an amendment adopted in 1904, the number of counties was limited to the 145 existing at that time.(4) Since 1905, 16 additional counties have been created, each by a separate amendment in the form of a proviso, "Provided, however, that in addition to the counties now provided for by this Constitution, there shall be a new county laid out from the counties of ...," etc. Each of these amendments gave the boundaries of the new county, designated the county seat, attached the county to a particular congressional district and judicial circuit, and made temporary provisions for its organization and government. By this method the number of counties in Georgia was increased to 161, but by the merger of Campbell and Milton Counties with Fulton County in 1932,(5) the number of counties was reduced to 159.(6)

While the power to abolish counties is not expressly granted by the State constitution, tantamount authority resides in the legislature to merge or consolidate them, contingent upon a two-thirds vote of the merged county and a majority vote of the enlarged county.(7) Until 1881, county lines were changed only upon authority granted in special legislative acts.(8) A general law was enacted in 1881 which provided for changing county lines by authority of the county commissioners, upon a two-thirds vote of the

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1) Ga. Code of 1933, #88-201; Ga. Acts 1914, pp. 124-134.
2) Ga. Code of 1933, #2-3701.
3) Ga. Const. 1777, art. XXXVI; Ga. Code of 1933, #24-2501.
4) Ga. Code of 1933, #2-8202.
5) Ga. Acts 1929, p. 551; 1931, p. 527.
6) Editorial Note following #2-8202, Ga. Code of 1933.
7) Statute providing for merger of counties not void because requiring mere majority vote for merger in enlarged county; statute providing for merger of counties, subject to approval of voters of respective counties, held not void as delegating legislative powers (Ga. Const. 1877, art. III, sec. VII, par. 22; art. XI, sec. I, par. 5; Ga. Acts 1929, p. 551; Hines v. Etheridge et al, 162 S.E. 113-119; 173 Ga. 870 (1931).
8) Ga. Acts 1860, pp. 138, 139.

grand juries of the counties affected.(1) There are no restrictions upon the creation of counties as regards area, population, or assessed valuation of property.

Structural Development of County Government

In 1758 the two original counties of Georgia (Savannah and Frederica), created under the Colonial Constitution of 1741, were abolished.(2) The province was divided into eight parishes, and the church wardens and vestrymen were empowered to assess rates for the repair of churches, the relief of the poor, etc.(3) These ecclesiastical subdivisions, with the four additional parishes created in 1765, endured until the adoption of the Constitution of 1777.(4) During the 19 years immediately following the adoption of the first constitution, which created eight counties from the former parishes, sixteen additional counties were created.(5) Jefferson, organized in 1796, was one of these.(6)

Of primary importance to county government, the Constitution of 1798 established a system of courts, provided for trial by jury, the writ of habeas corpus, freedom of the press, and religious tolerance.(7)

At the organization of Jefferson County in 1796, the following courts and officers had been provided for in all counties by State law and began functioning in the new county:

Superior court and clerk;(8) inferior court;(9) register of probates; (10) justices of the peace;(11) coroner;(12) surveyor;(13) tax collector;(14) and tax receiver.(15)

The officers named, except the judges of the superior court and justices of the peace, were all elected by the justices of the inferior court;(16) and each of them, with the exception of the inferior court and the register

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1) Ga. Code of 1933, #23-301, #23-302; Ga. Acts 1880-81, pp. 52, 54.
2) William Bacon Stevens, A History of Georgia, from its First Discovery by Europeans to the Adoption of the Present Constitution in MDCCXCVIII, 2 vols. (New York, 1847; Philadelphia, 1859), I, 391.
3) Colonial Records of Georgia, XVIII, 258-272.
4) Act 1765, Watkins, p. 114.
5) Ga. Const. 1777, art. IV.
6) Act 1796, Marbury and Crawford, pp. 169-171.
7) Ga. Const. 1798, art. III, secs. I, II; art. IV, secs. V, IX, X.
8) Ga. Const. 1777, arts. XXVI-XL; Act 1778, Watkins, pp. 219-227.
9) Act 1789, Watkins, pp. 389-407.
10) Ga. Const. 1777, arts. LII, LIII.
11) Ga. Const. 1777, art. LIII.
12) Ga. Const. 1777, art. XL; Act 1790, Watkins, pp. 422-425.
13) Act 1790, Watkins, pp. 422-425.
14) Act 1796, Watkins, p. 614.
15) Ibid.
16) Ibid.

of probates, has survived and is in active existence today.

In 1825 the office of county treasurer was created.(1)

In 1852 powers of probate and jurisdiction over estates of intestates, minors and incompetents, originally exercised by the register of probates and later by the inferior court, sitting for ordinary purposes, were lodged in a new and separate tribunal called the court of ordinary.(2)

The inferior court, in its capacity as a court of law, was superseded in 1866 by the first general county court.(3) This court was abolished by the Constitution of 1868.(4) Jurisdiction of county affairs, however, continued in the inferior court until it was abolished in toto in 1868.(5)

Jury commissioners were established in 1869 for the selection of grand and trial jurors.(6)

A criminal court was established in each county of the State by an act of 1868.(7) This court was composed of the justices of the peace and notaries public for the county seat district, or any district having an incorporated town within its limits. In 1870, it was absorbed by the district court organized in 24 of the 44 then existing senatorial districts. Jefferson County, in the eighteenth district, became subject to this court's authority.(8)

A board of commissioners of roads and revenue, composed of five members, was established in Jefferson County in 1873, by an amendment to an act of 1871, which created these boards in the counties of Floyd, Berrien, Effingham, Schley, Sumter, and Greene.(9) In 1915 the number of county commissioners in Jefferson was reduced to one, and the act authorized the commissioner to employ a competent road supervisor.(10) Three years later the number of commissioners was increased to three, and this is the number of members of the board at present.(11)

A second state-wide county court act was approved January 19, 1872. Forty-six of the counties then existing, of which Jefferson was one, were excepted from application of this act.(12) In 1875 an act amendatory to the county court act of 1872 removed Jefferson from the list of counties excepted from the operation of the earlier act, all of the provisions of

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1) Ga. Acts 1825, pp. 67-69.
2) Ga. Acts 1851-52, pp. 49, 50, 91 et seq.
3) Ga. Acts 1865-66, pp. 64-71; 1866, p. 22.
4) Ga. Const. 1868, art. V, sec. XVI.
5) Ga. Const. 1868, art. V, sec. XIV.
6) Ga. Acts 1869, pp. 139, 140.
7) Ga. Acts 1868, pp. 19-21.
8) Ga. Acts 1870, pp. 32-36.
9) Ga. Acts 1871-72, pp. 225-227; 1873, p. 248.
10) Ga. Acts 1915, pp. 271-273.
11) Ga. Acts 1918, pp. 466, 467.
12) Ga. Acts 1871-72, pp. 288-298.

which, as a court of law, were made applicable to Jefferson immediately upon passage of the act.(1) This court was abolished in 1889, and all its pending business transferred to the superior court.(2)

The repealing act of 1889 was itself repealed in 1892 by an act which reestablished the county court in Jefferson.(3) The county court was superseded in 1911 by the city court of Louisville, which inherited the former court's unfinished business and jurisdictions.(4)

The city court of Louisville, with jurisdiction extending throughout the county of Jefferson, concurrent with the superior court in civil and criminal cases of which exclusive authority was not vested in some other court, and was established in 1911.(5)

The amended road law of 1883 provided for the appointment of a superintendent of roads.(6) In 1884 the first appointment to this post in Jefferson County is recorded.(7)

The treasurer's office was abolished in 1915 and the commissioners were authorized to contract with any person or bank in the county to handle county funds, under such regulations as the board might deem necessary.(8) The office was reestablished by an act of 1927, effective January 1, 1929.(9)

County boards of education were created by the legislature in 1859.(10) A board of education, its members elected by the voters, was provided for in 1870. A commissioner of schools, later called "superintendent," was authorized in this act.(11)

Authority for appointment by the ordinary of a county administrator for unrepresented estates was granted in 1883.(12) The first appointment for Jefferson County under this law was made in 1919, the clerk of the superior court having filled the office until that time.(13)

Provision was made for county registrars in 1894.(14)

A county auditor was authorized in 1901.(15) Jefferson County, however,

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1) Ga. Acts 1875, pp. 53, 54.
2) Ga. Acts 1889, p. 1157.
3) Ga. Acts 1892, p. 225.
4) Ga. Acts 1911, p. 383.
5) Ga. Acts 1911, pp. 277-293.
6) Ga. Acts 1882-83, pp. 140-145.
7) Minutes of Jefferson Commissioners Court, vol. 13, p. 260, see entry 1.
8) Ga. Acts 1915, p. 273.
9) Ga. Acts 1927, p. 616.
10) Ga. Acts 1859, p. 29.
11) Ga. Acts 1870, pp. 49-60.
12) Ga. Acts 1882-83, pp. 79-81.
13) Minutes, Court of Ordinary, vol. F, 1918-21, p. 103, see entry 87.
14) Ga. Code of 1933, #34-301; Ga. Acts 1894, pp. 115-118.
15) Ga. Acts 1901, pp. 57, 58.

has employed an auditor at intervals since 1875, when such service was deemed necessary by the county commissioners.(1)

Tax assessors for equalizing valuations of property were provided for in 1913.(2)

A county board of health for Jefferson County was created in 1876, its members appointed by the county commissioners.(3) A statutory board of health for each county was provided in 1914,(4) and in 1929 such a board was organized in Jefferson County.(5)

A department of public welfare was established in Jefferson County under the general act of 1937,(6) and cooperation of the county governing authority with the provisions of the act began early in 1938.(7)

In 1918 an agricultural agent was appointed in Jefferson County, and extension work was begun in cooperation with the State Agricultural College and the Federal Department of Agriculture.(8)

At the present time Jefferson County has the following courts and offices: a board of commissioners of roads and revenue, superior court and clerk, solicitor general, jury commissioners, grand jury, court of ordinary, county administrator, city court of Louisville and clerk, city court solicitor, justices of the peace, constables, county attorney, coroner, sheriff, tax receiver, board of tax assessors, tax collector, registrars, board of education, superintendent of schools, board of health, district commissioner of health, county physician, department of public welfare, superintendent of roads, road commissioners, county surveyor, and county agricultural agent.

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

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1) Minutes of Jefferson Commissioners Court, vol. 13, 1873-97, p. 152, see entry 1.
2) Ga. Acts 1913, pp. 123-134.
3) Minutes of Jefferson Commissioners Court, vol. 13, p. 173.
4) Ga. Acts 1914, pp. 124 et seq.
5) Minutes, County Board of Health, 1929--, see entry 270.
6) Ga. Acts 1937, pp. 355-370.
7) Minutes of Jefferson Commissioners Court, vol. 15, 1921--, p. 426.
8) Barnes Federal Code, #8413, #8414; 38 Stat. L. 373; Ga. Acts 1922, pp. 81, 82; Minutes of Jefferson Commissioners Court, vol. 14, 1897-1921, p. 486.

General Administration

From its organization in 1796 until 1868, general administration of county affairs in Jefferson County was vested in the inferior court. This tribunal was abolished by the Constitution of 1868,(1) which transferred authority over county administration to the court of ordinary. This office had been created in 1852 under authority of a constitutional amendment ratified the year before.(2) Jurisdiction of county affairs continued in the ordinary until February 20, 1873, when a board of commissioners was created by the legislature for Jefferson County.(3) This agency, with some variation in the number of its members, has continued in authority over and management of these matters until today.

The board of commissioners has exclusive jurisdiction over all the property of the county; in levying general and specific taxes; in establishing and changing election precincts and militia districts; in examining and auditing the accounts of all officers having the care, management, keeping, collecting and disbursing of money belonging to the county, and bringing them to a settlement; and in establishing, altering, and abolishing roads, bridges and ferries. Care of the poor, successively lodged in the inferior court, the ordinary, and the county commissioners, was vested in a county board of public welfare in 1937.(4) Promotion of health, likewise a former function of the commissioners, was transferred by an act of 1914 to a county department of health.(5) The commissioners, however, still retain partial authority over both of these functions through allocation of funds, by appointment of the welfare board members, and by service of their chairman as a member of the board of health. The commissioners were vested with such additional powers as were previously exercised by the ordinary in relation to road commissioners, control of prisoners confined in the county jail, and the purchase of property sold for State and county taxes.(6)

Title to Property

Lands embraced in the territory which became Jefferson County in 1796 were portions of Burke and Warren Counties.(7) Burke County, formed from the parish of St. George, was one of the counties created by the Constitution of 1777,(8) while Warren County, formed in 1793,(9) was cut from Wilkes and adjoining counties. Wilkes was organized from ceded lands north of the Ogeechee River.(10) The Indian claims to most of the territory from which Jefferson was formed were extinguished by a treaty at Augusta in 1763.(11)

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1) Ga. Const. 1868, art. V, sec. XIV.
2) Ga. Const. 1868, art. V, secs. V, XIV; Ga. Acts 1851-52, pp. 49, 50, 91 et seq.
3) Ga. Acts 1873, p. 248.
4) Ga. Acts 1937, pp. 363-367.
5) Ga. Acts 1914, pp. 124-134.
6) Ga. Acts 1871-72, p. 226.
7) Act 1796, Marbury and Crawford, pp. 169-171.
8) Ga. Const. 1777, art. IV.
9) Act 1793, Marbury and Crawford, p. 166.
10) Ga. Const. 1777, art. IV; Coulter, History of Georgia, 92, 93.
11) Coulter, History of Georgia, 86.

Recordation

The clerk of superior court, who is ex officio county recorder, is charged with the duty of keeping all records of title to property and changes thereof, including a filing docket which must show the day and hour of filing of deeds, mortgages and liens of all kinds required to be recorded within a specified time. He is required to have well-bound books in which to record all deeds, conveyances, mortgages, and other liens and bills of sale.(1) This officer is required to keep a record of wild lands in the county;(2) a register of decrees of title and a title register;(3) a register of security deeds and realty mortgages;(4) a Federal tax lien index, (5) and a record of constitutional homesteads granted by the ordinary.(6) He must also keep a drainage record, to include all reports, judgments or findings of the drainage board in his county;(7) a register for posting lands, in which landowners register their names after posting their lands, in accordance with the law forbidding trespass thereupon.(8)

A deed is valid as between the parties thereto if made in writing, signed by the maker, attested by at least two witnesses, and delivered to the purchaser, or someone for him, and is based on a valuable or good consideration.(9) To entitle a deed to recordation, it must, in addition to the foregoing requirements, be attested by the affidavit of a subscribing witness before an officer authorized to attest such instruments.(10) Ordinarily, deeds which are attested by two witnesses, one of whom must be an officer authorized to attest deeds, are admitted to record.

Every deed conveying lands must be recorded in the office of the clerk of the superior court of the county where the land lies. The record may be made at any time, but an unrecorded deed loses its priority over a subsequently recorded deed from the same vendor, taken without notice of the existence of the first deed.(11)

A mortgage in Georgia is only security for a debt, and passes no title, (12) but a deed to secure debt does pass title to the grantee, subject to redemption by the grantor upon satisfaction of the debt.(13) In order to admit a mortgage to record, it must be attested by or acknowledged before an officer authorized to attest such instruments, and in the case of real property,

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1) Ga. Code of 1933, #24-2714; Act 1799, Cobb, p. 573; 1810, Cobb, p. 577; 1850, Cobb, p. 455.
2) Ga. Code of 1933, #40-1508; Ga. Acts 1880-81, p. 45.
3) Ga. Code of 1933, #60-401; Ga. Acts 1917, p. 120.
4) Ga. Code of 1933, #92-7408; Ga. Acts 1925, pp. 252-255.
5) Ga. Code of 1933, #67-2602; Ga. Acts 1924, p. 124.
6) Ga. Code of 1933, #51-402; Ga. Acts 1877, p. 18; 1898, p. 51.
7) Ga. Code of 1933, #23-2525; Ga. Acts 1911, pp. 108, 119.
8) Ga. Acts 1903, pp. 44, 45.
9) Ga. Code of 1933, #29-101; Act 1785, Cobb, p. 164.
10) Ga. Code of 1933, #29-410; Act 1850, Cobb, p. 181; Ga. Acts 1931, p. 153.
11) Ga. Code of 1933, #29-401; Act 1785, Cobb, p. 164; 1837, Cobb, p. 175.
12) Ga. Code of 1933, #67-101; Ga. Acts 1899, p. 32.
13) Ga. Code of 1933, #67-1301.

by one other witness.(1) Mortgages on realty must be recorded in the county where the land lies; on personalty, in the county where the mortgagor resided at the time of the execution, if a resident of this State, and if a nonresident, in the county where the mortgaged property is. All chattel mortgages of stocks and goods, wares, and merchandise, or other personal property, must be recorded, in case the mortgage is upon property or goods located in some county other than that of the mortgagor's residence, in the county where said personal property is located at the time of the execution of the mortgage. This is in addition to the record of the mortgage in the county of the mortgagor's residence.(2)

Any mortgagor who may have paid off his mortgage may present the same to the clerk of the superior court of the county or counties in which it is recorded, together with the order of the mortgagee or transferee directing that the mortgage be cancelled, and the clerk is required to record the order across the face of the record, and write thereon the word "satisfied" and the date of such entry, and sign his name thereto officially.(3)

Registration of Title

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

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

After the record has been perfected and settled, the judge of the superior court thereupon decides the cause; and if, upon consideration of such record, the title is found in the petitioner, the judge enters a decree to that effect. The decree is entered upon the minutes of the superior court and becomes a part of the records thereof.(4)

Jurisdiction of Courts

Civil Actions

Civil jurisdiction in Jefferson County has been exercised by the

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1) Ga. Code of 1933, #67-105; Ga. Acts 1876, p. 34; 1931, p. 153.
2) Ga. Code of 1933, #67-108; Act 1755, Cobb, p. 159; 1768, Cobb, p. 162; 1827, Cobb, pp. 171, 172; Ga. Acts 1876, p. 34; 1878-79, p. 139.
3) Ga. Code of 1933, #67-117; Ga. Acts 1884-85, p. 129.
4) Ga. Code of 1933, #60-201 et seq.; Ga. Acts 1917, pp. 108-143.

following named courts, during the periods and within the scope indicated:

The superior court, 1796 to date, all causes, and sums unlimited, except probate and estate matters; the inferior court, 1796 to 1866, concurrent jurisdiction with the superior court in all causes except those involving titles to land and divorce and equity cases; the county court, 1866 to 1868, all cases of contract or tort where the principal sum did not exceed $100; district court, October 1870 to December 1871, intermediate civil matters, including applications for eviction of trespassers and tenants holding over, the trial of possessory warrants, in issuing attachments, foreclosing mortgages on personal property, and issuing writs of habeas corpus; county court, 1875 to 1889, and 1892 to 1911, with the same jurisdiction as the first county court; the city court, 1911 to date, jurisdiction at monthly terms limited to causes involving not more than $100, and all other causes, except those in which exclusive authority is vested in the superior court, triable at the quarterly sessions; the justice of the peace courts, 1796 to date, cases arising ex contractu or from injury or damage to personal property where the principal sum claimed does not exceed $100.

Criminal Actions

From 1796 to date, the superior court has exercised concurrent jurisdiction with lower courts in the trial of all criminal cases, and it has exclusive authority over all offenses which amount to felonies; from 1796 to 1866 the inferior court had power to try misdemeanors; from 1866 to 1868 the first county court had jurisdiction over misdemeanors; from October 1868 to October 1870, the criminal court exercised jurisdiction over criminal offenses not punishable by death or imprisonment in the penitentiary (misdemeanors); from October 1870 to December 1871, the district court had jurisdiction over misdemeanor cases; from 1875 to 1889, and 1892 to 1911, authority to try offenses below the grade of felony was vested in the county courts, which again functioned in Jefferson County; from 1911 to date, this jurisdiction has been vested in the city court of Louisville; from 1796 to date, justice of the peace courts have exercised the power of examining magistrates, and could dismiss or bail over offenders or commit them to jail to await trial by competent courts.

Chancery

Chancery (or equity) powers have been exercised solely by the judges of the superior court since Jefferson County was organized.(1)

Probate

Jurisdiction over probate and estate matters was vested in the inferior court, sitting for ordinary purposes, from 1796 to 1852, and has been vested exclusively in the court of ordinary since it was created in 1852.

Naturalization

Naturalization acts of Congress, from the first one in 1790, have

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1) Ga. Code of 1933, #37-101; Act 1799, Cobb, p. 467.

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

Appellate Jurisdiction

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

Appeals from the inferior court and the county courts were made by writ of certiorari to the superior court;(4) from the district, criminal, and justice of the peace courts by certiorari to the superior court.(5) Appeal from the court of ordinary lies to the superior court;(6) from city court by writ of error or bill of exceptions to the Court of Appeals or Supreme Court.(7)

Law Enforcement

Preservation of the Peace

Officers charged with the enforcement of criminal laws were provided by law before the date of Jefferson County's creation. An act of 1790 provided

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1) Frederick Van Dyne, A Treatise on the Law of Naturalization of the United States (Washington, 1907), 11.
2) The Code of the Laws of the United States in force December 7, 1925 as Enacted by Congress June 28 and Approved June 30, 1926 Annotated from all the Cases Construing these Laws . . . (St. Paul, Minn.; Northport, N. Y., 1927), Title 8, #357.
3) Ga. Code of 1933, #2-3005; Ga. Acts 1906, pp. 24-28, ratified November 6, 1906; 1916, pp. 19-22, ratified November 7, 1916.
4) Ga. Const. 1798, art. III, sec. I; Ga. Acts 1870, p. 34.
5) Ga. Acts 1870, p. 34; Ga. Code of 1933, #19-101.
6) Ga. Code of 1933, #6-201; Act 1805, Cobb, p. 283; 1823, Cobb, p. 497; Ga. Acts 1850, p. 35; 1851-52, pp. 50, 97; 1866, p. 24.
7) Ga. Code of 1933, #6-701; Ga. Acts 1890-91, vol. I, p. 82; Ga. Code of 1933, #6-901; Ga. Acts 1880-81, p. 123.

for the appointment of sheriffs and coroners in all counties.(1) These two officials were charged with the duties of keeping the peace and of investigating violations of law and arresting offenders. The chief law enforcement officers in Jefferson County now are the sheriff and his deputies. The sheriff represents the police functions of the executive arm of the State government for the preservation of public safety in his county. He is also the executive officer of the courts, charged with the duty of enforcing their judgments and decrees. While the sheriff is an elective county official, his authority and duties are largely those of a State officer. His prisoners are prisoners of the State, and he executes the orders of the courts in the name of the people of the State.(2)

Since March 1937, the Georgia State Patrol has exercised authority in all counties of the State. The chief duties of this organization are to endeavor to reduce highway accidents, patrol the highways, issue instructions and warnings to drivers of vehicles, arrest violators of the motor vehicle laws, and upon request, to cooperate with sheriffs and local police officers in their law enforcement work.(3)

Inquests

The coroner serves in the dual capacity of a judicial and executive officer. He holds inquests in all violent, sudden, or casual deaths, when there are no eyewitnesses to the killing or cause of death, and may issue warrants for the arrest of persons suspected in cases of homicide.(4) In cases of disqualification or disability of the sheriff, the coroner may act as that officer.(5)

Indictments

Indictment for violations of the law is the prerogative solely of the grand jury, an adjunct of the superior court and an inquisitorial body of not fewer than 18 nor more than 23 members.(6) Prosecutions in courts other than the superior court are, in most cases, based on accusations sworn to by prosecuting witnesses.

Apprehension and Custody of Offenders

When the indictment is found by the grand jury, or an affidavit charging the commission of a crime is filed with any authorized judicial officer, a warrant is issued directing the sheriff or other arresting officer of the county to apprehend the person accused and bring him before a court of competent criminal jurisdiction for hearing and trial.(7) Justice of the

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1) Ga. Const. 1777, art. XL; Act 1790, Watkins, pp. 422-425.
2) Ga. Code of 1933, #24-2813, #77-110.
3) Ga. Acts 1937, pp. 322-355.
4) Ga. Code of 1933, #21-208; Act 1823, Cobb, p. 539.
5) Ga. Code of 1933, #21-106.
6) Ga. Code of 1933, #59-202; Ga. Acts 1869, p. 140.
7) Ga. Code of 1933, #27-102, #27-209.

peace may issue warrants for the apprehension of persons accused of any crime, but they are empowered to sit as a preliminary court of inquiry, and must discharge, admit to bail, or commit the prisoner to jail to await trial in the proper court.(1) The superior court has jurisdiction over felony criminal cases,(2) and the city court has jurisdiction over cases below the grade of felony (misdemeanor).(3)

The sheriff and his deputies are primarily responsible for the apprehension of offenders, and the sheriff is charged, as ex officio jailer, with their safekeeping until the beginning of service of sentence or discharge by the court.(4)

Prosecutions

Prosecutions of persons indicted or accused in superior court trials is the duty of the solicitor general of the Middle Judicial Circuit.(5) In the city court and others having a criminal jurisdiction limited to the trial of misdemeanors (violations for which a person convicted may be fined a maximum of $1,000, confined at labor in the county chain gang for twelve months, and kept in jail for six months, any one or all, in the discretion of the court), the solicitor of such courts acts as prosecuting attorney.(6)

Execution of Sentence

Persons convicted of misdemeanors and of lesser crimes than capital felonies may be sent either to the State prison farms at Milledgeville and Reidsville, or to camps established by various counties which employ convicts on public roads. Women convicts are sent to the woman's prison at the Milledgeville farm. Persons convicted of capital felonies are sent to the State prison in Tattnall County, where the electric chair for executions is located.(7)

Finances

Budgets

Wide powers and a large discretion were lodged in the inferior court, the earliest agency created for the administration of county affairs, in relation to setting of tax levies; and the court of ordinary and the board of county commissioners, successively charged with the performance of this function, have exercised, respectively, exclusive authority in levying taxes and providing for the expenditure of funds derived therefrom. Strictly speaking, there is no actual budgetary control in Jefferson County. The nearest approach in Georgia to this requirement of many states is the annual

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1) Ga. Code of 1933, #24-601.
2) Ga. Code of 1933, #2-3201.
3) Ga. Acts 1911, p. 278.
4) Ga. Code of 1933, #77-101, #77-110.
5) Ga. Code of 1933, #2-3902, #24-2908
6) Ga. Acts 1911, p. 279.
7) Ga. Acts 1937-38, Ex. Sess., pp. 330, 331.

fixing by the county commissioners of the tax rate for the ensuing year, based on estimated expenditures for the next 12-month period. This is accompanied by a statement of each specific item of taxation, the purpose for which imposed, and the number of mills to be levied therefor, which is published in the legal gazette of the county.(1) The county treasurer is also required to file with the commissioners, annually on the second Monday in January, a full statement of his accounts for the preceding year, together with his estimate of the indebtedness of the county for the ensuing year, and the means of providing therefor.(2)

Taxation

All real and personal property, whether owned by individuals or corporations, resident or nonresident, is liable to taxation, except as otherwise provided by law.(3)

The following property is exempt from taxation: All public property, places of religious worship, and places of burial; all institutions of purely public charity; all buildings erected for and used as a college, incorporated academy or other seminary of learning, and also all funds or property held or used by such colleges or academies, provided the same is not invested in real estate and that such college or other institutions are open to the general public.(4) Exemption of $300 of personal property and of a $2,000 homestead, upon application and affidavit of the taxpayer, was provided by the legislature in 1938. Such applications are filed with the tax receiver and sent to the county board of tax assessors for determination of eligibility and value of property.(5)

Each county and independent school system receiving funds from the State is required annually, through its executive officer, to make out and submit to the State Board of Education an estimated budget of its receipts from all sources and its proposed expenditures for the next year, and upon such dates as may be required by the State Board of Education. The filing of such budgets must be made before the State Superintendent of Schools transmits to each public school system any of the State school funds for the year for which such budget is made.(6)

The county commissioners are authorized to levy taxes for county purposes up to 50 percent of the State tax for that year, upon recommendation of two-thirds of the grand jury.(7)

The receiver of tax returns receives voluntary returns, under oath, of each taxpayer in the county. From the returns he makes three digests, which

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1) Ga. Code of 1933, #92-3706; Act 1821, Cobb, p. 184.
2) Ga. Code of 1933, #23-1015.
3) Ga. Code of 1933, #92-101; Ga. Acts 1851-52, pp. 288, 289.
4) Ga. Code of 1933, #92-201; Ga. Acts 1878-79, pp. 32, 33; 1913, p. 122; 1919, p. 82.
5) Ga. Acts 1937-38, Ex. Sess., pp. 145-150.
6) Ga. Code of 1933, #32-945; Ga. Acts 1925, p. 135.
7) Ga. Code of 1933, #92-3706; Act 1821, Cobb, p. 184.

are distributed, respectively, to the State Comptroller General, the county commissioners, and the tax collector. In these digests the tax receiver is required to embrace a list of all defaulters, the amount of their taxes and the double tax assessed against them, and of all property assessed by him which has not been returned.(1)

Responsibility for equalizing valuations of property for taxation, resting by implication upon the receiver of tax returns since the adoption of the first constitution, was in 1874 made partly the duty of the grand jury. The receiver was required annually to lay his returns before the grand jury, which was given authority, in cases of undervaluation, to correctly assess the property at its market value.(2) Extensive legislation was enacted in 1913 with the aim of establishing an effective county agency for assessing property for taxation at a fair vaulation. This act created a board of tax assessors in each county, composed of three members, and set out their duties in detail.(3) This board inspects and searches all tax returns for any real or personal property which taxpayers may have failed to return, and for property that has been returned at an unfair valuation. In brief, it is the duty of the assessors to see that all property is returned at fair and equal valuations.(4) At completion of the work of revision, the tax receiver is required to forward one copy of the completed digest to the State Comptroller General, for approval of the State tax authorities.(5)

The collection of taxes is the duty of the tax collector, who collects both State and county ad valorem taxes, and is required to pay over to the State and county treasurers their proportionate share of these funds.(6) The collector must enter the names of defaulters in a book kept for that purpose and assess and collect a double tax thereon, and deposit this book with the Comptroller General and a copy with the county commissioners before the final settlement.(7)

Executions for taxes are issued by the tax collector and levied by the sheriff of Jefferson County. Sales of the property are effected by him under the rules governing judicial sales.(8)

Land sold for taxes may be redeemed by the former owner within one year, by paying the purchaser the amount paid for the land, with ten percent premium thereon; the premium may not be increased by the addition of interest or otherwise.(9) Owners of wild lands may redeem them within two years by payin

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the amount paid by purchaser at the tax sale, together with 20 percent interest per annum thereon.(1)

Licensing

All license taxes (for counties) are imposed by the State under authority of the legislature, the amount being usually fixed by statute, but in local businesses the amount is left to the discretion of the commissioners.(2) Except for fees for licenses to practice law, collected by the clerk of the superior court,(3) licenses to peddle,(4) to carry pistols,(5) and to handle explosives,(6) issued and collected for by the ordinary; all other taxes, including special and professional taxes, are collected by the tax collector and remitted by him to the county treasurer.(7)

Other sources of revenue include moneys arising from fines and forfeitures in criminal cases, which are collected by the solicitor general and, after deduction of costs, paid over into the county treasury.(8) Funds realized from licenses for shows, exhibitions, and theatrical entertainments,(9) and from fines and forfeitures arising out of violation of any quarantine or other sanitary regulation,(1) are also paid over to the county treasury and become a part of the county revenue.(11)

Expenditures and Audits

Claims and invoices against the county are presented to the county commissioners at regular terms of commissioners' court. They are examined and audited and, if approved, a warrant is issued by the commissioners on the county depository for the sum allowed. Warrants, after payment, are returned to the commissioners and filed by the clerk.(12) Annually the auditor appointed by the county commissioners audits the books and accounts of all officers who handle county funds, including those of the commissioners.(13)

Bond Issues

The indebtedness incurred by any county in Georgia cannot exceed seven percent of the assessed value of all the taxable property therein, without

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1) Ga. Code of 1933, #92-8305; Ga. Acts 1880-81, p. 45.
2) Ga. Acts 1871-72, pp. 225-227; 1873, p. 248.
3) Ga. Code of 1933, #9-112; Ga. Acts 1897, pp. 85, 86; 1898, p. 83.
4) Ga. Code of 1933, #84-2001; Act 1819, Cobb, p. 773.
5) Ga. Code of 1933, #26-5104; Ga. Acts 1910, pp. 134, 135.
6) Ga. Code of 1933, #88-802; Ga. Acts 1921, p. 248.
7) Ga. Code of 1933, #92-4901, par. 1; Act 1804, Cobb, p. 1046; 1812, Cobb, p. 1058.
8) Ga. Code of 1933, #24-2908; Act 1828, Cobb, p. 1027.
9) Ga. Code of 1933, #92-3902; Act 1820, Cobb, p. 184.
10) Ga. Code of 1933, #88-422.
11) Ga. Code of 1933, #92-3901.
12) Ga. Acts 1871-72, p. 226; 1873, p. 248.
13) Ga. Code of 1933, #23-1301; Ga. Acts 1901, p. 57.

the assent of two-thirds of the qualified voters thereof, voting in an election for that purpose, to be held as prescribed by law.(1) The foregoing provisions have been varied in many instances during the past 20 years in behalf of counties desiring to increase their bonded indebtedness beyond the limits prescribed above.(2)

The law requires any county, municipal corporation, or political division of the State which acquires any bonded indebtedness under the provisions of the constitution, to provide, at or before the time of so doing, for the assessment and collection of an annual tax sufficient in amount to pay the principal and interest within 30 years from the date of incurring such indebtedness.(3)

Authority was granted by the county commissioners on March 3, 1926, for issuance of $250,000 of Jefferson County road bonds and provisions for the collection of a tax to pay the same.(4)

Elections

Georgia's first constitution provided that voting in all elections be by ballot,(5) and provision for voting in all elections by the people by "viva voce, until the legislature shall otherwise direct," was made by the Constitution of 1798.(6) The legislature affirmed at its January 1799 session that electors should vote "viva voce,"(7) but at its November session of the same year, the legislature passed an act which required voting by ballot in all elections.(8) This method of voting continues today.(9)

Electors

Voters must be at least 21 years of age, residents of the State for one year and of the county for six months preceding the election, and must have paid their poll taxes and have registered according to law.(10) Application to register is made to the tax collector, before whom, or his clerk, the applicant subscribes to the oath qualifying him as an elector.(11)

The tax collector, the ordinary, and the clerk of the superior court of each county are required, before the twentieth day of April of each year, to prepare and file with the county registrars a complete list, alphabetically

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1) Ga. Code of 1933, #2-5501; Ga. Acts 1918, pp. 99, 100, ratified Nov. 5, 1918.
2) Editorial Note following #2-5501, Ga. Code of 1933.
3) Ga. Code of 1933, #2-5502.
4) Minutes of Jefferson Commissioners Court, vol. 15, 1921--, p. 123, see entry 1.
5) Ga. Const. 1777, art. IX.
6) Ga. Const. 1798, art. IV, sec. II.
7) Act 1799, Marbury and Crawford, pp. 199-201.
8) Act 1799, Marbury and Crawford, pp. 202, 203.
9) Ga. Code of 1933, #2-601; Ga. Acts 1908, p. 27.
10) Ga. Code of 1933, #2-602, #2-603; Ga. Acts 1908, pp. 27, 28; 1931, p. 10
11) Ga. Code of 1933, #34-107; Ga. Acts 1894, p. 116.

arranged, of all persons living in the county on April 10th of that year who appear to be disqualified from voting. Persons may be disqualified for non-payment of poll taxes, or by reason of idiocy, insanity, or conviction of any crime whose penalty is disfranchisement, unless such convict has been pardoned and the right of suffrage restored to him, and the list must show whether such persons are white or colored.(1) The county registrars must, in each year in which a general election occurs, meet on the twentieth day of April and begin the work of perfecting a true and correct list of the qualified voters of their county. They examine the voters list furnished by the tax collector and compare it with the list of disqualified persons prepared by the tax collector, the ordinary, and the clerk of the superior court, and then proceed to prepare a list to be known as "registered voters." The names on the list must be in alphabetical order by militia districts and city wards, and distinguish between the white and colored voters. These lists also show the age, occupation, and residence of all voters.(2)

Qualifications of Candidates

General qualifications for candidates for county offices require that they be residents of the county for two years, qualified voters therein, and not disqualified for any of the reasons enumerated in section 89-101 of the Georgia Code of 1933.(3)

Conduct of Elections

Elections are held in each Georgia county on Tuesday after the first Monday in November in the even-numbered years.(4) Members of the General Assembly, State officers and representatives in Congress are elected for terms of two years.(5) In 1811 terms of county officers were fixed at two years.(6) Elections for all county officers are now held quadrennially, on Tuesday after the first Monday in November, for terms of four years, beginning on the first day of January following the election.(7) The ordinary has authority to fill by appointment all vacancies in county offices, and to order elections to fill them.(8)

Primary elections for the nominations of candidates for county offices are held under rules and regulations fixed by the executive committee of the dominant political party in the county not earlier than 60 days prior to the date of the general election.(9) A second primary, in the event no candidate receives a majority of the votes in the first, is held on a date fixed

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1) Ga. Code of 1933, #34-203; Ga. Acts 1889, pp. 21-23; 1908, pp. 58-62.
2) Ga. Code of 1933, #34-401; Ga. Acts 1894, p. 118; 1908, p. 58.
3) Ga. Code of 1933, #2-8301; Act 1823, Cobb, p. 209; Ga. Acts 1914, p. 43, ratified Nov. 3, 1914.
4) Ga. Code of 1933, #34-1302.
5) Ga. Code of 1933, #1-102, #2-1501, #2-2603, #2-2701, #2-3801, #5-102, #32-501.
6) Act 1811, Cobb, p. 201.
7) Ga. Code of 1933, #54-2602; Ga. Acts 1872, pp. 80-82; 1894, p. 40; 1914, p. 47.
8) Ga. Code of 1933, #23-701, #24-406, #24-2704, #24-2707, #24-2803.
9) Ga. Code of 1933, #34-3203; Ga. Acts 1908, p. 55.

by the above authority.(1) The laws governing regular elections apply to primaries.(2)

The county registrars are required, at or before the hour appointed for opening the polls, to place in possession of the managers of the election at each voting precinct one or more printed or clearly written copies of the list of registered voters for such militia district or city ward in which the voting precinct is situated. Such lists must be duly authenticated by the signatures of two of said county registrars.(3)

In primary elections, it is the duty of the county executive committee, or other authority of the political party holding the election, to provide official ballots, with the names of all candidates who have properly qualified printed thereon.(4) In all elections other than primaries held under the auspices of a political party, it is the duty of the ordinary to provide and furnish, at the expense of the county, official ballots for all such elections.(5) All blank forms necessary for elections are furnished by the Governor to the ordinary, who forwards them to election precincts at least ten days before election day.(6)

One justice of the inferior court or one justice of the peace and two freeholders were designated by an act of 1830 as superintendents of county elections. They were required to meet at the courthouse on the day after the election, consolidate the returns and certify the result to the Governor.(7)

The persons now qualified to hold elections for members of the General Assembly and county officers are ordinaries, justices of the peace, and freeholders.(8) There must be three managers, and one must be either an ordinary or a justice of the peace. All of them are required to take and subscribe an oath, before some authorized officer, faithfully to superintend the election and make a just and true return thereof.(9)

The county sheriff or his deputies are required to attend at the polls as peace officers at the county seat when elections are held;(10) and managers are authorized to employ, when deemed necessary, a sufficient number of temporary police to preserve order.(11)

When required by his regular business and habitual duties to be absent from the city or county, ward or district in which he is registered, any

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1) Ga. Code of 1933, #34-3213; Ga. Acts 1917, p. 185.
2) Ga. Code of 1933, #34-3201; Ga. Acts 1890-91, vol. I, p. 210.
3) Ga. Code of 1933, #34-701; Ga. Acts 1894, p. 120.
4) Ga. Code of 1933, #34-1903.
5) Ga. Code of 1933, #34-1904; Ga. Acts 1922, p. 98.
6) Ga. Code of 1933, #34-1401; Ga. Acts 1895, p. 23.
7) Ga. Acts 1830, pp. 105-107.
8) Ga. Code of 1933, #34-1201; Ga. Acts 1880-81, p. 151.
9) Ga. Code of 1933, #34-1201.
10) Ga. Code of 1933, #24-2813, par. 2.
11) Ga. Code of 1933, #34-1303, par. 5; Ga. Acts 1869, p. 23.

voter may vote by mail, if he gives notice in writing of his intention to the registrars of the county not less than 30 days nor more than 60 days prior to the election in which he may desire to participate.(1) Such voters may forward by registered mail to the registrars a letter of application for ballot, enclosing postage necessary for the return to him of a blank ballot and full instructions as to marking the ballot and its proper return to the registrars.(2)

Canvass of Elections

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

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

Education

Early Provisions

Georgia's first constitution laid the foundation for education in the provision "that schools shall be erected in each county, supported by the State."(5) The Constitution of 1798 required the General Assembly to make such further donations and extend such further privileges to institutions already established as might be necessary, and to enact measures for the improvement and permanent security of the funds of such institutions.(6)

For 20 years after the adoption of this constitution there was little

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1) Ga. Code of 1933, #34-3301; Ga. Acts 1924, p. 186.
2) Ga. Code of 1933, #34-3302; Ga. Acts 1924, p. 186.
3) Ga. Code of 1933, #34-1303; Ga. Acts 1921, p. 91.
4) Ga. Code of 1933, #34-1303; par. 9; Ga. Acts 1921, p. 91.
5) Ga. Const. 1777, art. LIV.
6) Ga. Const. 1798, art. IV, sec. XIII.

general legislation on the subject of education, but numerous local acts establishing academies and providing funds for "poor schools" became effective in the several counties. Many of these academies subsequently became high schools. The Louisville Academy was provided for when Jefferson County was laid out in 1796.(1) In 1821 the permanent endowment of county academies and an increase in the funds for the support of free schools was provided by setting apart $500,000, one-half for free schools and one-half for county academies.(2) One-third of the surplus fund derived from the United States was in 1836 allocated as a permanent free school and educational fund,(3) and the following year saw the passage of the first law devising a general system of education by common schools. This measure consolidated the academy and poor school funds, and these, with the interest on the one-third of surplus revenue from the United States, were set apart as a general fund for common schools.(4) An extra tax levy by the justices of the inferior court in 1843 was authorized for the education of poor children, as also was the sale of 1,733 shares of the capital stock of the Bank of the State of Georgia, and 890 shares of the stock of the Bank of Augusta for this purpose.(5)

State-wide System Emerges

Increased general interest in education was shown in an act of 1866, which established a general system of Georgia schools in each county.(6) The Constitution of 1868 directed the legislature to provide at its first session "a thorough system of general education, to be forever free to all children of the State, the expense of which shall be provided for by taxation or otherwise." The office of State School Commissioner was created, and funds derived from poll tax, taxes on shows and exhibitions and on the sale of spirituous and malt liquors, the proceeds from the commutation for military service and, if necessary, the levy of a general tax on property, were to be applied to the support of this system.(7)

Following closely the plan outlined in this constitution, an act of 1870 provided for a State School Board and a county board of education in each county, the latter to consist of one member from each militia district and one from each ward of any city and one from each incorporated town, to be elected by the voters. Sources of funds for support of the system were those named in the Constitution of 1868, with the addition of one-half of the net earnings of the Western and Atlantic (State-owned) Railroad.(8) The legislature in 1872 enacted a law "to perfect the public school system and to supersede existing school laws." A State School Board was provided for, and each county was made a school district. The members of the local board of education were selected by the county grand jury. The county board

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1) Act 1796, Watkins, p. 615.
2) Ga. Acts 1821, pp. 113, 114.
3) Ga. Acts 1836, pp. 138, 139.
4) Ga. Acts 1837, pp. 94-99.
5) Ga. Acts 1843, pp. 43, 44.
6) Ga. Acts 1866, pp. 58-64.
7) Ga. Const. 1868, art. VI.
8) Ga. Acts 1870, pp. 49-60.

was vested with wide powers in the administration of educational matters and the acquisition of property and its control and management in this behalf.(1)

Extensive legislation was enacted in 1919 reorganizing the school system and further defining the duties of the county board of education.(2) This board, appointed by the grand jury, determines the length of the school term, selects school sites, has authority over all the school property and physical equipment, and is authorized to receive donations, grants and gifts.(3) A course of study for all common and high schools is prescribed by the State Board of Education, which maintains general authority and supervision over county school systems. Schools are supported by funds derived from taxes on polls, shows, beer and spirituous liquors, gasoline, Federal funds (for vocational schools), and by the regular biennial appropriations of the legislature.(4)

Teacher Training

The Georgia Normal and Industrial College, provided for at Milledgeville in 1899, supplied teacher training courses for young women.(5) The following year the Georgia State Industrial College for colored youths was created and placed at Savannah,(6) and the State Teachers and Agricultural College (colored) was established at Forsyth.(7) An act of 1917 appropriated $5,000 to provide a school to train Negro teachers.(8) This school was established at Albany. A system of annual institutes for the instruction and training of teachers was established in 1919.(9) This provision was repealed in 1937.(10) A normal school, or teachers' college, was established, as a branch of the State University, at Statesboro in 1924. The plant and equipment of the former First District Agricultural and Mechanical School, located at this place, was transferred to the Georgia Normal School, and the trustees were required to provide at least two years' training for teachers in the course of study.(11) The name of this institution was changed in 1929 to South Georgia Teachers' College. Authority was extended to it to grant diplomas, degrees, and certificates, and such other evidences of work done as may be authorized by law and conferred by other schools of like character.(12)

Jefferson County System

Jefferson County has a county-wide system embracing ten schools for

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1) Ga. Acts 1872, pp. 64-75.
2) Ga. Acts 1919, p. 320.
3) Ga. Code of 1933, #32-909; Ga. Acts 1919, p. 323.
4) Ga. Acts 1937, pp. 866, 867.
5) Ga. Acts 1889, pp. 10-14.
6) Ga. Acts 1890-91, vol. I, pp. 114-117.
7) Ibid.
8) Ga. Acts 1917, pp. 195, 196; 1918, p. 27; 1919, p. 364.
9) Ga. Code of 1933, #32-514; Ga. Acts 1919, p. 319.
10) Ga. Acts 1937, p. 891.
11) Ga. Acts 1924, pp. 165-167.
12) Ga. Acts 1929, pp. 186, 187.

white children and 37 schools for Negro children. Six of these are four year accredited senior high schools, two of them are accredited by the Southern Association of High Schools and Colleges, and three are junior high schools. Through consolidation of separate plants and adequate transportation facilities, every child in the county has easy access to these schools.(1)

Consolidation of schools in Jefferson County began in 1921 and has continued through 1939. Vocational training and home economics are taught in four of the senior high schools. Two of these have commercial courses.

Transportation is financed from State and county funds, a county-wide tax, and the equalization fund. The National Youth Administration offers aid to the boys and girls in the six senior high schools. School lunches are provided in six of the white schools. Five of these receive aid from the Work Projects Administration. The school year lasts nine months. For three years past the schools have been operated under the program of State-supported institutions, with a State teachers' salary schedule. Under this plan, teachers are paid for seven months by the State and for two months by the county and local districts.(2)

The five members of the Jefferson County board of education are selected by the grand jury,(3) and are clothed with all the powers necessary to purchase, lease, or rent school sites, acquire furniture and materials, and make all arrangements necessary to the efficient operation of the schools.(4) The county school superintendent is elected quadrennially by the qualified voters of the county.(5) He is the medium of communication between the State Superintendent of Schools and subordinate school officers, and acts as the agent of the county board of education in procuring furniture, equipment and apparatus ordered by the board. He audits accounts before application is made to the board for payment. He is required to enforce all regulations, rules, and instruction of the State Superintendent of Schools, and visit every school at least every 60 days.(6)

Public Health

The public health service of Jefferson County is under the general jurisdiction of the county board of health which is composed of the superintendent of schools, the chairman of the board of commissioners of roads and revenue, and one physician. This board appoints a district commissioner of health, who devotes his full time to this office, and who is vested with the statutory powers of a constable within his district (which is the entire county) in all matters relating to public health and the enforcement

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1) Information obtained from county school superintendent, November 28, 1939.
2) Ibid.
3) Ga. Code of 1933, #32-902; Ga. Acts 1919, p. 320.
4) Ga. Code of 1933, #32-909; Ga. Acts 1919, p. 323.
5) Ga. Code of 1933, #2-8301, #32-1002; Ga. Const. 1877, art. XI, sec. II, par. 1; Ga. Acts 1887, p. 68; 1909, p. 154; 1914, p. 47; 1919, p. 349; 1931, p. 124; Olliff v. Hendrix, 158 S.E. 11; 172 Ga. 497 (1930).
6) Ga. Code of 1933, #32-1009; Ga. Acts 1919, p. 351.

of laws and regulations therefor.(1)

The county board of health has supervision over all matters pertaining to health and sanitation, has authority to declare and enforce quarantine, and power to adopt, enact, establish, and maintain all necessary rules and regulations, not inconsistent with law, deemed necessary for protecting the health of the county, and for preventing the introduction, generation, and spread of infectious and contagious diseases therein.(2) A county physician, whose duties mainly are concerned with attendance upon the prisoners in the county's corrective institutions and the jail, is employed by the county commissioners.(3)

Registration of vital statistics, first provided for counties in an act of 1823,(4) became a State function in 1914, when this work was placed under the jurisdiction of the State Board of Health.(5) An act of 1927 established the Bureau of Vital Statistics, and made each city, incorporated town, and each militia district outside a city or incorporated town a primary registration district. Local officials in each of these units are named as registrars, to whom are supplied all necessary blank forms for registering, recording, and preserving returns.(6)

Public Welfare

Measures of a welfare character were taken in the year of Jefferson County's formation, when the inferior court was clothed with authority to levy a tax and otherwise provide for the care of the poor.(7) Care of the poor remained a function of the inferior court until this power of the court was discontinued in 1868. The ordinary then succeeded to this authority, (9) and, upon its creation in 1873, the board of county commissioners took over this duty.(10) Administration of relief to the indigent continued in the hands of this board for more than half a century.

County, municipal, and private charitable institutions were accorded State advisory aid and made subject to State inspection in 1919. The State Department of Public Welfare, created in 1937, was empowered to administer and disburse funds allocated to it by the United States government, the General Assembly and the counties, and to supervise the county departments of public welfare in these activities. A county department of welfare was

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1) See District Commissioner of Health, infra, p. 188.
2) Ga. Code of 1933, #32-1801, #88-201; Ga. Acts 1914, pp. 124, 125, 1919, p. 356.
3) See County Physician, infra, p. 193.
4) Ga. Acts 1823, pp. 45, 46.
5) Ga. Acts 1914, pp. 157-174.
6) Ga. Code of 1933, #88-1101, #88-1104, #88-1202; Ga. Acts 1927, p. 355; 1931, pp. 7, 11; 1933, p. 7.
7) Act 1796, Oliver H. Prince, A Digest of the Laws of the State of Georgia to 1837, compiled under authority of the General Assembly, Athens, 1837, pp. 169, 170.
8) Ga. Const. 1868, art. V, sec. XIV.
9) Ga. Const. 1868, art. V, sec. V, par. 2.
10) Ga. Acts 1873, p. 248.

established in Jefferson County in 1937, with a local director and other necessary employees. This board of five persons is appointed by the county commissioners, and is in charge of all forms of public assistance, including home relief, care of those in need, aid to and treatment of dependent, neglected, and handicapped children, assistance to the aged, blind, deaf, and crippled. The county department also investigates and passes on applications for admission to and discharge from county institutions which provide care and treatment for indigents.(1)

Public Works

In 1796, the year Jefferson County was created, authority over public roads, bridges, ferries, and public buildings was vested in the inferior court, sitting for county purposes.(2) This jurisdiction passed in 1868 to the ordinary, and finally in 1873 to the county commissioners. Each of these agencies, for the period of its authority, had exclusive control and direction of all the county's public works, including the necessary financial provisions and management.

In 1807 a special act ordered the maintenance and regulation of the public roads in Jefferson County.(3) An order of December 28, 1796, by the inferior court required the opening of a new road and the repair of that leading to Clayton's Mill and Neely's Branch.(4)

Inferior courts were authorized in 1811 to divide their respective counties into road districts and to apportion the labor and expense of building and maintaining roads, bridges, and causeways among the citizens of the districts. Provisions also were included for the appointment of commissioners in each district to lay out new roads and alter old roads. These commissioners were required to appoint overseers to summon persons liable to work on the roads.(5) The law making persons liable to road duty was repealed in 1935.(6)

Numerous local acts, supplementary to the general authority of the inferior court over county roads, were passed during the period of this court's existence, and these enactments continued on a larger scale after the advent of the board of county commissioners.

The organization of the State Highway Department in 1916, with subsequent amending measures, has served to supplant in a large degree the powers of county authorities over public roads and bridges. The act of Congress approved July 11, 1916, known as an "Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," was in 1916 given approval by this State.(7) In 1919

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1) Ga. Acts 1937, pp. 355-370.
2) Act 1796, Marbury and Crawford, pp. 171, 172.
3) Act 1807, Clayton, pp. 394-396.
4) Inferior Court Minutes, vol. I, 1796-1800, p. 20, see entry 83.
5) Ga. Acts 1811, pp. 90-95.
6) Ga. Acts 1935, pp. 159, 160.
7) Ga. Acts 1916, pp. 125, 126.

the State Highway Department was reorganized, and provision was made for a system of State-aid roads to connect the several county seats. These roads were to be designated, constructed, improved, and maintained by the State Highway Department, and included State or interstate bridges and other subsidiary structures. It was made the duty of county road authorities to submit full information to the State Highway Engineer on any proposed highway construction involving an amount of $2,000 or more per mile, and any proposed construction of a bridge with a clear span of ten feet or more.(1) Two county seat roads were designated in each county to connect with adjoining county roads, and additional main traffic roads were provided for when necessary to complete the interconnecting system.

This system of roads, originally designed to comprise 4,800 miles, has been extended by various legislative amendments to include 6,800 miles of roadways. State-aid funds include appropriations for that purpose, together with taxes on gasoline and the fees derived from motor vehicle licenses.(2)

With the construction and maintenance of practically all the public roads in the county taken over by the State Highway Department and financed by State and Federal funds, the county commissioners became responsible only for rural and settlement roads, which are maintained in Jefferson County by a convict gang, under the supervision of the superintendent of roads, an appointee of the county board.

Public Buildings

Authority to construct, repair, and maintain public buildings resides in the county commissioners.(3)

Drainage

An act to promote the public health, welfare, and convenience by leveeing, ditching, and draining the wet, swampy, and overflowed lands of the State, was passed in 1879,(4) and, as amended in 1911, provides for establishment of drainage districts, and for the assessment and collection of the cost of such operations by issuing and selling bonds.(5)

Drainage projects in Jefferson County, with Federal, State, and county agencies cooperating, have included since 1933 and through June 1939, 570,424 feet of ditches, and 257 ponds aggregating 2,232 acres drained.

Agricultural Extension Work

Agricultural extension work looking to the improvement of farm production methods and living conditions in farm homes was inaugurated in Jefferson County in 1918. An agricultural agent was appointed in that year

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1) Ga. Acts 1919, pp. 242-253.
2) Ibid.
3) Ga. Code of 1933, #91-701.
4) Ga. Acts 1878-79, p. 171.
5) Ga. Acts 1911, pp. 108-132.

under an agreement with the extension division of the State College of Agriculture, and the office has continued to function in the county since that time.(1) This work was authorized by the assent of the Georgia General Assembly in 1914 to the Smith-Lever Act of Congress.(2)

Records System

The official records of Jefferson County date from its formation in 1796 from the counties of Burke and Warren.(3) These portions of the records of the clerk of superior courts and court of ordinary (inferior court), in particular, of the original counties which related to the transferred territory were necessarily transcribed in the corresponding records of the new county.

Rigid requirements in connection with the keeping of the records of the several offices have been included in legislative acts from time to time since the judiciary act of 1799, and the content of most of the records is prescribed in statutes relating to individual offices.

The most important depositories of county records are the offices of the clerk of superior court, the ordinary, and the county commissioners. The clerk of superior court, in addition to his clerical duties in connection with this court of wide and varied jurisdiction, serves as ex officio county recorder. In this capacity he records, in conveniently arranged and indexed volumes, all deeds, mortgages, and other instruments conveying or encumbering real property, as well as conveyances of personal property. Civil and criminal case papers of the superior court are filed separately in chronological order since 1926, each new case receiving the next number in the series. All the papers and pleadings of a case, from the petition to final judgment, receive the same number and are filed together. The lower courts generally follow a similar system in filing their original case papers. Location of the papers in a particular case is effected by reference to the minute books or dockets, which have self-contained indexes and show the name of the plaintiff or defendant, or both, date, and case number.

The ordinary, who has jurisdiction over probate matters and estates of decedents, keeps records of all testate and intestate estates and those of minors and incompetents. Original wills are filed in a single series, and all estate papers and pleadings are filed together in another series, both arranged alphabetically by first letter of name of estate and chronologically thereunder. The ordinary's office is the place of registration of several licenses and privileges, and this office issues and keeps a record of marriage licenses.

The minutes of the county commissioners and the cash books and ledgers of the treasurer (or depository) show all of the transactions, financial or

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1) Minutes of Jefferson Commissioners Court, vol. 14, 1897-1921, p. 486, see entry 1.
2) Barnes Federal Code, #8413, #8414; 38 Stat. L. 373; Ga. Acts 1914, p. 1243.
3) Act 1796, Marbury and Crawford, pp. 169-171.

other, which come within the prerogative of these officers in connection with their administration of the county's affairs.

Records required to be kept by each of the several county officers are listed in the respective office essays.

State officials exercise no control over county records. Specific records for individual officers charged with their keeping are named in the various acts requiring these records. An act of 1929 prescribes the form and manner of recording decrees, deeds, mortgages, or other instruments affecting titles to lands. They must be recorded upon good and substantial white paper, in either printing, typewriting, or handwriting in ink, which record must be clear, legible, and permanent.(1)

The county commissioners make purchases of record books, filing equipment and office supplies for all officers, under requisitions from the various officers. There is little uniformity in the several counties as to type and size of volumes. Purchases usually are made from different manufacturers, whose products often are not identical in some respects with those of others.

An effort was made by the General Assembly in 1916 to bring about uniformity and to improve the system of keeping records by county officials through an act which created the office of supervisor of county records and county officers. Under this law, it was made the duty of this officer to codify all laws touching county records and place this code in the hands of all the county officers of the State. The supervisor was required to see that the prescribed records, which were to be uniform throughout the State, were installed and kept by each officer.(2) The provisions of this act never became operative, as far as ascertainable, and in 1919 the measure was repealed.(3)

A measure looking to the protection and preservation of records was enacted in 1918 in an act creating the Department of Archives and History. Under the provisions of this act, any State, county, or other official is authorized to turn over to this department any official books, records, documents, original papers, manuscript files, newspaper files, potraits, and printed volumes not in current use in his office.(4)

Provision for the accumulation and preservation of historical matter and papers, other than legal matter, was made by the legislature in 1935. The ordinary is required to file and preserve any matter of historical interest that may be offered by any citizen, religious body, or civil, patriotic, or fraternal organizations, including school records not otherwise preserved, and records pertaining to Confederate and other soldiers, when of such nature as to be of general interest and not otherwise recorded by court procedure. The ordinary and the county board of education in each county

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1) Ga. Acts 1929, p. 321.
2) Ga. Acts 1916, pp. 142-145.
3) Ga. Acts 1919, p. 3655.
4) Ga. Code of 1933, §§40-805; Ga. Acts 1918, pp. 137-141; 1931, pp. 7, 38.

are constituted a board to pass upon the suitability of any matter submitted. The county commissioners are directed to furnish the ordinary with suitable filing receptable for the material, and the ordinary is required to keep an index of all such historical material filed with him.(1) For this law to become operative, it is necessary that two successive grand juries recommend its adoption in the county. This has not been done in Jefferson County.

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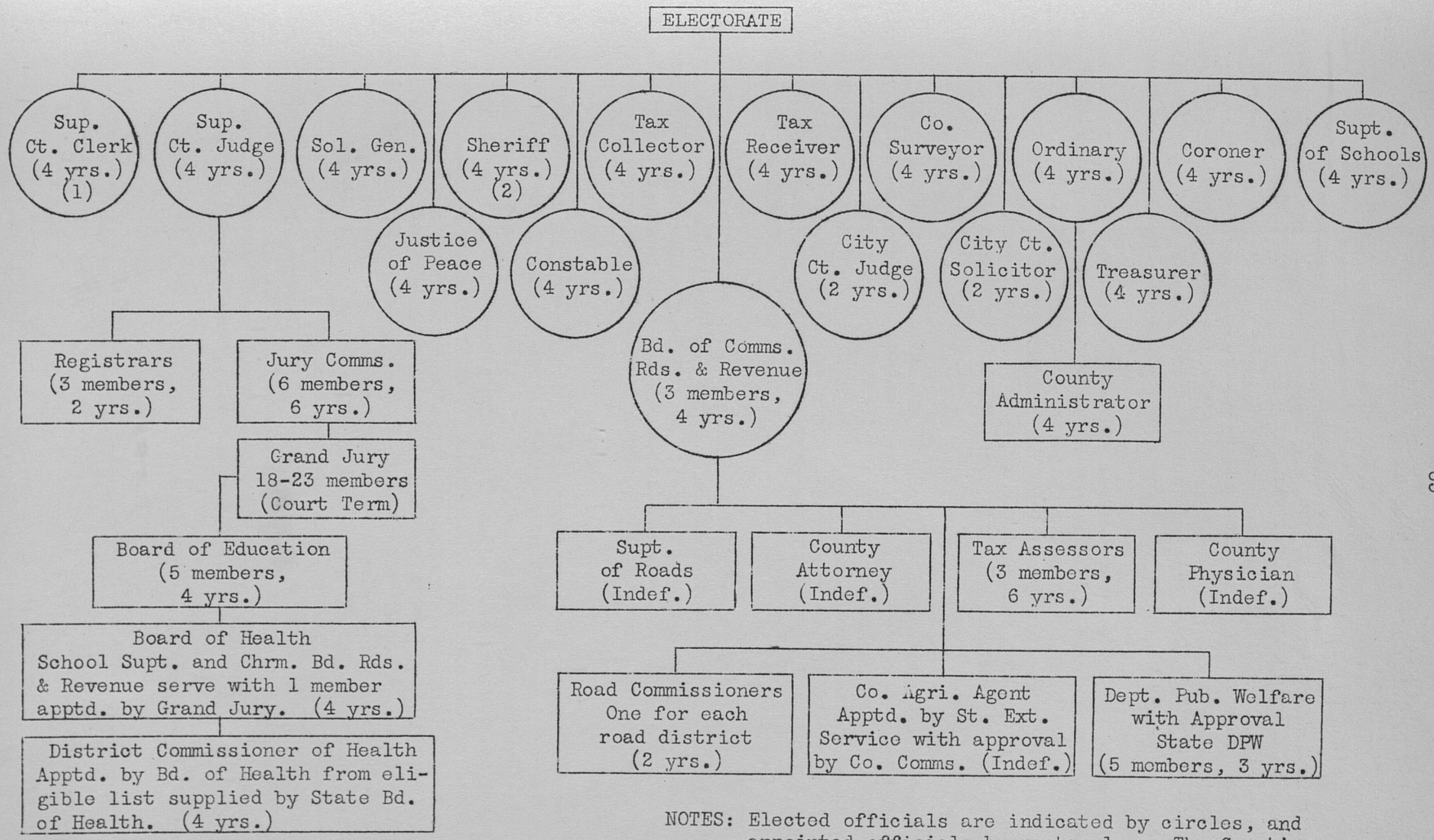
1) Ga. Acts 1935, pp. 383, 384.



NOTES: Elected officials are indicated by circles, and appointed officials by rectangles. The Constitution provides for the establishment of all elective officers above, and Acts of the General Assembly define their jurisdiction and duties.

1) Sup. ct. cl. is also cl. of city ct.
2) Co. sheriff also serves as sheriff of city ct.

(First entry, p. 85)

3. HOUSING, CARE, AND ACCESSIBILITY OF THE RECORDS

The Jefferson County courthouse was erected in 1904 at a cost of $37,615 by F. P. Heifner from plans by W. F. Denny.(1) It is 134 feet long and 55 feet deep. The building rests upon a foundation wall of irregular-sized rough-hewn granite blocks which rise to a height of three and one-half feet above the street level. The basement windows, two and one-half feet square, are set in this foundation. The top row of granite blocks is of larger stones, which project slightly and form a belting around the building. The walls above this are of gray brick.

The building faces east, and its central portion is in the form of a rectangle surmounted by an impressive cupola. This rectangular central portion is approximately 35 feet in height, rising 10 feet above the north and south wings. At the front of the courthouse, the central portion is recessed several feet from the wings, and a columned portico is set in the recess. The main entrance steps rise between the columns of this portico and lead thence into the building.

This and the western entrance of the courthouse have brick pilasters with bases and capitals of moulded cement in Ionic style. The decorations also have Ionic bases and capitals, and carry ornamental medallioned entablatures near the top. A cornice appears just above the second story windows of the wings. This has a wide architrave and is of corbeled treatment, its top portion extending outward about two feet. All ornamentation is wrought in metal, painted aluminum.

Both the central section and wings are topped by brick parapets and the cornice also shows on the wings. The 25 foot dome, which rises from the center of the main building, is richly ornamented with aluminum-painted metal. Its hexagonal base has pediments on four sides and on each corner is an ornamental urn resting upon a parapet. The dome has four clocks on its faces.

Windows vary in type and size throughout the building. With but several exceptions, their ledges are of rough-hewn granite, and in every case each sash is composed of a single pane. The eastern and western facades of the central section have four windows, 8' x 3', with rectangular transoms on the first floor, and four, 8' x 3', with arched transoms on the second floor. There are four double windows, 8' x 3', on each of the first floors of the wings. Above these, the double second story windows, 6' x 3', are encased in metal frames. Four other windows on both the first and second floors of the wings are extremely tall and narrow, each sash being about 1' x 3'. Other windows in the wings are of the same style as those on the first floor of the central portion. Entrances on the west, south, and north are approached by granite steps flanked by abutments of rough granite blocks, the same as used in the base. At each of the four entrances there are massive wooden double doors with panels of plate glass, 6' x 2', spaced six inches from the top and two and one-half feet from the bottom.

The east portico, 8' x 30', is floored with octagonal cement tiles.

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1) Minutes of Jefferson Commissioners Court, vol. 14, 1897-1921, p. 163, see entry 1.

The four cement columns are twenty feet tall and three feet in diameter and rest upon granite block bases about six feet high, rising about three feet above the floor. The portico is surrounded by balusters, two feet high, which have heavy turned rounds and a very heavy railing. The columns support a large metal pediment. The northern and southern ends of the courthouse have similar pediments at the roofline. The roof itself is of tin, and guttering and drain pipes are of aluminum-painted metal.

The main floor corridors are paved with hexagonal cement tile and the wainscoting and all interior woodwork is a dark mahogany. The corridor walls and ceiling are cream colored plaster. The office entrance doors are wooden, paneled at the bottom, and with ground glass panes, 3' x 2', in the upper section. Building hardware is of brass throughout. Lighting fixtures are large white iridescent globes.

The corridor surface is relieved by six plaster arches, uniformly spaced and supported by plain pilasters. Stairways are of wood throughout, and each has two landings ornamented with square newel posts topped with wooden balls and joined by heavy railed balusters.

All of the offices or rooms have pine flooring and cream colored plaster walls. Ceilings are of corrugated metal.

The principal main floor corridor runs from the north to the south end of the building, and all main floor offices open off either the east or west side of this corridor. Those at the front of the courthouse opening from the east side of the corridor are, from north to south: the city court solicitor, the ordinary, ordinary's vault, the front or east entrance, an attorney at law, the combination office of county commissioners and judge of the superior court, and the sanitary engineer.

Offices at the rear of the courthouse opening into the west side of the corridor from north to south are: an attorney at law, the superior court clerk, the superior court clerk's vault, the west or rear entrance, the tax collector and tax receiver, the county school superintendent, and a justice of the peace.

The second floor is dominated by the superior court courtroom which is in the central section directly under the tower. This courtroom is 59'4" x 39'11", and has a 25 foot ceiling with 16 semi-circular vaults around its edges. The eight vaults nearest the four corners contain circular windows. A heavy wooden cornice just below the vaulted ceiling is supported by ten wooden Ionic pilasters, four of these clustered behind the judge's dais. Five large windows with wooden entablatures in their arches are cut in both the east and the west sides of the room. Entrance to the courtroom is by double doors from a corridor at the northern end and by single doors on each side of the judge's dais from a corridor at the southern end. Two single doors on the southern end of the room open into the jury rooms. The judge's dais is raised four feet above the floor and his plain desk has two upright light fixtures of metal. Behind his high-backed swivel chair there is a section of wainscoting four feet high with vertical panels. Each end of the dais is dropped two feet lower to accomodate witness chairs and, directly in front of the judge, the clerk of the court sits on a platform one foot high. He uses a desk which is a duplicate of the judge's. Two jury boxes stand on

tiered daises, one on the eastern and another on the western side of the room. Each jury box contains six wooden swivel chairs fastened to the floor. There are several other tables and chairs for use of counsel and others in the area which is separated from the audience by a heavy wooden railing. About half of the space reserved for spectators has level floor, but five rows of opera seats in the rear are on a slight incline. These five rows are separated from the center aisle by balusters of smaller dimensions than those which separate the spectators from the court area. The balcony is approached at its center by a stairway from the north corridor, and the curved rail is of iron piping, supported at two points by plain iron posts. There are five tiers, each raised a foot above the other, but there are no accomodations for seating spectators. In addition to light fixtures on the judge's and clerk's desks, there is a large chandelier suspended from the center of the ceiling with 25 sockets at the ends of metal tubes.

Two jury rooms, one 19'7" x 13'1", and the other 19'7" x 11'4", are located back of the courtroom on the east and west sides of the building. Between these jury rooms there is a corridor or hallway measuring 24'5" x 28'6" from which a stairway descends to the first floor. Opening into this hallway and adjoining the jury room on the east, is a prisoners' room, 14'6" x 8'4".

Offices occupied by the health commissioner extend across the south end of the second floor. The dimensions of these rooms, taken in their order from east to west, are 15'9" x 9'10"; 10'10" x 9'10" and 15'9" x 9'10". They also open into the south hallway.

In front of the courtroom on the second floor are located: the sheriff's office, 19'7" x 13'7", in the northeast corner of the building, and the Farm Security Administration office, 20' x 12'5", in the northwest corner. Extending across the north end of this floor is the large grand jury room, 31' x 15'11". All rooms at this end of the second floor open into a corridor, 19'8" x 12'7". Stairs leading both down to the first floor and up to the gallery, are at each end of this hall. The gallery overlooking the courtroom measures 21'6" at each end and 17'8" at its center.

Adequate toilet and washroom facilities are conveniently provided on both floors.

The building is provided with a central steam heating system.

Below are listed the offices and record-keeping facilities of the several county officers:

Board of Commissioners of Roads and Revenue. The judge of the superior court also uses this room. The office is 16'9" x 21'2" and is located on the first floor. It is well lighted and ventilated by large double windows at the front of the building. Records in this office are kept in four cardboard cartons, one wooden box, five file boxes, and eight volumes. There is another volume at the home of one of the commissioners. These records constitute approximately ten percent of the records kept by these officials. Most of the rest are in the ordinary's vault. Also kept in commissioners' office are two volumes of the justice of the peace of the 1460th militia district, three volumes of the sheriff's office, and nine volumes of the tax collector's office.

Superior Court Clerk. The main office is 19'8" x 20' with a stairway directly in front. It is lighted and ventilated by two large windows at the rear of the building. The floor is of wood. This office contains only one volume and two maps. The superior court clerk's vault is 20'2" x 11'10", fireproof with cement floor, double metal doors, and steel window shutters. Records are neatly kept and the room is well lighted by two large windows and adequate electric lighting. It is steamheated. Three sections of steel roller shelves contain 221 volumes belonging to this office. Steel filing cabinets hold 59 file drawers. Approximately 1,035 bundles of documents are placed on top of the shelving and filing cabinets. These records constitute more than 99 percent of all records kept by this official. Other records kept in this vault are: grand jury presentments contained in one file drawer, seven volumes and one file drawer of county court records, 30 volumes and 43 file drawers of records of the city court of Louisville, one volume of the justice of the peace court for the 76th militia district, one volume for the 81st militia district justice of the peace court, one volume for the 82nd militia district justice of the peace court, and two volumes for the 83rd militia district justice of the peace court. One file drawer contains records of the coroner, and there are two volumes and one file drawer of sheriff's office records, and one volume of records of the county commissioners.

Solicitor General. This officer is not required by law to keep any records. He uses the criminal case papers and records kept by the superior court clerk.

Jury Commissioners. These officials meet in the grand jury room. They keep no records.

Grand Jury. This room is 31' x 15'11". No records are kept there. The records of this body are presentments contained in one file drawer in the superior court clerk's vault.

Inferior Court. Thirty-five volumes of records of this defunct court are kept in the ordinary's vault.

The Ordinary. This office on the main floor is 19'8" x 16'9". It has large double windows opening at the front of the building and affording ample light. All records are kept in the ordinary's vault adjoining.

The ordinary's vault is 20'2" x 11'10". It is fireproof, has double metal doors, cement floor, and metal shutters at its two large windows. Its interior walls are two feet thick and the ceiling is 14 feet. This room is steamheated and ventilation and light are supplied by two large windows and adequate electric lighting. The vault has a clean appearance and records are neatly kept and well preserved. Metal roller shelving holds 297 volumes belonging to this official, and there are 202 file drawers also containing his records. There are seven maps on top of the file cabinets. This vault, in addition to housing 100 percent of the ordinary's records, holds 108 volumes belonging to the county commissioner, one volume belonging to the superior court clerk, two volumes of the 76th militia district justice of the peace court, two volumes of the 77th militia district justice of the peace court, two volumes of the 82nd militia district justice of the peace court, and four volumes of the 84th militia district justice of the

peace court. There are also two volumes belonging to the tax collector, 52 lists of voters belonging to the registrars' office, four volumes of the road commissioners, and one volume of the surveyor.

County Court. Seven volumes and one file drawer containing the records of this defunct court are in the superior court clerk's vault.

City Court of Louisville. Records of this court, comprising 30 volumes and 43 file drawers, are in the superior court clerk's vault.

Justices of the Peace. 76th militia district (Avera, Ga.): two volumes of this court are in the justice's office at Avera. One volume is in the superior court clerk's vault, and two volumes are in the ordinary's vault. 77th militia district: two volumes of this court are in the ordinary's vault. 79th militia district (Louisville, Ga.): three volumes of this court are in the office of the justice. 81st militia district (Wrens, Ga.): eight volumes of this court are in the justice's office, and one volume is in the superior court clerk's vault. 82nd militia district (county courthouse): six volumes and one file drawer containing the records of this court are in the justice's office, as are fifteen volumes of the tax collector's records. One volume of this court's records is in the superior court clerk's vault and two volumes are in the ordinary's vault. 83rd militia district (Wadley, Ga.): six volumes of this court's records are in the justice's office, and two volumes are in the superior court clerk's vault. 84th militia district: four volumes of this court's records are in the ordinary's vault. 85th militia district (Bartow, Ga.): four volumes of this court's records are in the justice's office. 1460th militia district (Stapleton, Ga.): one volume of this court's records are in the justice's office, and two volumes are in the county commissioners' office. 1593rd militia district (Avera, Ga.): five volumes of this court's records are in the justice's office.

Coroner. Records of this official are contained in one file drawer in the superior court clerk's vault.

Sheriff. This office, 19'7" x 12'7", is located on the second floor in the northeast wing of the building. The records of the office are kept in eight bound volumes. Lighting is adequate in the office and ventilation is good, and these records, which comprise approximately 60 percent of those kept by this official, are in good condition. Three volumes of sheriff's records are in the county commissioners' office, and two volumes and one file drawer are in the superior court clerk's vault.

Tax Receiver and Collector. The office is on the main floor just south of the rear or west entrance. It is 22'3" x 13'9". The records kept here lack adequate protection from dust. The room has two large windows, but the awnings exclude much of the light and electric lighting is not adequate. The floor is of wood. A large section of wooden shelving, 14'6" x 1'9", holds 48 volumes of the tax receiver, and 51 volumes of tax collector. Two file drawers and two desk drawers contain approximately 5,000 papers. Nine volumes belonging to this office are in the county commissioners' office, two volumes are in the ordinary's vault, and fifteen volumes are in the office of the 82nd militia district justice of the peace.

Treasurer. Records of this office are contained in eight volumes and

one auditor's pamphlet. Five file drawers and one volume of records of this official are in the county commissioners' office.

Auditor. A pamphlet containing the report of the auditor is in the treasurer's office.

Registrars. Records of these officials, 52 voter's lists, are in the ordinary's vault.

Board of Education. The seven volumes constituting the records of this office are kept in the office of the superintendent of schools.

Superintendent of Schools. This office, 21'2" x 9'9", is located on the first floor in the southwest wing of the building. It has two large windows opening at the rear, giving ample light. Records are neatly kept and the filing system is adequate. All cabinets are dustproof. The room is steamheated and has a wooden floor. The records of this official are contained in 44 volumes, 50 file drawers, three table drawers, seven bundles, one folder, and one pamphlet. This office contains 100 percent of the records of this official, and also houses, in the file drawers, the minutes and correspondence of the board of health.

Board of Health. The records of this board are in the office of the superintendent of schools.

District Commissioner of Health. The health department occupies three rooms on the second floor extending across the south end of the building. From east to west, the dimensions are 15'9" x 9'10", 10'10" x 9'10", and 15'9" x 9'10". These rooms open into the south hallway on the second floor. They are well lighted and ventilated, but not fireproof. Records are kept in good order in dustproof filing cabinets. They include 17 volumes, two file drawers of papers, 17 file boxes of papers, a steel cabinet with nine pigeonholes and four shelves holding approximately 2,600 cards, three boxes, one bundle, and one map.

Farm Security Administrator. This room is 20' x 12'5" located on the second floor in the northwest corner of the building. This is a Federal office.

Department of Public Welfare. The records of this office and the personnel are housed in a small brick building on the courthouse square. There are two rooms, one of them is 18' x 18' x 11' and the majority of the records are in this office. The smaller room, 18' x 14' x 11', is used mainly as a work room. The records of the department are contained in metal file drawers, file boxes, and in bundles. There are two volumes, nine file drawers containing 8,300 cards and papers, three file boxes containing 2,300 cards, ten bundles containing 2,835 papers, and one box containing 260 papers. These offices also house one volume and eleven file boxes of records belonging to the county commissioner.

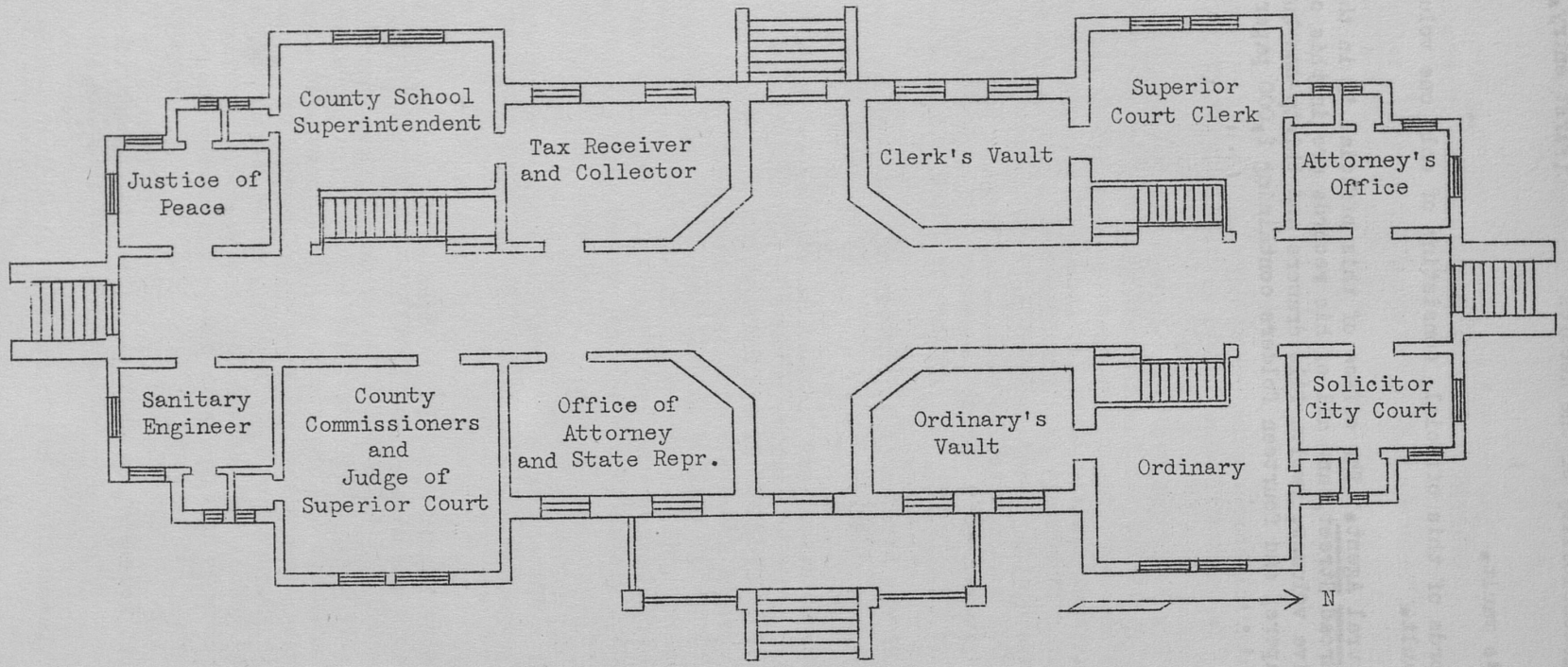
Superintendent of Roads. (Office at Jefferson County Public Works Camp) This office contains two volumes.

Road Commissioners. Records of these officials, totalling four volumes

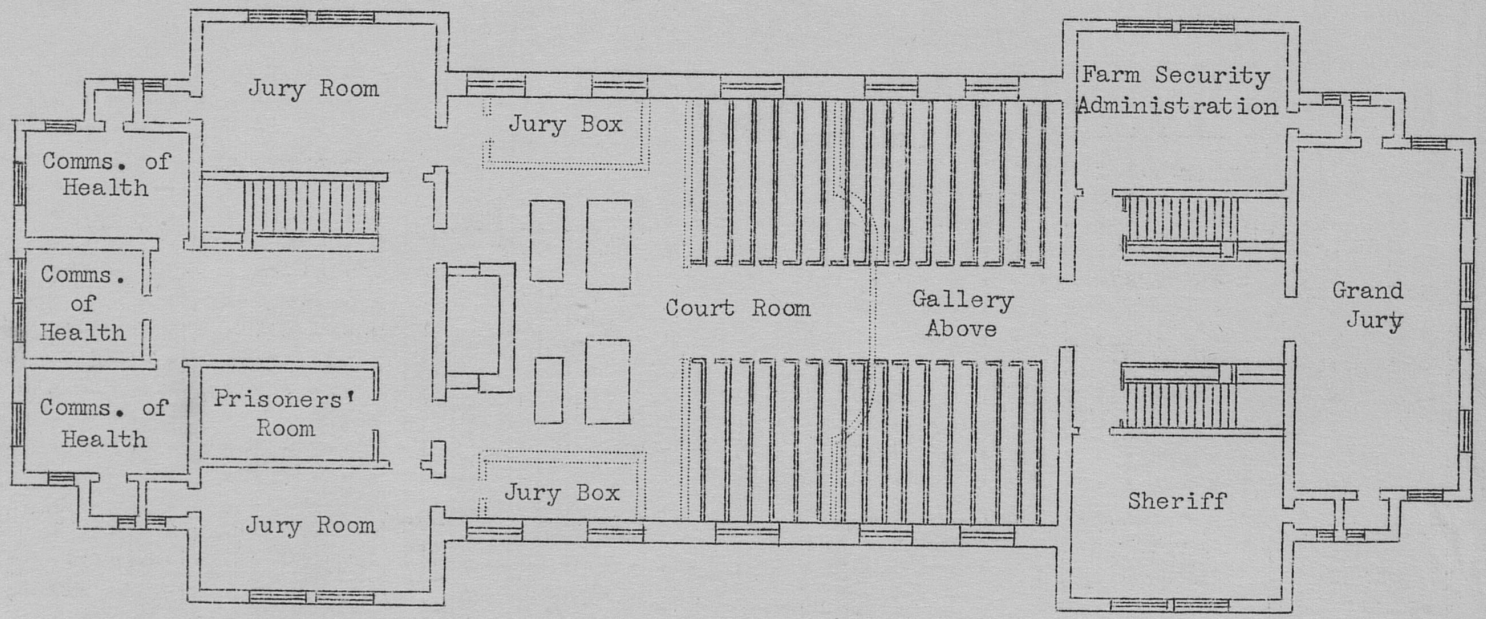
are in the ordinary's vault.

Surveyor. Records of this official, consisting of only one volume, are in the ordinary's vault.

County Agricultural Agent. The office of this official is in the post-office building on Broad Street, and all of his records are in this office. They consist of twelve volumes, twelve file drawers and thirty-one bundles containing 25,200 papers, and fourteen folders containing 2,000 papers.



Jefferson County Courthouse - First Floor
Scale 1" = 16'



Jefferson County Courthouse - Second Floor
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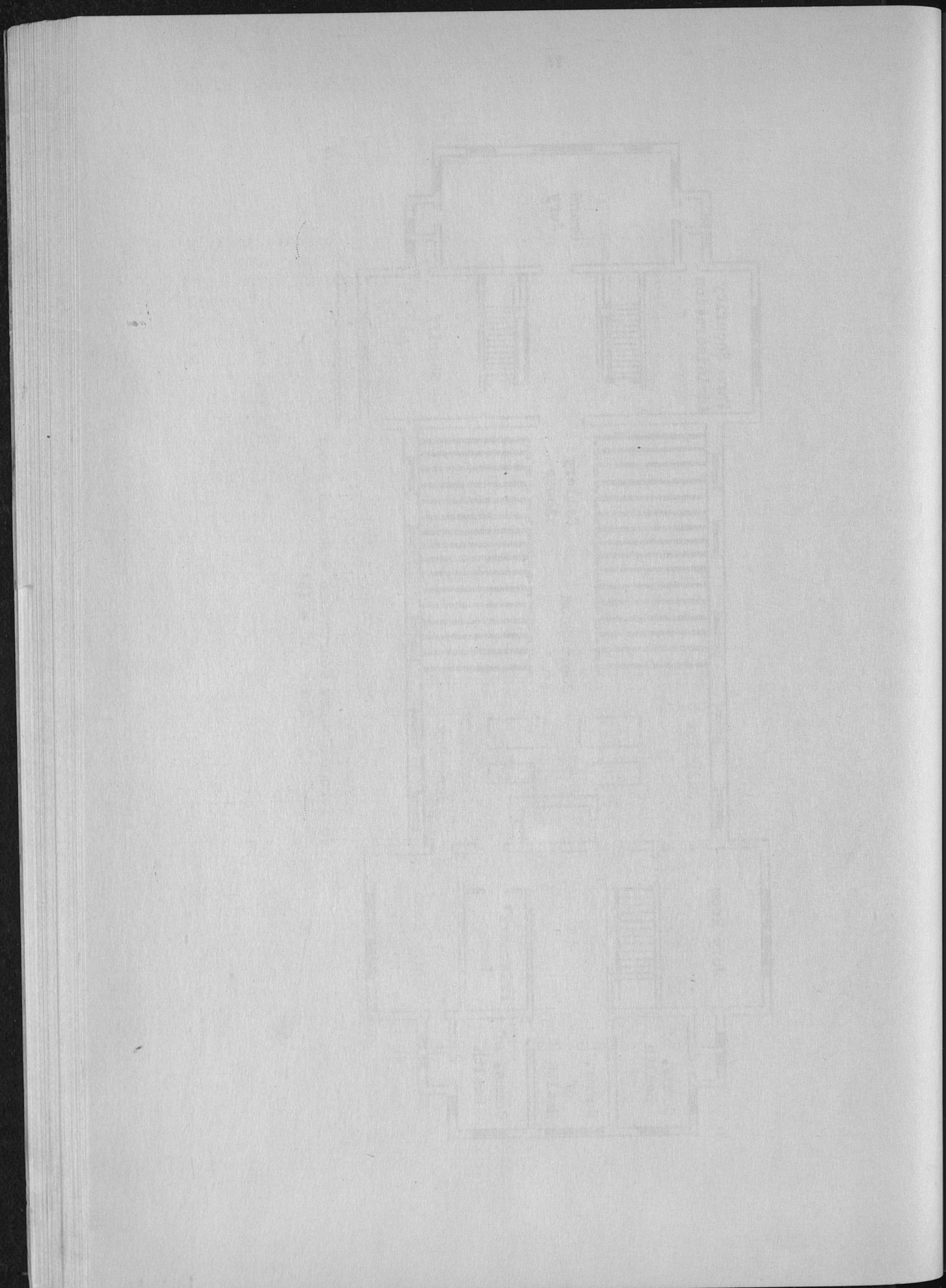

(First entry, p. 85)

ABBREVIATIONS, SYMBOLS, AND EXPLANATORY NOTES

Abbreviations

alph. . . . . alphabetical(ly)
approx. . . . . approximate(ly)
arr. . . . . arranged, arrangement
art. . . . . article
aver. . . . . average
bsmt. . . . . basement
bdle(s). . . . . bundle(s)
chron. . . . . chronological(ly)
cl. . . . . clerk
Const. . . . . Constitution
comm. . . . . commissioner
co. . . . . county
C.C. . . . . County Courthouse
C.H. . . . . City Hall
ct(s). . . . . court(s)
ctrm. . . . . courtroom
dept. . . . . department
D.P.W. . . . . Department Public Welfare
env(s). . . . . envelope(s)
est. . . . . estimated
et seq. . . . . et sequentia (and the following)
Ex. Sess. . . . . Extra Session
f.b. . . . . file boxes
f.d. . . . . file drawers
fl. . . . . floor
Ga. . . . . Georgia
Ga. (as in 136 Ga. 313) . . Reports of Cases Decided in the Supreme Court of the State of Georgia, vol. 136, p. 313.
Ga. Acts . . . Acts and Resolutions of the General Assembly of the State of Georgia (title varies in early volumes)
Ga. App. (as in 15 Ga. App. 243) . . Reports of Cases Decided in the Court of Appeals of the State of Georgia, vol. 15, p. 243.
gen. . . . . general
hdw. . . . . handwritten
Ibid. . . . . ibidem (in the same place)
indef. . . . . indefinite
J.P. . . . . Justice of the Peace
no(s). . . . . number(s)
numer. . . . . numerical(ly)
off. . . . . office
op. cit. . . . . opere citato (in the work cited)
ord. . . . . ordinary
par. . . . . paragraph
p., pp. . . . . page(s)
pr. . . . . printed
pr. fm(s). . . . . printed form(s)
pr. hd(s). . . . . printed head(s)
rm(s). . . . . room(s)

sec. . . . . section
S.E. (as in 71 S.E. 479) . . . National Reporter System - State Series, The Southeastern Reporter... Containing All the Decisions of the Supreme Court and the Court of Appeals of... Georgia, vol. 71, p. 479.
strm. . . . . storeroom
supt. . . . . superintendent
sup. ct. cl. . . . . superior court clerk
tax rec. . . . . tax receiver
treas. . . . . treasurer
va. . . . . vault
vol(s). . . . . volume(s)

Symbols

-- . . . . . current
' . . . . . foot, feet
" . . . . . inches
space marks are used only in footnote citations preceding sections of the Georgia Code, as a symbol for Section.

Explanatory Notes

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

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

Where no statement is made that the record was discontinued at the last date shown in the entry, it could not be definitely established that such was the case. Where no comment is made on the absence of prior or subsequent records, no definite information could be ascertained.

Title-line cross references are used to complete a series where the record is kept separately for a period of time, or in other records for different periods of time. They are also used in all artificial entries for the purpose of showing, under their proper office, records kept in the same volume or file with unrelated records of a different office; and in cases where a distinct record has never been kept separately, but has been carried in two or more separate sets of records covering different periods of time. In both instances, the master entry carries a body-of-entry cross reference back to the artificial entry, or the entry completing the series, showing its

title and entry number. No dates are shown in a body-of-entry cross reference unless the dates of the record covered by the cross-reference vary from those of the master entry in which it appears. See entries 3, 10, 35.

Separate third-paragraph cross references from entry to entry, and "see also" cross references, are used to guide the reader to prior, subsequent, or related records, which are not a part of the same series.

Unless the index is self-contained, an entry for the separate index immediately follows its record entry where possible. Cross references are given in an entry for a separate index to the record entry or entries it serves; and conversely, cross references are given in a record entry to the separate index serving it, or entries where there are more than one separate index.

When a series consists of more than one volume, it is understood that the average number of pages is given.

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

All records are located in the county courthouse, unless otherwise indicated.

Unless otherwise specified, it is to be assumed that the records are in good condition.

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I. BOARD OF COMMISSIONERS OF ROADS AND REVENUE

The Constitution of 1868 empowered the General Assembly to establish boards of commissioners of roads and revenue in counties requiring them,(1) and exclusive authority over Jefferson County affairs was vested in such a board in 1873.(2)

The Jefferson County board was created by an amending act,(3) making this county subject to the provisions of an act of 1871, which had established such boards in six other counties.(4) Election of the Jefferson board by the county's voters was fixed for the first Monday in April 1873.(5)

The original board of commissioners was composed of five members,(6) but an act of 1915 reduced the number to one.(7) Three years later the board was again enlarged, this time to consist of three commissioners,(8) and this number composes the present board.

The act of 1871 provided that the commissioners must have resided in the county for at least one year prior to their assumption of office.(9) Since 1918, however, when the county was divided into three districts, one commissioner has been elected from each district, and residence in the district became, therefore, a necessary qualification of the commissioner elected from that district.(10) The commissioners are elected by the qualified voters of the county,(11) and are required to take an oath faithfully to discharge their duties.(12) No provision for bond was made until 1916, when the commissioners were required to give bond of $10,000.(13) Under the present law, each commissioner of Jefferson County is required to give bond of $4,000.(14)

Commissioners served under the original act for four years, and this provision is still in force.(15) No compensation was allowed the commissioners until 1885, when their pay was fixed at $2 for each day of actual service, if so recommended by the grand jury.(16) Under the act creating the board, the members were exempted from road, militia, and jury duty.(17) An act of 1921 increased their compensation to $45 per month,(18) at which sum it remains.

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1) Ga. Const. 1868, art. V, secs. V, XIV.
2) Ga. Acts 1873, p. 248.
3) Ibid.
4) Ga. Acts 1871-72, pp. 225-227.
5) Ga. Acts 1873, p. 248.
6) Ga. Acts 1871-72, pp. 225-227.
7) Ga. Acts 1915, p. 271.
8) Ga. Acts 1918, pp. 466, 467.
9) Ga. Acts 1871-72, pp. 225-227.
10) Ga. Acts 1918, pp. 466, 467; 1935, pp. 713-715.
11) Ga. Acts 1873, p. 248; 1915, p. 271; 1918, p. 466; 1935, pp. 713-715.
12) Ga. Acts 1871-72, pp. 225-227.
13) Ga. Acts 1916, p. 457.
14) Ga. Acts 1937, p. 1354.
15) Ga. Acts 1871-72, pp. 225-227.
16) Ga. Acts 1884-85, p. 439.
17) Ga. Acts 1871-72, pp. 225-227.
18) Ga. Acts 1921, p. 509.

Commissioners may be removed from office in the same manner and for the same causes as are other county officers, viz: on conviction for malpractice in office.(1)

It was provided in the act of 1871 that vacancies in the membership of the board be filled by appointment by the remaining members of the board, and this provision is still in force.(2)

Governing authority in county matters at the time of the county's organization was vested in the inferior court set up by the judiciary act of December 23, 1789,(3) under authority of the Constitution of 1789,(4) and the Constitution of 1798 set out in detail specific powers and duties of this court.(5) Sitting for county purposes, it had charge of public works and buildings, the levying of taxes,(6) and the supervision and maintenance of roads, bridges and ferries.(7)

In 1806 the inferior court of Jefferson County was empowered to levy a special tax to build a jail.(8) In 1821 the court was authorized to levy extraordinary taxes for county purposes, upon the approval of the grand jury at a regular session of the superior court, such levy being limited to fifty percent of the State tax for the same year,(9) and was empowered to change election precincts and militia districts, to order elections to fill vacancies occurring in county offices, and appoint persons to fill such vacancies until elections were held;(10) it examined and audited the accounts of all officials handling county funds, regulated peddling and fixed the rate of license therefor; made rules and regulations for the support of the county poor, county patrol, and for quarantine and the promotion of health;(11) appointed one or more persons in each county to take a census of the population;(12) appointed county treasurers for terms of two years and fixed their bonds;(13) obtained one each of the standards of weights and measures adopted by the Congress of the United States,(14) and appointed liquor inspectors.(15)

In 1866 the inferior court was empowered by the legislature to issue bonds in such sums as it might deem adequate to pay the accumulated indebtedness of counties incurred during the Civil War period,(16) and an act of 1866 provided that the justices could issue bonds, repayable in not exceeding three

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1) Ga. Code of 1933, #2-8301; Ga. Acts 1914, p. 43.
2) Ga. Acts 1871-72, pp. 225-227.
3) Act 1789, Watkins, pp. 396, 397.
4) Ga. Const. 1789, art. III, sec. I.
5) Ga. Const. 1798, art. III, secs. I, IV, V, VI, X, XI.
6) Ga. Acts 1799, Nov. Ex. Sess., pp. 57-65; Act 1801, Clayton, p. 39; 1818, Lamar, p. 919.
7) Ga. Acts 1799, Nov. Ex. Sess., pp. 57-65; 1805, pp. 30, 31; 1818, p. 158.
8) Ga. Acts 1806, p. 25.
9) Ga. Acts 1821, p. 115.
10) Ga. Acts 1839, pp. 37, 38.
11) Ga. Acts 1815, pp. 93, 94; Act 1819, Cobb, p. 773; Ga. Acts 1836, p. 181.
12) Ga. Acts 1823, pp. 36, 37.
13) Ga. Acts 1825, pp. 67-69.
14) Ga. Acts 1839, pp. 224, 225.
15) Ga. Acts 1857, pp. 13, 14.
16) Ga. Acts 1865-66, pp. 258, 259.

years, to rebuild courthouses and jails in counties where such structures had been destroyed by the Federal Army.(1)

Wide supervisory and financial powers were vested in the inferior court in relation to county educational affairs. Distribution of the poor school fund in each county, according to the white population, was provided for in 1826,(2) and in 1859 the justices were empowered to appoint persons to receive and give receipts to the Governor for money received from the State for educational purposes, in the event the ordinary failed to make bond qualifying him to receive such funds.(3) Another act of the same year appointed the justices of the inferior court, the ordinary, and one other person, to be selected by these officers, as a board of education in each county.(4)

The justices of the inferior court were specifically required by an act of 1815 to purchase a sufficient number of well-bound books for the use of the clerks of ordinary, superior and inferior courts in each county as record books, and the clerks of the inferior courts were required, at the expiration of each year, to make a schedule of such books and have it duly recorded; the clerk was further required to make a report at the first session annually of their courts of county funds received and expended.(5) An act of 1820 required the clerk to give receipts for all moneys received by him, and compelled county officers paying over such funds to the clerk of the inferior court to deliver such receipts to the clerk of the superior court, whose duty it then became to file and enter the same for subsequent presentation to the grand jury.(6) In 1823, however, the legislature required the clerk of the inferior court to make and present such a report, in greater detail, directly to the grand jury at the first session of the superior court annually.(7)

A constitutional amendment proposed in 1850 and ratified in 1852,(8) vested the powers of a court of ordinary, or register of probates, in an ordinary for each county, and transferred the powers in relation to estates formerly lodged in one section of the inferior court to this new tribunal. The Constitution of 1868, which abolished the inferior court in toto, provided that jurisdiction over county affairs be added to the powers of the ordinary, and also gave permission for the creation, in any county that required one, of a board of county commissioners.(9) Thus, from 1868 until 1873, when its first board of commissioners was created, county affairs in Jefferson were controlled and administered by the court of ordinary.(10)

The original board was authorized to elect a clerk, define his duties, and allow him compensation not exceeding $30 per annum, payable out of the

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1) Ga. Acts 1866, pp. 51, 52.
2) Ga. Acts 1826, p. 28.
3) Ga. Acts 1859, p. 28.
4) Ga. Acts 1859, pp. 29, 30.
5) Ga. Acts 1815, pp. 93, 94.
6) Ga. Acts 1820, pp. 7-9.
7) Ga. Acts 1823, pp. 43, 44.
8) Ga. Acts 1849-50, pp. 117, 118; 1851-52, pp. 49, 50, 91 et seq.
9) Ga. Const. 1868, art. V, secs. V, XIV.
10) Ga. Acts 1873, p. 248.

county treasury.(1) In 1921 the salary was fixed at $60 per month.(2)

The commissioners hold four regular sessions annually, but a majority of the board can convene the board in extraordinary session whenever, in their judgment, it becomes necessary. Three members of the original five man board were required to form a quorum, and they had to concur to pass any order or decree.(3) Since the 1915 reduction to a one member board, and the subsequent increase to a three member board, there has been no provision as to what constitutes a quorum.

The board has exclusive jurisdiction over the following subject matters: governing and controlling all county property; levying a general tax for general, and a special tax for particular county purposes; establishing, altering, and abolishing all roads, bridges, and ferries; establishing and changing election precincts and militia districts; examining, settling, and allowing all claims against the county; examining and auditing the accounts of all officers having the care, management, keeping, collecting, and disbursement of money belonging to the county, or appropriated to its use and benefit, and bringing them to a settlement; making rules and regulations, in conformity to law, for the support of the poor of the county and for the promotion of health; regulating peddling and fixing the cost of licenses therefor.(4)

The board of commissioners was granted the same powers in appointing road commissioners and enforcing the road laws as justices of the inferior court had under the laws of this State prior to the ratification of the Constitution of 1868, and, in addition, were vested with all other powers and jurisdiction over county affairs formerly lodged in the inferior court, or as were indispensable to their jurisdiction.(5)

The county commissioners constitute a court for the trial of road defaulters; have power to issue all necessary writs, to summon parties and witnesses before them, and have power to punish for contempt by fine or imprisonment in the same manner as the court of ordinary.(6)

The Jefferson County commissioners appoint the following county officers: the five members of the county board of public welfare, agreeably to the State Board of Public Welfare;(7) the county board of tax assessors;(8) the road commissioners;(9) and the county attorney.(10)

From 1915 to 1927, the county commissioners contracted for the handling of county moneys with a banking corporation of the county, in lieu of a county treasurer.(11) In the latter year, the office of county treasurer was

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1) Ga. Acts 1871-72, pp. 225-227.
2) Ga. Acts 1921, p. 509.
3) Ga. Acts 1871-72, pp. 225-227.
4) Ibid.
5) Ga. Acts 1871-72, pp. 225-227; 1873, p. 248.
6) Ga. Code of 1933, #23-904; Ga. Acts 1922, p. 84.
7) Ga. Acts 1937, pp. 355-370.
8) Ga. Code of 1933, #92-6903, #92-6904; Ga. Acts 1913, pp. 123, 124.
9) Ga. Code of 1933, #95-301; #95-302; Act 1818, Cobb, p. 947.
10) Ga. Code of 1933, #23-917; Ga. Acts 1923, p. 89.
11) See Treasurer, infra, p. 174.

again established.(1)

The commissioners are authorized to employ an expert accountant to examine and report on the accounts of county officers who handle county funds.(2) Jefferson County, however, has employed an auditor at intervals since 1875.(3) An auditor is now appointed each year. He keeps no records, and audits, when completed, are deposited in the treasurer's office.(4)

The chairman of the board of county commissioners is, by virtue of his office, a member of the county board of health.(5)

The commissioners are required to keep full and accurate minutes of all their official acts and doings; a book of receipts and disbursements; a general ledger; a warrant book; a book containing a complete list of all real and personal county property, together with a record of all sales or other disposition; a road register in which to keep a record of all public roads and all private roads granted or ordered kept open by the board. The commissioners are also required to keep on file all paid warrants and vouchers and other papers necessary to show a complete record of all transactions of the county.(6)

The State code requires the board to prepare a complete statement of the financial condition of the county for presentation to the grand jury in the spring and fall of each year;(7) that the commissioners receive one copy of tax digests made out by the tax receiver;(8) a copy of the tax collector's insolvent lists;(9) and a defaulters' record book.(10)

Minutes

1. MINUTES OF JEFFERSON COMMISSIONERS COURT, 1873--. 3 vols. (13-15). Reports, correspondence, and minutes of all meetings, proceedings, and business transacted by county commissioners, showing names of commissioners, date of meeting, nature of business transacted or applications and petitions considered, decision of board thereon, and signature of clerk. Also contains: Jefferson County Georgia Audit, 1921--, entry 252. 1873-1921, arr. chron. by date recorded; 1921--, 1 vol., various reports, minutes, correspondence and contracts pasted in vol. chron. Indexed alph. by subject matter. Hdw. and typed. Aver. 590 pp. 18 x 13 x 4. Ord.'s va.

For prior records, see entries 77, 170.

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1) Ga. Acts 1927, p. 616.
2) Ga. Code of 1933, #23-1301; Ga. Acts 1901, p. 57.
3) Minutes of Jefferson Commissioners Court, vol. 13, 1873-96, p. 152, see entry 1.
4) See entry 252.
5) Ga. Code of 1933, #88-201; Ga. Acts 1914, pp. 124, 125.
6) Ga. Code of 1933, #23-908; Ga. Acts 1922, p. 85.
7) Ga. Code of 1933, #23-911; Ga. Acts 1922, p. 86.
8) Ga. Code of 1933, #92-6303; Ga. Acts 1851-52, p. 291; 1913, p. 123.
9) Ga. Code of 1933, #92-7105; Ga. Acts 1857, p. 132; 1861, p. 80; 1880-81, p. 45; 1933, pp. 78-90.
10) Ga. Code of 1933, #92-7201; Ga. Acts 1884-85, p. 28.

County Commissioners (2-8)
Receipts and Expenditures; Warrants; Tax

Receipts and Expenditures

2. (VOUCHERS AND BILLS), 1920--. Est. 150,000 papers in 4 cardboard cartons, 1 wooden box, 5 f.b., and 5 f.d.
Original vouchers issued by county treasurer, showing date, serial number, name of payee, amount and date of payment, purpose of payment, and by whom approved; with attached bills, showing date of bill, name of payee, for what purpose, and amount due. Also contains: (Cancelled Checks), entry 3. 1920-21, 1926-28, 4 cardboard cartons, 1922-23, 1 wooden box, 1925, 5 f.b., no obvious arr.; 1923--, 5 f.d., arr. chron. by date paid. No index. Hdw. and typed on pr. fms. 4 cardboard cartons, 10 x 10 x 20; 1 wooden box, 10 x 13 x 16; 5 f.b., 11 x 5 x 14; 5 f.d., 14 x 14 x 24. 4 cardboard cartons, 1920-21, 1926-28, 1 wooden box, 1922-23, 5 f.b., 1925, comms'. off.; 5 f.d., 1923--, treas'. off.

3. (CANCELLED CHECKS), 1920--. In (Vouchers and Bills), entry 2; 1930-- also in Warrants (Stubs), entry 6.
Checks issued by county treasurer, showing serial number and date of check, name of payee, amount, and purpose.

4. JAIL LEDGER, 1908-21. 1 vol.
Itemized account of moneys paid out for upkeep of jail and maintenance of prisoners, showing warrant number, to whom paid, amount, date, and purpose of payment. Arr. chron. by date paid. No index. Hdw. 400 pp. 15 x 12 x 3. Comms'. off.

Warrants

5. WARRANT BOOK, 1897-1900, 1918-25, 1930--. 4 vols. Title varies: Register of County Warrants, 1897-1900, 1 vol.; Register of Vouchers, 1918-25, 1 vol. Untitled 1938--, 1 vol.
Record of warrants drawn by county, showing name of person, serial number of warrant, fund on which drawn, purpose, amount, and date. Arr. chron. by date paid and numer. by warrant no. No index. 1897-1900, 1918-25, 1930-38, 3 vols., hdw. under pr. hds.; 1938--, 1 vol., hdw. Aver. 350 pp. 27 x 17 x 2½. 1 vol., 1897-1900, comms'. off.; 1 vol., 1918-25, welfare off.; 1 vol., 1930-38, treas'. off.; 1 vol., 1938--, comm.'s home, Stapleton, Ga.

6. WARRANTS (Stubs), 1930--. Est. 6,000 papers in 11 f.b.
Stubs of warrants, showing warrant number, date issued, to whom payable and for what purpose, amount, and from what fund payable. Also contains: (Cancelled Checks), entry 3. Arr. numer. by warrant no. No index. Hdw. on pr. fms. Aver. 10 x 5 x 20. Welfare off.

7. COUNTY WARRANTS (Stubs), 1907-13, 1918--. 8 vols. Title varies: Warrants, 1907-13, 1930--, 2 vols.
For description, see entry 6. Arr. numer. by warrant no. No index. Hdw. on pr. fms. Aver. 500 pp. 17 x 14 x 2½. 1 vol., 1907-13, sup. ct. cl.'s va.; 1 vol., 1930--, ord.'s va.; 6 vols., 1918--, comms'. off.

Tax

8. TAX DIGEST, 1796, 1799, 1801-4, 1806-27, 1829-33, 1835-59, 1866--. 104 vols.
Duplicate of Tax Digest, showing information as in entry 236. Ord.'s va.

(Next entry 9, p. 89)

II. SUPERIOR COURT CLERK AS EX OFFICIO COUNTY RECORDER

The superior court clerk has served since the establishment of the superior court under authority of Georgia's first constitution(1) as the principal recording officer of the county, although there has never been any specific provision designating him as county recorder. For the purpose of this essay, the duties of the clerk as county recorder have been separated arbitrarily from his duties as court clerk, although it is sometimes difficult to distinguish between the two. In some instances, the legislature has vested duties under both classifications in the clerk by the same act.(2)

The clerk is required to keep his office and records at the courthouse, unless it is impracticable to do so, in which case, he may obtain special permission from the ordinary to keep them at some other designated place, not more than a mile from the courthouse.(3) The major portion of instruments and papers required to be recorded are kept in the clerk's office. However, jurisdiction over some professional registrations is vested in the ordinary, who records wills, marriage licenses and the returns thereon, the appraisers' return of property set aside for widows' years support, and other important instruments.(4)

An act of 1785 required that "all deeds of conveyance, by way of bargain and sale bona fide, of lands or tenements must be registered by the clerk of the court in the county where such lands or tenements lie, within twelve months from the date of such deed."(5) Expressing doubt as to whether any previous law had provided that mortgage deeds be recorded, an act of 1827 required that all such instruments be recorded by the superior court clerk of the county in which the property lies, within 12 months of the passage of the act.(6) A subsequent act provided that should public records of a county be destroyed by fire, any deed or other instrument in writing that is found to have been recorded and the record burned, shall be held in all courts of this State, upon proof of execution, to have been recorded legally.(7)

As county recorder, the clerk keeps a filing docket of deeds, mortgages and liens that are required to be recorded within a specified time; well-bound books in which to record all deeds, conveyances, mortgages, and other liens and bills of sale.(8)

Certified copies of proceedings in bankruptcy under the Bankruptcy Act of the United States may be recorded in the office of the superior court clerk in any county in the same manner as deeds, and the clerk is required to docket, record, and index such certified copies in the same manner as deeds.(9)

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1) Ga. Const. 1777, arts. XXXVI, XL, L.
2) The manner of selection of the clerk, his term of office, compensation, manner of removal, and similar subjects are treated in the next following essay, "Superior Court and Clerk," p. 93.
3) Ga. Code of 1933, #24-2714; Act 1807, Clayton, p. 404.
4) See Court of Ordinary and Clerk, infra, p. 120.
5) Act 1785, Marbury and Crawford, p. 115.
6) Ga. Acts 1827, pp. 111-114.
7) Ga. Code of 1933, #38-607; Ga. Acts 1855-56, p. 138; 1858, p. 53.
8) Ga. Code of 1933, #24-2714; Ga. Acts 1889, p. 106.
9) Ga. Acts 1939, pp. 242-244.

The clerk is required to have properly stamped and labeled, numbered or lettered, all books herein enumerated. He must keep a proper index for each, and supply any of the books or indexes needed. He must transcribe the contents of any books or records which may be in a dilapidated condition, and keep a duplex index book in which is indexed the names of grantor and grantee of every instrument recorded in his office.(1) The clerk keeps a loose-leaf binder of all plats, maps, and blueprints;(2) a record of charters of incorporation granted in the superior court;(3) a record of trade name affidavits and an index thereto under the assumed, fictitious, or trade name;(4) a record of the discharge certificates of ex-service men resident in the county; (5) and a record of the certificate and power of attorney of limited partnership.(6)

The clerk is also required to keep a register of practicing attorney; (7) a register for posting land, or game register;(8) a record of wild lands in the county;(9) a title register and a register of decrees of title;(10) a record of owners' lists of security deeds and realty mortgages;(11) a file of Federal tax lien notices and an index thereto;(12) a record of constitutional homesteads granted by the ordinary,(13) and a drainage record.(14) The clerk records the certificates to practice of the following professionals: architects,(15) chiropractors,(16) chiropodists,(17) dentists,(18) physicians, (19) optometrists,(20) and osteopaths.(21)

All records of the clerk as recorder are located in his vault, unless otherwise indicated in the entries.

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Real and Personal Property

Filing Docket

9. FILING DOCKET, 1890-96, 1900-1906. 2 vols. 1913-- in Filing Docket and Direct Index to Deeds, entry 15, Filing Docket and Reverse Index to Deeds, entry 16; Filing Docket and Direct Index to Mortgages, entry 19, Filing Docket and Reverse Index to Mortgages, entry 20. All instruments conveying or encumbering realty and personalty are registered in dockets when filed for record, and docket shows names of grantor and grantee, date and character of instrument, date and hour of filing. Arr. chron. by date filed. No index. Hdw. under pr. hds. Aver. 648 pp. 15 x 12 x 3.

Deeds

10. DEED RECORD, 1798-1808, 1865--. 42 vols. (El, A-L, AA-HH, KK-ZZ, 3A-3E). Title varies: Deed and Mortgage Record, 1865-82, 5 vols; Record of Deeds and Mortgages, 1883-88, 7 vols.

Record contains:

i. Decrees of title, 1917--, showing name of person title to land decreed to be in, description and boundaries of land, amount and kind of liens or mortgages against property, date of instrument, date recorded, name of judge and court clerk, and registration number. For other land title records, see entries 24, 25, 33.

ii. Deeds, power of attorney, and agreements for title on real property, showing names of grantor and grantee, description and location of property, date and consideration of instrument, and date recorded.

iii. Discharges of ex-service men, 1917--, showing name and address, physical description, identification number, company and regiment, record of service, name of commanding officer, and dates enlisted and discharged.

iv. Plats of lots, parcels, and subdivisions of land, showing names of property owner and surveyor, date, lot and block number or number of acres.

v. Trade name affidavits, 1929--, showing name of proprietor, kind of business engaged in, business address, trade name under which operated, date of instrument, date recorded, and names of notary and clerk of court.

Also contains: Mortgage Record, 1865-88, entry 18. Arr. chron. by date recorded. 1798-1808, 1 vol., loose index in front of vol., alph. by first letter of surnames of grantor or mortgagor and chron. thereunder; 1865-68, 1 vol., indexed alph. by first letter of surname of grantor and chron. thereunder; for separate indexes, 1868--, see entries 11-16. 1798-1896, 21 vols., hdw.; typed thereafter. Aver. 600 pp. 20 x 16 x 3.

11. DIRECT INDEX TO DEEDS AND MORTGAGES, 1868-1912. 3 vols. (1-3). Shows names of grantor and grantee, kind of instrument, day and hour filed, brief description of property, and book and page number where recorded. Serves as index to Deed Record, entry 10; and Mortgage Record, entry 18. Arr. alph. by first letter of grantor's surname and chron. thereunder. Hdw. under pr. hds. Aver. 700 pp. 18 x 13 x 3.

12. REVERSE INDEX TO DEEDS AND MORTGAGES, 1868-1912. 3 vols. (1-3). For description, see entry 11. Serves as index to Deed Record, entry 10; and Mortgage Record, entry 18. Arr. alph. by first letter of grantee's surname and chron. thereunder. Hdw. under pr. hds. Aver. 700 pp. 18 x 13 x 3.

13. INDEX TO DEEDS - DIRECT, 1868-1913. 2 vols. (labeled by contained letters of alph.).
For description, see entry 11. Serves as index to Deed Record, entry 10. Arr. alph. by first letter of grantor's surname and chron. thereunder. Hdw. under pr. hds. Aver. 700 pp. 18 x 13 x 3.

14. INDEX TO DEEDS - REVERSE, 1868-1913. 2 vols. (labeled by contained letters of alph.).
For description, see entry 11. Serves as index to Deed Record, entry 10. Arr. alph. by first letter of grantee's surname and chron. thereunder. Hdw. under pr. hds. Aver. 700 pp. 18 x 13 x 3.

15. FILING DOCKET AND DIRECT INDEX TO DEEDS, 1913--. 3 vols. (labeled by contained letters of alph.).
For description, see entry 11. Also contains: Filing Docket, entry 9. Serves as index to Deed Record, entry 10. Arr. alph. by first letter of grantor's surname and chron. thereunder. Hdw. under pr. hds. Aver. 500 pp. 17 x 10 x 3.

16. FILING DOCKET AND REVERSE INDEX TO DEEDS, 1913--. 3 vols. (labeled by contained letters of alph.).
For description, see entry 11. Also contains: Filing Docket, entry 9. Serves as index to Deed Record, entry 10. Arr. alph. by first letter of grantee's surname and chron. thereunder. Hdw. under pr. hds. Aver. 500 pp. 17 x 10 x 3.

17. CONVEYANCES FOR PURPOSE OF LEVY AND SALE, 1897--. Est. 500 papers in 1 f.d.
Papers in connection with levying on and selling property, real and personal, under court order, showing name of owner, description and valuation of property, amount and date of levy, and date of sale. Arr. chron. by date filed. No index. Hdw. and typed. Condition poor. 11 x 5 x 14.

Mortgages

18. MORTGAGE RECORD, 1888--. 66 vols. (M-Z, EE-ZZ, AAA-HHH, KKK-ZZZ, 4A-4F). Title varies: Record of Mortgages, 1890-92, 1 vol.; Mortgages, 1897-1901, 1 vol. 1865-88 in Deed Record, entry 10.
Record of deeds to secure debt, mortgages, leases, conditional sales, chattel mortgages and foreclosures thereon, showing date of instrument, names of mortgagor and mortgagee, amount of property encumbered, terms and conditions of instrument, description and location of property, and dates filed and recorded. Arr. chron. by date recorded. For indexes, see entries 11, 12, 19, 20. 1888-96, 18 vols., hdw.; typed thereafter. Aver. 600 pp. 18 x 13 x 3.

19. FILING DOCKET AND DIRECT INDEX TO MORTGAGES, 1913--. 6 vols. (labeled by contained letters of alph.).
Shows names of mortgagor and mortgagee, kind of instrument, description and

location of property, book and page number where recorded. Also contains: Filing docket, entry 9. Serves as index to Mortgage Record, entry 18. Arr. alph. by first letter of mortgagor's surname and chron. thereunder. Hdw. under pr. hds. Aver. 500 pp. 17 x 10 x 3.

20. FILING DOCKET AND REVERSE INDEX TO MORTGAGES, 1913--. 6 vols. (labeled by contained letters of alph.).
For description, see entry 19. Also contains: Filing Docket, entry 9. Serves as index to Mortgage Record, entry 18. Arr. alph. by first letter of mortgagee's surname and chron. thereunder. Hdw. under pr. hds. Aver. 500 pp. 17 x 10 x 3.

21. MORTGAGE FORECLOSURES REALTY, 1857--. Est. 500 papers in 1 f.d. 1820-90 also in Miscellaneous, entry 40.
Court orders to foreclose realty mortgages and labor liens after court hearing, showing names of mortgagor and mortgagee, date of instrument, description and location of property, amount paid on mortgage or lien, total amount of mortgage or lien, and amount of default. Arr. chron. by date filed. No index. Hdw. and typed. 11 x 5 x 14.

22. MORTGAGE FORECLOSURES PERSONALTY, 1866--. Est. 500 papers in 1 f.d.
Affidavits of foreclosures, and orders for sale, showing date of foreclosure, names of mortgagor and mortgagee, description and location of property, amount of mortgage, amount paid, and amount of default. Arr. chron. by date filed. No index. Hdw. and typed. 11 x 5 x 14.

23. LIENS, 1892--. 1 vol. Last entry 1916.
Record of liens upon property, showing names of lienor and lienee, date of lien, description and location of property, amount owed, amount paid, and date recorded. Arr. chron. by date recorded. Indexed alph. by first letter of property owner's surname and chron. thereunder. Hdw. on pr. fms. 260 pp. 14 x 9½ x 1½.

Land Title Registers (See also entries 10-i, 33)

24. REGISTER OF POSTED LANDS, 1903--. 1 vol. Last entry 1911.
Register of lands which have been posted to prevent trespassing, showing landowner's name, description and location of posted land, lot number, date of registration, and name of clerk. Arr. chron. by date registered. No index. Hdw. on pr. fms. 152 pp. 12 x 15 x 1. Sup. ct. cl.'s off.

25. LIS PENDENS DOCKET (Pendency of Suit), 1939--. 1 vol.
Docket of cases pending, pertaining to titles of land only, showing description of land, district number, names of plaintiff and defendant, amount of claim, and date recorded. Arr. chron. by date recorded. Indexed alph. by first letter of plaintiff's and defendant's surnames and chron. thereunder. Typed. 400 pp. 16 x 11½ x 2.

Homesteads
(See also entry 136)

26. HOMESTEADS (Constitutional), 1868--. Est. 500 papers in 1 f.d. Last entry 1920.
Original petitions by heads of families to ordinary, together with related

papers, praying that real or personal property, or both, in the aggregate value of $1,600 be set aside as an exemption, such exemption being known as a constitutional homestead, showing names of all petitioner's creditors, amounts owed each, their addresses, and an itemized schedule of the property, together with appraisers' valuation thereof; also shows names of petitioner and his family, date filed and date of order allowing or disallowing same. Arr. chron. by date filed. No index. Hdw. Condition poor. 11 x 5 x 14.

27. HOMESTEADS (Constitutional), 1868--. 1 vol. Last entry 1920. Record of petitions for homesteads, showing information as in entry 26. Arr. chron. by date recorded. No index. Hdw. and typed. 600 pp. 18 x 12 x 3.

Charters of Incorporation

28. CHARTERS, 1897--. Est. 500 papers in 1 f.d. Petitions to superior court for charters of incorporation and to amend charters, showing term of court, names of petitioners, attorneys, name and address of corporation, date filed, and name of clerk. Arr. chron. by date filed. No index. Hdw. and typed. 11 x 5 x 14.

29. RECORD OF CHARTERS, 1890--. 2 vols. (1, 2). Record of petitions for charters of incorporation, or to amend such charters, and orders of incorporation granted by court, showing term of court, names of petitioners, name and location of firm, kind and extent of business engaged in, kind and amount of stock to be issued, date recorded, and name of clerk. Arr. chron. by date recorded. Indexed alph. by first letter of corporate name and chron. thereunder. Hdw. and typed. Aver. 432 pp. 16 x 11 x 2.

Professional Registration
(See also entries 158, 159)

30. DOCTORS' (and Dentists') RECORD, 1874-78, 1881--. 2 vols. (2; current vol. not labeled). Title varies: Doctors' Record Book, 1874-78, 1 vol.
Record of certificates issued physicians and dentists upon successfully passing examination given by Board of Medical Examiners, showing date, name and certificate number, residence, place of birth, race, and when and where medical degree received. Arr. chron. by date registered. Indexed alph. by first letter of licensee's surname and chron. thereunder. Hdw. on pr. fms. Aver. 113 pp. 12½ x 8 x 1.

31. PRACTICING ATTORNEYS REGISTRATION BOOK, 1937--. 1 vol. Register of practicing attorneys in Jefferson County, showing name, home and office addresses, place and date of admission to bar, date registered, and whether admitted by diploma, examination, or comity. Arr. chron. by date registered. Indexed alph. by first letter of attorney's surname and chron. thereunder. Hdw. under pr. hds. 369 pp. 12½ x 8 x 2.

Game Register

32. GAME WARDEN'S REGISTER AND DOCKET, 1911-15. 2 vols. Discontinued as a county record; now kept by State Department of Wild Life. Register of hunters' licenses issued, showing name and address of applicant,

(Next entry 33, p. 98)

season, date, kind and serial number of license; and list of names of persons violating game laws. Arr. chron. by date registered. No index. Hdw. Aver. 100 pp. 11 x 9 x 1.

III. SUPERIOR COURT AND CLERK

The superior court was established in Jefferson County with the county's creation in 1796 under authority of the State's first constitution,(1) and the county became a component part of the Middle Judicial Circuit, which also included the counties of Richmond, Screven, Burke, Montgomery, Washington, and Warren.(2)

One superior court judge had jurisdiction over the seven counties, of which Jefferson was one.(3) Owing to growth in population and increase of litigation, it became necessary to expand the number of circuits and decrease the number of counties composing each. While there were only seven judicial circuits in 1796, there are thirty-three today.(4) The present Middle Circuit is composed of the counties of Jefferson, Candler, Emanuel, Toombs, and Washington.(5) Although a constitutional amendment of August 22, 1905, ratified October 3, 1906, granted authority to the legislature to add one or more additional judges of the superior court for any circuit requiring them,(6) there is still only one judge of the Middle Circuit.

Qualifications for judgeship of the superior court are a minimum age of 30 years, citizenship in the State for three years, and the practice of law for seven years.(7)

The Constitution of 1789 provided for election of the judge by the General Assembly,(8) and it was not until 1852 that the election by the free white people of the State was established.(9) The Constitution of 1861 provided for appointment of the superior court judges by the Governor, with the advice and consent of two-thirds of the Senate,(10) but the Constitution of 1865 directed that until the legislature should otherwise provide, the superior court judges were to be elected by the people of the circuit in which they were to serve.(11) Appointment was again placed in 1868 in the hands of the Governor with the approval of the Senate,(12) but the Constitution of 1877 provided for their election by the General Assembly in joint session,(13)

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1) Ga. Const. 1777, arts. XXXVI, XL, L.
2) Ga. Acts 1799, Jan. An. Sess., pp. 9-11.
3) Ibid.
4) Ga. Code of 1933, #24-2501; Ga. Acts 1884-85, p. 108; 1887, pp. 48, 49; 1890-91, vol. I, p. 95; 1897, p. 119.
5) Ga. Acts 1937, superior court calendar, p. 2239.
6) Ga. Code of 1933, #2-3101; Ga. Acts 1905, p. 66.
7) Ga. Code of 1933, #24-2603, #2-4101; Ga. Const. 1877, art. VI, sec. XIV, par. I.
8) Ga. Const. 1789, art. III, sec. V.
9) Ga. Acts 1851-52, pp. 85-88.
10) Ga. Const. 1861, art. IV, secs. I, II.
11) Ga. Const. 1865, art. IV, secs. II, III.
12) Ga. Const. 1868, art. V, sec. III.
13) Ga. Const. 1877, art. VI, secs. III, XI, and XII.

and an amendment of 1897 placed their election in the hands of the voters entitled to vote for members of the General Assembly at the election next preceding the expiration of their respective terms.(1) This is the law at present in force.(2)

Superior court judges must take the oath required of all civil officers, and in addition, an oath to discharge faithfully and impartially all their duties according to law.(3) When the oaths of any county officer are taken before the ordinary or superior court clerk, the oaths are filed in the office of the superior court clerk and entered on the minutes of the superior court; when administered by sheriffs, they are filed with the ordinary, but are entered on the superior court minutes, and when taken before the coroner, tax collector, tax receiver, county treasurer, justices of the peace, or other county official empowered to administer oaths, they are filed in the office of the ordinary and entered on his minutes.(4)

The Constitution of 1789 fixed the terms of superior court judges at three years,(5) and in 1828, the term was made four years.(6) This tenure of office remained in effect until the Constitution of 1868 increased it to eight years.(7) The term was again reduced to four years by the Constitution of 1877,(8) and this is the present tenure.(9)

The Constitution of 1789 provided that the superior court judges receive "competent" salaries,(10) and the Constitution of 1798 stipulated salaries "adequate to their services."(11) An act of 1804 fixed their salaries at $1,400 per annum,(12) and an act of 1832 set such salaries at $2,100 per annum.(13) This was reduced to $2,000 by the Constitution of 1877.(14) The present salary of the judge of the superior court of the Middle Circuit is $5,000 per annum.(15)

Superior court judges were, under the Constitution of 1798, removable by the Governor on address of two-thirds of the members of the General Assembly

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1) Ga. Acts 1897, p. 16, ratified Oct. 5, 1898.
2) Ga. Code of 1933, #2-3102; Ga. Acts 1897, p. 16.
3) Ga. Code of 1933, #24-2605, #89-302.
4) Ga. Code of 1933, #39-306.
5) Ga. Const. 1789, art. III, sec. V.
6) Ga. Acts 1828, pp. 71, 72.
7) Ga. Const. 1868, art. V, sec. III.
8) Ga. Code of 1933, #2-3101; Ga. Const. 1877, art. VI, secs. III, XI, and XII.
9) Ga. Code of 1933, #24-2601.
10) Ga. Const. 1789, art. III, sec. V.
11) Ga. Const. 1798, art. III, sec. II.
12) Act 1804, Clayton, p. 179.
13) Ga. Acts 1832, pp. 20-24.
14) Ga. Const. 1877, art. VI, sec. XIII, par. I.
15) Ga. Code of 1933, #2-4001, #24-2606; Ga. Acts 1904, p. 72; 1910, p. 42, ratified Oct. 5, 1910; 1913, p. 30, ratified Nov. 3, 1914; 1916, p. 22, ratified Nov. 7, 1916; 1917, p. 36, ratified Nov. 5, 1918; 1918, p. 94, ratified Nov. 5, 1918; 1920, p. 20, ratified Nov. 2, 1920; 1922, pp. 24-26, ratified Nov. 7, 1922; 1925, p. 70, ratified Nov. 2, 1926; 1927, p. 111, ratified Nov. 6, 1928.

(Next entry 33, p. 98)

or by impeachment and conviction thereon,(1) and the Constitution of 1861 restated the same conditions for their removal.(2) The law at present in force provides that superior court judges can be impeached for misconduct in office and failure to perform certain duties.(3) The State House of Representatives has the sole power to impeach office holders,(4) and the Senate has the sole power to try impeachments.(5)

A vacancy in the office of superior court judge is filled by appointment by the Governor until the first day of January after the general election held next after the expiration of 30 days from the time such vacancy occurs, at which election a successor for the unexpired term is chosen.(6)

The Constitution of 1777 provided for a "clerk of the county",(7) and an act of 1799 empowered the same person to serve as clerk of both the superior and inferior courts.(8) At present, the clerk of the superior court is elected by the voters of the county for a term of four years,(9) and to be eligible for the office of clerk, a person must be a qualified voter and have been a resident of the county for two years.(10) The clerk is required to take an oath to discharge his duties faithfully and impartially.(11) Clerks are required to give a bond of $3,000, and they may appoint deputies, who must take the same oath the clerk takes, and from whom bonds are required.(12)

Compensation of the clerk of the superior court is by the fee system, and a schedule of fees is set out for each service.(13) Local acts have placed the superior court clerks in some counties on a salary basis, but Jefferson is not included in these. The superior court clerk may be removed for malpractice in office,(14) and if a vacancy occurs in the office from any cause, the ordinary is empowered to fill the vacancy temporarily and to set a date for a special election, giving 20 days notice thereof. The person elected serves the unexpired term of his predecessor.(15) If, from any sudden emergency, there is a vacancy, and it is not immediately filled, the ordinary or his clerk may act as superior court clerk,(16) and, if for any reason, the clerk or his deputy does not or cannot act, the superior court

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1) Ga. Const. 1798, art. III, sec. I.
2) Ga. Const. 1861, art. II, sec. II, par. I.
3) Ga. Code of 1933, #24-103, #24-2620 to #24-2624.
4) Ga. Code of 1933, #2-1703.
5) Ga. Code of 1933, #2-1603.
6) Ga. Code of 1933, #2-3103; Ga. Acts 1897, p. 16, ratified Oct. 5, 1898.
7) Ga. Const. 1777, art. XI.
8) Ga. Acts 1799, Jan. An. Sess., pp. 8-56.
9) Ga. Code of 1933, #2-8301, #2-2701, #34-2602; Act 1799, Cobb, p. 574; Ga. Acts 1872, pp. 80-82; 1894, p. 40; 1914, p. 47.
10) Ga. Code of 1933, #2-8301; Ga. Acts 1914, p. 43, ratified Nov. 3, 1914.
11) Ga. Code of 1933, #24-2712, #89-302.
12) Ga. Code of 1933, #24-2713; Act 1817, Cobb, p. 573; Ga. Acts 1817, p. 55; 1851-52, p. 79.
13) Ga. Code of 1933, #24-2727, #24-2728.
14) Ga. Code of 1933, #2-8301.
15) Ga. Code of 1933, #24-2704 to #24-2707; Ga. Acts 1826, pp. 120, 121; Act 1826, Cobb, pp. 212, 213.
16) Ga. Code of 1933, #24-2708; Act 1826, Cobb, p. 213.

judge may appoint a clerk for the court term plus 10 days, or until a person is appointed or elected.(1)

Precedent for the establishment of uniform practice and proceedings in the superior court was established in 1799 by the judiciary act of that year requiring judges of the superior court to meet annually at the seat of government to formulate "rules and regulations for the government or more orderly proceedings in said courts, and for determining on such points as may be referred for argument, and which may require uniform decision."(2) This law was repealed in 1801,(3) but was reenacted 20 years later, and has continued as the law of force.(4) An act of 1847 declared all rules of practice for the superior and inferior courts established by any other authority null and void, since the superior court judges had been authorized by law to establish, in convention for such purposes, rules of practice for all the superior and inferior courts of the State.(5)

Judges of the superior courts were authorized in 1806 to alternate in their districts,(6) and in 1879 the General Assembly provided that two or more judges might sit in bank in all counties having a city of 10,000 or more inhabitants, or that said courts might be held in two or more sections under such regulations as the circuit judge might direct.(7)

The superior court has original and exclusive jurisdiction of divorce(8)

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1) Ga. Code of 1933, #24-2710, #24-2711; Act 1842, Cobb, p. 216; Ga. Acts 1842, p. 163; 1853-54, p. 28.
2) Ga. Acts 1799, Jan. An. Sess., p. 54, sec. 59.
3) Ga. Acts 1801, p. 97.
4) Ga. Code of 1933, #24-2628; Ga. Acts 1821, pp. 77, 78; Act 1821, Cobb, p. 460.
5) Ga. Acts 1847, p. 198.
6) Ga. Acts 1806, pp. 43, 44.
7) Ga. Acts 1878-79, p. 149.
8) Divorces were granted exclusively by the legislature until the adoption of the Constitution of 1798, which provided that a verdict be obtained in the superior court authorizing a divorce before the General Assembly could pass a confirmatory act (Ga. Const. 1798, art. III, sec. IX). The mode of procedure, recognizing total divorces only, was set out by the legislature in 1802 (Ga. Acts 1802, pp. 69-71). An amendatory act of 1806 provided for two forms of divorce . . . total and conditional (separating the parties from bed and board) . . . and further provided that where the special jury brought in a verdict for absolute divorce, and the General Assembly refused to carry the verdict into effect, either party might apply to the superior court, whose duty it was to appoint three commissioners who reported their decision back to the court, this decision being entered as the court's judgment (Ga. Acts 1806, pp. 16-20). In 1833 a constitutional amendment was proposed and subsequently adopted which provided that "divorce shall be final and conclusive when the parties shall have obtained the concurrent verdicts of two special juries authorizing a divorce on legal principles." (Ga. Acts 1833, pp. 47, 48) This act was amended in 1847 and the General Assembly empowered to establish the "legal principles" upon which divorces should be allowed (Ga. Acts 1847, pp. 63, 64). Divorce has remained under the exclusive jurisdiction of the superior court since that time.

and equity cases, causes respecting the title to land, and felony criminal cases.(1) It has concurrent jurisdiction over all other cases, except probate and estate matters, original jurisdiction of which is vested in the court of ordinary. The superior court has appellate jurisdiction over all inferior judicatures, including the court of ordinary (except in cases touching the probate of wills, where a jury must be impaneled).(2) The superior court has the power to create corporations, except banking, insurance, railroad, canal, navigation, express, and telegraph companies.(3)

The clerk of the superior court of Jefferson County serves also as ex officio clerk of the city court of Louisville,(4) and as county recorder.

The judge of the superior court appoints and the clerk keeps a register of notaries public,(5) and appoints the members of the board of jury commissioners.(6) The superior court clerk is, by virtue of his office, clerk of this board,(7) and is required to make lists of the names contained in the grand jury box and in the traverse jury box, and record such lists in a book to be kept in his office.(8) The superior court judge also appoints the county registrars.(9)

Provision was made in 1819 for taking and recording testimony in all trials for capital offenses.(10) The superior court in 1824 was authorized to appoint three persons to assign and set off dower, and the persons appointed were required to make a return of their acts and proceedings to the court; (11) and this is the present law, except that five persons instead of three are appointed to assign dower.(12) Judges were required under an act of 1841 to write out and place upon the court's minutes their decisions in full in cases of motions for new trials, whether granted or not and in certain other specified cases,(13) and an act of December 7, 1860 required that in cases of felony and on appeals or final trials of all civil cases, they give their charges in writing to the jury, when requested by counsel.(14)

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1) Ga. Code of 1933, #2-3201.
2) Ga. Code of 1933, #24-2615; Act 1799, Cobb, p. 1135; Ga. Acts 1868, p. 131.
3) Ga. Code of 1933, #22-301; Act 1843, Cobb, p. 542; 1845, Cobb, p. 543; Ga. Acts 1878-79, p. 172; 1889, p. 160.
4) Ga. Acts 1911, pp. 277-293.
5) Ga. Code of 1933, #71-101, #71-104; Act 1824, Cobb, p. 210; Ga. Acts 1868, p. 130.
6) Ga. Code of 1933, #59-101; Ga. Acts 1878-79, p. 27; 1887, p. 52; 1901, p. 43. See Jury Commissioners, infra, p. 108.
7) Ga. Code of 1933, #59-104; Ga. Acts 1878-79, pp. 27, 28; 1882-83, p. 101.
8) Ga. Code of 1933, #59-109; Ga. Acts 1878-79, pp. 27, 34; 1889, p. 84.
9) Ga. Code of 1933, #34-301; Ga. Acts 1894, pp. 115, 118. See Registrars, infra, p. 177.
10) Ga. Acts 1819, pp. 53, 54.
11) Ga. Acts 1824, pp. 54-56.
12) Ga. Code of 1933, #31-203; Ga. Acts 1862-63, pp. 160, 161; 1894, p. 51.
13) Ga. Act of Dec. 10, 1841, p. 132.
14) Ga. Code of 1933, #81-1102; Ga. Acts 1860, p. 42.

Superior Court and Clerk (33)
Civil

It is the duty of the clerk of the superior court to keep his office and records at the courthouse, unless impracticable from any cause, when, by special permission of the ordinary, they may be kept at some other designated place not more than one mile therefrom;(1) to attend all sessions of the court and keep fair and regular minutes of its proceedings; and to keep the following dockets and books:(2) An issue docket on which are placed all civil cases pending in the court in which an issue to be tried by a jury is made or is likely to be made; a motion docket on which are placed only those motions to be decided by the judge without the intervention of a jury; duplicates of the issue and motion dockets, for the use of the bar; two subpoena dockets, one for civil and the other for criminal cases; a docket of executions issued on superior court judgments; a general execution docket, on which are entered executions from all courts, and a reverse index to such docket; a trial docket of criminal cases; a docket of criminal cases, known as the dead docket, to which cases may be transferred at the discretion of the judge, and which may only be called at his pleasure;(3) an attachment docket in connection with the general execution docket, or in a separate book.(4)

The clerk is required to procure and preserve a complete file of newspapers in which his advertisements appear. He must also immediately record in his book of final records every part of the pleadings of every case;(5) and the judge may in his discretion require the clerk to make a calendar of all cases pending in the court.(6) He is required to keep a record of recognizances taken for the appearance of either parties or witnesses in a book for that purpose, separate and distinct from the minutes, to which he shall affix an alphabetical index;(7) and a register of the names of all persons who may be fined by the court.(8)

All records are in the superior court clerk's vault, unless otherwise indicated in the entries.

Civil

Case Papers and Pleadings

33. SUITS (Civil Case Papers), 1890--. Est. 27,000 papers in 34 f.d. (31 f.d., 1890-1926, labeled by contained letters of alph.; 3 f.d., 1926--, labeled by contained case nos.).

Original case papers and pleadings of all civil cases prosecuted to judgment showing term of court, names of plaintiff, defendant, attorneys, judge, clerk, and sheriff, case number, nature of case, book and page number where recorded, date recorded, and disposition of case. Federal tax lien notices, 1926--, under internal revenue laws, showing serial number, district, date, name of

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tax defaulter, residence or place of business, kind of tax, taxable period, amount of tax and penalty assessed, date and hour filed for record. Also contains: Divorce, 1926--, entry 35; Motions 1890-1934, entry 36; Certiorari, 1890-1902, entry 37. 1890-1926, 31 f.d., arr. alph. by first letter of defendant's surname and chron. thereunder; 1926--, 3 f.d., arr. chron. by date filed and numer. by case no. 1890-1926, 31 f.d., no index; for index 1926--, see entry 43. Hdw. and typed. 31 f.d. 11 x 5 x 14; 3 f.d. 12 x 15 x 24.

34. TRIAL TERM, 1930--. Est. 1,500 papers in 1 f.d.
Original papers and pleadings of cases pending, showing names of plaintiff, defendant, and attorneys, nature of case, and date filed. Arr. chron. by date filed. No. index. Hdw. 12 x 16 x 25.

35. DIVORCE, 1861-1926. Est. 1,000 papers in 2 f.d. 1926-- in Suits (Civil Case Papers), entry 33.
Pleadings and case papers of divorce, alimony, and contempt of court proceedings for nonpayment of alimony, showing date filed, term of court, names of plaintiff and defendant, and disposition of case. Arr. chron. by date filed and numer. by case no. No Index. Hdw. and typed. 11 x 5 x 14.

36. MOTIONS, 1934--. Est. 700 papers in 2 f.d. 1820-90 in Miscellaneous, entry 40; 1890-1934 in Suits (Civil Case Papers), entry 33.
Original motions in civil case which are to be decided by the judge without the intervention of a jury, showing term of court, case number, names of parties to action, attorneys, judge, and clerk, nature of case, and date recorded. Arr. chron. by date filed and numer. by case no. No Index. Hdw. and typed. 11 x 5 x 14.

37. CERTIORARI, 1902--. Est. 300 papers in 1 f.d. 1820-90 in Miscellaneous, entry 40; 1890-1902 in Suits (Civil Case Papers), entry 33.
Petitions to superior court by persons dissatisfied with rulings and judgments of court of inferior jurisdiction, that a writ of certiorari issue ordering the case and records to superior court for rehearing, showing term of court, names of plaintiff, defendant, and attorneys, date filed, ruling and judgment of lower court complained of, judgment of superior court thereon, and date recorded. Arr. chron. by date filed. No index. Hdw. and typed. Condition poor. 11 x 5 x 14.

38. EQUITY, 1880-1887. Est. 1,500 papers in 3 f.d. (dated).
Verified pleadings and papers of suits in equity only, showing names of petitioner and respondent, case number, date filed, nature of equitable relief sought, and disposition of case. Arr. chron. by date filed. No index. Hdw. 11 x 5 x 14.

39. DOWER, 1857--. Est. 500 papers in 1 f.d.
Original applications for dower rights and for assignments of dower, showing date filed, case number, name of applicant, returns of commissioners appointed by court to appraise property and fix amount of dower, and court orders thereon. Arr. chron. by date filed. No Index. Hdw. 11 x 5 x 14.

40. MISCELLANEOUS, 1820-90. Est. 1,500 papers in 3 f.d. (dated).
Miscellaneous civil case papers, showing case number, term of court, names of plaintiff, defendant, and attorneys, nature of case, and disposition thereof.

Also contains: Mortgage Foreclosures, Realty, entry 21; Motions, entry 36; Certiorari, entry 37. Arr. chron. by date filed. No index. Hdw. Condition poor. 11 x 5 x 14.

Dockets

41. APPEARANCE DOCKET, 1875--. 2 vols. (1 vol. not labeled; 2). Docket of civil cases, showing names of plaintiff, defendant, and attorneys, nature of case, date filed, and term of court. Arr. chron. by date set for trial. Indexed alph. by first letter of plaintiff's and defendant's surnames and chron. thereunder. Hdw. under pr. hds. Aver. 275 pp. 15 x 10 x 3.

42. BAR DOCKET, 1888--. 2 vols. (1 vol. not labeled; 2). Title varies: Issue Docket, 1888-1916, 1 vol.
Docket (for use of bar) of civil cases in which an issue to be tried by a jury is made, or is likely to be made, showing term of court, case number, names of plaintiff, defendant, and attorneys, date, nature of case, and date filed. Arr. chron. by date set for trial. Indexed alph. by first letter of plaintiff's and defendant's surnames and chron. thereunder. Hdw. under pr. hds. Aver. 150 pp. 14 x 10 x 1.

43. ISSUE DOCKET, 1888--. 2 vols. (1 vol. not labeled; 2).
Docket (for use of court) of civil cases in which an issue to be tried by a jury is made, or is likely to be made, showing names of plaintiff, defendant, and attorneys, case number, date filed, nature of case, and disposition thereof. Serves as index to Suits (Civil Case Papers), 1926--, entry 33. Arr. chron. by date filed. Indexed alph. by first letter of plaintiff's and defendant's surnames and chron. thereunder. Hdw. under pr. hds. Aver. 150 pp. 14 x 10 x 1.

44. RECORD (Trial Docket), 1815-19, 1836-43, 1849-61. 4 vols. (2 vols. dated; 2 vols. not labeled). Untitled 1849-61, 1 vol.
Shows term of court, names of plaintiff, defendant, and attorneys, nature of case, and disposition thereof. Arr. chron. by date filed. No index. Hdw. Aver. 200 pp. 15 x 12 x 2.

45. EQUITY DOCKET, 1858-79. 1 vol.
Docket of suits in equity only, showing term of court, names of petitioner and respondent, nature of equitable relief sought, acknowledgment of service, and decree of court. Arr. chron. by date tried. No index. Hdw. 98 pp. 18 x 8½ x 1.

46. MOTION DOCKET, 1877--. 2 vols. (1, 2).
Docket for use of bench and bar of motions in civil cases determined by judge without the intervention of a jury, showing nature of motion, date filed, case number, names of parties to action, attorneys, judge, and clerk, term of court at which motion heard, and judge's ruling thereon. Arr. chron. by court term. Indexed alph. by first letter of plaintiff's and defendant's surnames and chron. thereunder. Hdw. under pr. hds. Aver. 280 pp. 15 x 10 x 2.

47. CERTIORARI DOCKET, 1877--. 2 vols. Last entry 1933.
Docket of civil cases tried in lower courts and ordered up for rehearing by

superior court, showing names of plaintiff, defendant, and attorneys, case number, verdict rendered, and date filed. Arr. chron. by court term. Indexed alph. by first letter of defendant's surname and chron. thereunder. Hdw. under pr. hds. Aver. 289 pp. 15 x 12 x 2.

48. JUDGMENTS, 1877-80, 1892-1908. 4 vols.(B, B, G, D).
Shows case number, names of plaintiff, defendant, and attorneys, nature of case, amount and date of judgment. Arr. chron. by date of judgment. No index. Hdw. Aver. 200 pp. 15 x 12 x 2.

49. EXECUTION DOCKET, 1894--. 2 vols. (1 vol. not labeled; 2).
Docket of executions issued on superior court judgments, showing names of plaintiff, defendant, attorneys, and clerk, date of judgment, date entered on docket, amount of principal, interest, and court costs, and disposition of case. Arr. chron. by court term. Indexed alph. by first letter of defendant's surname and chron. thereunder. Hdw. under pr. hds. Aver. 206 pp. 16 x 12 x 2.

50. APPEAL DOCKET, 1800-1882. 3 vols.
Docket of cases appealed from lower courts, showing court from which appealed, term of court, names of plaintiff, defendant, and attorneys, case number, and verdict. Arr. chron. by court term and numer. by case no. No index. Hdw. under pr. hds. Condition very poor. Aver. 69 pp. 14 x 9 x $\frac{1}{2}$.

51. GENERAL EXECUTION DOCKET (Direct), 1893--. 2 vols. (1 vol. not labeled; 2).
Docket of executions of all courts, including foreign courts, issued upon judgments, showing names of plaintiff, defendant, and attorneys, name of court in which judgment rendered, date of judgment and execution, amount of principal, interest, attorney's fees and cost, and if satisfied, date noted thereon. Arr. chron. by court term. Indexed alph. by first letter of plaintiff's surname and chron. thereunder. Hdw. under pr. hds. Aver. 320 pp. 17 x 12 x 2.

52. GENERAL EXECUTION DOCKET (Reverse), 1890--. 2 vols. (1 vol. not labeled; 2).
For description, see entry 51. Arr. chron. by court term. Indexed alph. by first letter of defendant's surname and chron. thereunder. Hdw. under pr. hds. Aver. 320 pp. 17 x 12 x 2.

53. ATTACHMENT DOCKET, 1895--. 1 vol.
Docket of suits in attachment, showing names of plaintiff and defendant, name and term of court to which returnable, amount of claim, date of levy, and description of property levied upon. Arr. chron. by court term. Indexed alph. by first letter of plaintiff's and defendant's surnames and chron. thereunder. Hdw. under pr. hds. 146 pp. 17 x 12 x 1.

54. CIVIL SUBPOENA DOCKET, 1903--. 1 vol.
Record of civil subpoenas, showing date of issue, names of plaintiff, defendant, witnesses, and attorneys, date delivered, and sheriff's return thereon. Arr. chron. by date issued. Indexed alph. by first letter of plaintiff's and defendant's surnames and chron. thereunder. Hdw. under pr. hds. 268 pp. 16 x 11 x 2.

Minutes and Proceedings

55. MINUTES, 1796-1850, 1864--. 23 vols. (1796-1850, 7 vols., no labeling; 1864-72, 1 vol., O; A-O). Title varies: Minutes of Court, 1819-24, 1 vol.; Records, 1839-50, 1872-82, 3 vols. Untitled 1796-1818, 1824-38, 1864-72, 6 vols.

Minutes of all civil and criminal proceedings, business, and cases had before superior court, showing term of court, names of plaintiff and defendant, case number, kind of action, names of presiding judge, clerk, and jurors, and disposition of case. Arr. chron. by date recorded. 1796-1850, 7 vols., no index; 1865--, 16 vols., indexed alph. by first letter of plaintiff's and defendant's surnames and chron. thereunder; other proceedings by first letter of principal's surname or subject matter and chron. thereunder. 1796-1850, 1865-1906, 9 vols., hdw.; typed thereafter. Aver. 530 pp. 15 x 10 x 2½.

56. FINAL RECORD, 1908--. 3 vols. (E-G).

Record of case papers and pleadings of cases prosecuted to final judgment, showing term of court, case number, names of plaintiff, defendant, attorneys, and judge, nature of case, date filed, and disposition of case. Arr. chron. Indexed alph. by first letter of plaintiff's and defendant's surnames and chron. thereunder. Typed. Aver. 600 pp. 18 x 12 x 2½.

Criminal

Case Papers

57. (CRIMINAL CASE PAPERS), 1868-1926. Est. 20,000 papers in 1,000 bdles.

Original indictments, warrants, and case papers, showing case number, date indictment or "no bill" found, date pleadings filed, names of defendant, prosecutor, and attorneys, offense charged, and disposition of case. Arr. chron. No index. Hdw. on pr. fms. Aver. 11 x 5 x 6.

58. CRIMINAL TRIAL TERM, 1933--. Est. 800 papers in 1 f.d.

Original indictments, warrants, and case papers in untried criminal cases, showing names of accused, prosecutor, and witnesses, term of court, and offense charged. Arr. chron. by date filed. No index. Hdw. and typed. 12 x 16 x 25.

For prior records, see entry 57.

59. FINISHED INDICTMENTS, 1927--. Est. 500 papers in 1 f.d.

Original felony indictments, showing case number, names of grand jurors, State's witnesses, prosecutor, and accused, date and detailed description of crime committed, venue of crime, and signatures of foreman of grand jury and solicitor general. Arr. chron. by date tried and numer. by case no. No index. Typed. 11 x 5 x 14.

For prior records, see entry 57.

Dockets

60. CRIMINAL DOCKET, 1903--. 2 vols. (1 vol. not labeled; 2).

Docket shows case number, term of court, names of defendant, attorneys, and solicitor general, offense charged, and disposition of case. Arr. chron. by

court term. Indexed alph. by first letter of defendant's surname and chron. thereunder. Hdw. under pr. hds. Aver. 287 pp. 16 x 12 x 2.

61. CRIMINAL SUBPOENA DOCKET, 1900--. 2 vols.
Record of criminal subpoenas issued, showing name of defendant, offense charged, names of witnesses, by whom subpoenaed, date issued, when to appear, to whom delivered, officer's return, date reissued, if any, and remarks. Arr. chron. by date issued. Indexed alph. by first letter of defendant's surname and chron. thereunder. Hdw. under pr. hds. Aver. 295 pp. 16 x 11 x 2.

Minutes and Proceedings (See also entry 55)

62. CRIMINAL EVIDENCE, 1896-1901. 1 vol.
Record of evidence educed in criminal trials, showing names of defendant, witnesses, and jurors, term of court, offense charged, testimony of witnesses, date given, and judge's charge to jury. Arr. chron. by date of trial. No index. Hdw. 584 pp. 18 x 12 x 3.

63. REPORT OF CONVICTIONS, 1911--. 4 vols. Title varies: Description Blanks, 1911-15, 1 vol.
Record of persons convicted for crimes, showing name and description of accused, offense charged, court in which tried, verdict of jury, length of sentence, or date of execution. Arr. chron. by date of conviction. No index. Hdw. under pr. hds. Aver. 485 pp. 12 x 10 x $2\frac{1}{2}$.

Bonds

Appearance

64. BOND RECORD, 1891--. 3 vols. (1891-1907, 1 vol., not labeled; 1, 2). Title varies: Criminal Bonds, 1891-1907, 1 vol.; Criminal Bond Record, 1907-23, 1 vol.
Bonds conditioned to assure defendant's appearance at trial, showing date executed, amount, names of defendant and surety, offense charged, and term of court defendant required to appear. Arr. chron. by date recorded. 1891-1907, 1 vol., no index; 1907--, indexed alph. by first letter of defendant's surname and chron. thereunder. Hdw. and typed. Aver. 598 pp. 16 x 12 x 3.

Official (See also entries 140, 141)

65. OATHS, ORDERS AND BONDS, 1919--. Est. 1,000 papers in 1 f.d.
Miscellaneous court orders, oaths of office and official bonds, containing:

i. Oaths and affidavits pertaining principally to campaign expenses, showing name of candidate, date, office for which running, and statement of amounts expended in campaign.
ii. Oaths of officials on entering office, showing date, name of officer, and office to which sworn.
iii. Orders transferring jurisdiction of cases from one court to another, showing term of court, names of parties in case, name of court to and from which transferred, and date of order.
iv. Orders appointing employees and officials under jurisdiction of superior court, showing name of appointee, office to which

appointed, and date.

v. Petitions for admission to the bar and orders thereon, showing name of petitioner, whether admitted by comity or by successfully passing bar examination, and date.

Arr. chron. by date filed. No index. Hdw. and typed. 11 x 5 x 14.

Juries

66. JURY LISTS, 1799-1868, 1937--. 2 vols. (dated).
List of men eligible for grand and traverse jury duty, showing names, date, and kind of juror; 1937-- also shows names of members of board of jury commissioners, date appointed, length of term, and oaths of commissioners. 1799-1868, 1 vol., arr. chron. by court term; 1937--, arr. by militia district and alph. by name of juror thereunder. No index. 1799-1868, hdw.; 1937--, typed. Aver. 225 pp. 9 x 6 x 1.

67. JURY SCRIP, 1910--. 3 vols. (labeled by contained scrip nos.).
Stubs of warrants issued on county treasurer to persons for jury service, showing date, serial number, term of court, names of jurors, number of days served, amount paid, and whether grand or traverse juror. Arr. chron. by date issued and numer. by scrip no. No index. Hdw. on pr. fms. Aver. 250 pp. 17 x 13 x 1½.

Financial Reports

68. OFFICERS RECEIPTS FOR 1934, Jan. - Dec. 1934. Est. 25 papers in 1 f.d.
Copies of itemized statements of money collected in fees and costs by the superior court clerk sent to the State every three months, showing name of payee, purpose, date and amount of payment, and date of statement. Arr. chron. by date received. No index. Typed. 11 x 5 x 14.

69. FEES COLLECTED, 1883-1914, 1934--. 4 vols.
Record of costs and fees paid to clerk of superior court, showing name of payee, date, purpose, and amount of payment. Arr. chron. by date collected. Indexed alph. by first letter of payee's surname and chron. thereunder. Hdw. on pr. fms. Aver. 491 pp. 16 x 11 x 2½.

Notaries Public and Ex Officio Justices of the Peace

70. N. P. AND EX. OFF. J. P. (Notary Public and Ex Officio Justices of the Peace) COMMERCIAL NOTARIES, 1888--. Est. 500 papers in 1 f.d.
Original court orders of appointments, showing date, name of applicant, and term of commission. Arr. chron. by date filed. No index. Hdw. on pr. fms. 11 x 5 x 14.

71. RECORD OF JUSTICES OF THE PEACE AND NOTARIES PUBLIC, 1881--. 1 vol. Last entry 1934.
Register of names and addresses of officers, showing date elected or appointed, term of commission, and district for which appointed. Arr. chron. by date registered. Indexed alph. by name of district and chron. thereunder. Hdw. 212 pp. 14 x 8½ x 1. Ord.'s va.

Voters and Elections
(See also entries 137-139, 244-246, 250)

72. LIST OF REGISTERED VOTERS, 1936--. Est. 500 papers in 1 f.d.
Lists of persons eligible to vote, showing year, district, precinct, name and address of voter. Arr. by militia district and alph. by name of voter thereunder. No index. Typed. 12 x 16 x 25.

73. J. P. (Justice of the Peace) ELECTION RETURNS, 1913-31. Est. 500 papers in 1 f.d.
Returns of elections for justices of the peace and city officers, showing lists of voters, tally sheets, names of candidates, ballots cast, and date of election. Arr. chron. by date of election. No index. Hdw. 11 x 5 x 14.

Newspapers

74. NEWS AND FARMER, 1889--. Est. 2,600 papers in 35 bdles.
Newspaper in which superior court citations, advertisements, and notices appear, published weekly. Arr. chron. by date published. No index. Pr. Aver. 4 x 15 x 12.

Maps

75. GEORGIA, 1926. 2 maps.
Communications maps, showing roads, railways, airplane routes, and waterways. Publisher: The Geographical Publishing Co., Chicago. Colored. Scale: 1 in. equals 18 mi. 25 x 36. Sup. ct. cl.'s off.

IV. SOLICITOR GENERAL

Authority for the creation of the office of solicitor general was granted by the Constitution of 1798.(1) Each judicial circuit is provided with one of these officers.(2) Jefferson County, at its organization in 1796, was attached to the Middle Circuit, which then also included the counties of Burke, Columbia, Montgomery, Richmond, Screven, Warren, and Washington, where it has remained to date.(3) This circuit now includes only the five counties of Candler, Emanuel, Jefferson, Toombs, and Washington.(4)

No person is eligible to the office of solicitor general who has not been a resident of the State for three years next preceding his election or appointment, who does not permanently reside in the circuit at the time of his election or appointment, who has not attained the age of 25 years, and who has not been licensed to practice law in the State for at least three years.(5) Originally elected by the legislature,(6) later appointed by the Governor,

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1) Ga. Const. 1798, art. III, sec. III.
2) Ga. Const. 1877, art. VI, sec. XI.
3) Act 1796, Lamar, p. 361.
4) Ga. Acts 1937, p. 2239.
5) Ga. Code of 1933, #24-2901; Act 1850, Cobb, p. 1036; 1865, Cobb, p. 22; Ga. Acts 1877, p. 13.
6) Ga. Const. 1798, art. III, sec. III; Ga. Acts 1828, pp. 71, 72.

with the advice and consent of the Senate,(1) the solicitor general has been since 1899 nominally elected by the qualified voters of the State.(2) The solicitor general is nominated in the democratic primary by the voters of the circuit only, and in Georgia this is tantamount to election.

The solicitor general is required to take, in addition to the oath of office,(3) an oath to the effect that he is not the holder of any public money unaccounted for; that he is not the holder of any office of trust under the government of the United States (except postmaster), nor of any of the several States, nor of any foreign state, and that he is otherwise qualified to hold the office.(4) His commission is signed by the Governor, countersigned by the Secretary of State, and bears the great seal of the State.(5)

The term of office of the solicitor general was originally three years, (6) but was extended to four years by an amendment to the Constitution proposed in 1828 and effective in 1831.(7) The term is four years at the present time.(8)

The compensation of the solicitor general at first consisted of a nominal salary, supplemented by fees. His annual salary, payable quarterly, ranged from $150 in 1805 to $300 in 1866.(9) It was made $250 in 1867, and has remained at that sum.(10) Various acts of the legislature have abolished the fee system in 25 of the 33 judicial circuits of Georgia.(11) In 1918 the fee system in the superior courts of the Middle Circuit was abolished and the salary of the solicitor general was fixed at $3,250, in addition to the constitutional salary of $250 paid by the State.(12) This additional salary, payable quarterly, is paid pro rata out of the treasuries of the counties composing this circuit, each county paying such proportion of this salary as its population bears to the total population of all the counties in the circuit. The salary of the solicitor general was further increased in 1924, when the sum fixed was $4,000.(13) Fees of the solicitor general for appearance in criminal cases in the Supreme Court and the Court of Appeals, for his services in any suit brought by the State Superintendent of Banks, or for his work in association with the Attorney General in cases transferred from the superior courts of the State to the United States District Court by writ of habeas corpus, range from $15 to $100.(14)

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1) Ga. Const. 1868, art. V, sec. IX.
2) Ga. Code of 1933, #2-3901, #24-2902; Ga. Acts 1897, pp. 16-19.
3) Ga. Code of 1933, #24-2902.
4) Ga. Code of 1933, #89-302.
5) Ga. Code of 1933, #89-201.
6) Ga. Const. 1798, art. III, sec. III.
7) Ga. Acts 1828, pp. 71, 72.
8) Ga. Code of 1933, #2-3901; Ga. Acts 1897, p. 16, ratified Oct. 5, 1898; Ga. Code of 1933, #24-2902.
9) Act 1804, Clayton, pp. 178, 179; Ga. Acts 1865-66, p. 250.
10) Ga. Code of 1933, #24-2904; Ga. Acts 1865-66, p. 250; 1866, p. 153; 1876, p. 33; 1878-79, p. 49.
11) Ga. Code of 1933, #24-2904--Editorial Note.
12) Ga. Acts 1918, pp. 381-385.
13) Ga. Acts 1924, pp. 262, 263.
14) Ga. Code of 1933, #24-2904, #24-2910; Ga. Acts 1882-83, p. 98.

Solicitor General (Next entry 76, p. 114)

A solicitor general may be removed from office by the Governor, on the address of two-thirds of each branch of the General Assembly, or by impeachment and conviction thereof,(1) and every vacancy shall be filled by the Governor.(2)

It is the duty of the solicitor general: To attend each session of the superior court; to attend on the grand juries; advise them on questions of law, and swear and examine witnesses before them; to draw up all indictments or presentments when requested by the grand jury, and to prosecute all indictable offenses; to administer required oaths to grand and petit jurors, and to bailiffs or other officers of court; to prosecute or defend any civil action in which the State is interested, unless otherwise specially provided for; to attend before the appellate courts when any criminal case is tried emanating from their respective circuits, and argue same; and perform any other duty the interest of the State may require;(3) to make an accurate accounting to the clerks of the superior courts of his circuit for all fees earned and costs collected;(4) to exercise supervision over collection of fines, fees and forfeitures, and to see that all sums of money due thereunder are accounted for to the treasurers of said counties;(5) to prepare the petitions and obtain court orders in proceedings to validate bonds issued by county, municipality or other political division;(6) to appear, in association with the Attorney General, for the State in cases transferred from the courts of his circuit to the United States Court by writ of habeas corpus;(7) to represent, by appointment, the defendants in ex parte divorce suits, and to resist suits to remove disabilities imposed in divorce suits;(8) to prosecute violations of the racial intermarriage act;(9) to collect all money due the State in the hands of any escheators and pay it over to the educational fund;(10) to collect State claims when so ordered by the Comptroller General and to remit such sums within 30 days after collection;(11) to hear and examine witnesses on oath, in case of disqualification of the county attorney and the solicitor of the city court, in proceedings to determine any person's capacity to manage his estate.(12)

There is no legal requirement for the keeping of records by the solicitor general, as his official acts generally come within the scope of records of the clerk of the superior court.

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1) Ga. Const. 1868, art. V, sec. IX.
2) Ga. Acts 1897, p. 16.
3) Ga. Code of 1933, #24-2908; Act 1799, Cobb, p. 574; 1823, Cobb, p. 1025; 1828, Cobb, p. 1027; 1836, Cobb, p. 254; 1845, Cobb, p. 452; Ga. Acts 1853-54, p. 108.
4) Ga. Acts 1918, pp. 393, 394.
5) Ibid.
6) Ga. Code of 1933, #87-302; Ga. Acts 1897, pp. 82, 83; 1920, pp. 63, 64.
7) 28 U. S. C. A. #76; Ga. Code of 1933, #24-2909; Ga. Acts 1882-83, p. 98.
8) Ga. Code of 1933, #30-124, #30-129; Ga. Acts 1872, p. 14.
9) Ga. Code of 1933, #53-315; Ga. Acts 1927, p. 278; 1933, p. 12.
10) Ga. Code of 1933, #24-2908, par. 9; Act 1836, Cobb, p. 254; 1845, Cobb, p. 452; Ga. Acts 1853-54, p. 108.
11) Ga. Code of 1933, #24-2908.
12) Ga. Code of 1933, #49-604; Ga. Acts 1918, p. 162; 1931, p. 184.

(Next entry 76, p. 114)

V. JURY COMMISSIONERS

Boards of jury commissioners were established in 1879 to obviate the possibility of "packing" juries or selecting them with reference to particular cases, and to equalize the duty of jury service among all qualified persons.(1)

At the time Jefferson County was organized the duty of selecting juries (now performed by jury commissioners) was performed by the clerks of the superior courts, who obtained from the tax collector of each county a list of persons liable and qualified to serve as grand and petit jurors, whose ages had to be between 21 and 60 years.(2) These lists were corrected annually by the clerks, under the direction of the superior court judge, by specifying, in distinct columns, the most able and discreet to serve as grand jurors, which lists the clerk was required to enter in a book provided for that purpose.(3) This duty was later placed in the hands of the justices of the inferior court, the clerk, and the sheriff.(4) By an act approved February 16, 1869, the ordinary and the clerk of the superior court, together with three commissioners appointed by the superior court judge, performed this duty.(5) Under the present law the jury commissioners consist of six discreet persons, who cannot hold any other county office nor be practicing attorneys at law.(6)

Jury commissioners are appointed for each county by the judge of the superior court of the circuit in which the county is located.(7) Before entering upon their duties they are required to take an oath before the ordinary to discharge the duties of jury commissioners faithfully and impartially, in accordance with the Constitution of the State, and to maintain secrecy of deliberations, unless called upon to give evidence thereof in some court of law; and their oaths are entered upon the minutes of the ordinary.(8)

These commissioners are appointed for six year terms, two of which expire every two years.(9) An amendment in 1935 rendered jury commissioners ineligible to succeed themselves.(10)

For their services in revising the jury list, each member of the jury commission receives $2 per day, and the clerk of the commission receives $3 per day.(11)

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1) 35 Corpus Juris, p. 257; Ga. Code of 1933, #59-101; Ga. Acts 1878-79, p. 27.
2) Ga. Acts 1799, Jan. An. Sess., pp. 8-56.
3) Ibid.
4) Ga. Acts 1805, pp. 42-44; Act 1805, Clayton, p. 272.
5) Ga. Acts 1869, pp. 139, 140.
6) Ga. Code of 1933, #59-101, #59-102; Ga. Acts 1878-79, p. 27; 1887, p. 52; 1899, p. 78; 1901, p. 43, 1935, p. 151.
7) Ga. Code of 1933, #59-101; Ga. Acts 1878-79, p. 27; 1887, p. 52; 1901, p. 43; 1935, p. 151.
8) Ga. Code of 1933, #59-103; Ga. Acts 1882-83, p. 101.
9) Ga. Code of 1933, #59-101; Ga. Acts 1878-79, p. 27; 1887, p. 52; 1901, p. 43; 1935, p. 151.
10) Ga. Acts 1935, p. 151.
11) Ga. Code of 1933, #59-105; Ga. Acts 1878-79, p. 27.

The judge of the superior court has the right to remove a jury commissioner at any time, in his discretion, for cause, and appoint a successor.(1) In this connection, the State Supreme Court has held that "a hearing on charges preferred against a jury commissioner is not required before he can be removed; the words 'for cause' are simply admonitory to the judge that his discretion shall not be capriciously exercised."(2)

The clerk of the superior court is, by virtue of his office, the clerk of the board of jury commissioners.(3)

The jury commissioners revise and make up the jury list biennially (or triennially, if the superior court judge so directs), on the first Monday in August, or within 30 days thereafter. They select from the books of the tax receiver the most "intelligent and upright" men to serve as trial jurors and the most "experienced, upright and intelligent" men to serve as grand jurors. The number of persons selected for grand jury service cannot exceed two-fifths of the whole number drawn.(4) The jury commissioners judge the qualifications of the citizens to be placed on the jury list and in the jury boxes. Neither the opinion of witnesses nor of judges can override their discretion when legally exercised.(5) The law does not require that all persons possessing the constitutional qualifications shall be selected for jury duty. It reposes in the jury commissioners not only the authority to determine what men have these qualifications, but how many of such men shall be selected for jury duty.(6)

After the jury list has been revised by the commissioners and certified by them to contain all the names placed in the jury box, it is the duty of the clerk of the superior court to make out in a book lists of the names respectively contained in the grand jury box and in the traverse jury box, alphabetically arranged, and place the book in his office.(7) For jury lists, see entry 66.

VI. GRAND JURY

County grand juries were provided for by the Constitution of 1777,(8) and such a body was formed in Jefferson County with that county's creation in 1796.(9)

Although Georgia's first constitution provided that "no grand jury shall

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1) Ga. Code of 1933, #59-101; Ga. Acts 1878-79, p. 27; 1887, p. 52; 1901, p. 43; 1935, p. 151.
2) Edge v. Holcomb, 70 S.E. 644; 135 Ga. 765 (1911).
3) Ga. Code of 1933, #59-104; Ga. Acts 1878-79, p. 28; 1882-83, p. 101.
4) Ga. Code of 1933, #59-106; Ga. Acts 1878-79, pp. 27, 34; 1887, p. 31; 1892, p. 61; 1899, p. 44.
5) Dickens v. The State, 73 S.E. 826; 137 Ga. 523 (1912).
6) Rawlins et al v. The State, 52 S.E. 1; 124 Ga. 38 (1905).
7) Ga. Code of 1933, #59-109; Ga. Acts 1878-79, pp. 27, 34; 1889, p. 84.
8) Ga. Const. 1777, art. XLV.
9) Act 1796, Marbury and Crawford, pp. 169-171.

consist of less than eighteen, and twelve may find a bill,"(1) subsequent constitutions of the State have made no mention of the number to compose the body, leaving this matter to the discretion of the General Assembly. An act approved in 1797, the year following the creation of Jefferson County, provided that "no grand jury shall consist of less than eighteen nor more than twenty-three." That number has been preserved through the various digests, codes, and laws of the State to this date.(2)

The qualifications of grand jurors were defined by the judiciary act of 1799 as "the persons most able and discreet," whose names appeared on the lists of grand and traverse jurors drawn for the county.(3) The Constitution of 1868 provided that the General Assembly should provide by law for the selection of "upright and intelligent" persons to serve as grand jurors and that there should be no distinction between classes of persons who compose grand and petit jurors.(4) The present qualifications of grand jurors are as follows: "All male citizens of this state, above the age of twenty-one years, being neither idiots, lunatics nor insane, who have resided in the county six months . . . preceding the time of serving, and who are the most experienced, intelligent and upright persons . . . unless exempted by law; provided, however, that county commissioners, tax receivers, tax collectors, members of the county board of education, county school commissioners, ordinaries and county treasurers shall be incompetent to serve during their term of office."(5)

Persons exempted from serving on the grand jury include ministers of the gospel;(6) physicians and apothecaries;(7) school teachers;(8) millers and ferrymen;(9) railroad employees actually engaged in running trains;(10) male persons over 60 years of age;(11) telegraph operators;(12) firemen;(13) clerks connected with the several departments at the State Capitol;(14) employees of Milledgeville State Hospital;(15) dentists;(16) licensed pilots; (17) police and marshals;(18) telegraph line repairers actually engaged in

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1) Ga. Const. 1777, art. XLV.
2) Ga. Code of 1933, #59-202; Act 1799, Cobb, p. 547; Ga. Acts 1869, p. 140.
3) Ga. Acts 1799, Jan. An. Sess., pp. 40, 41, sec. 39; Act 1805, Cobb, p. 549.
4) Ga. Const. 1868, art. V, sec. XIII, par. II.
5) Ga. Code of 1933, #59-201, #2-4502; Ga. Const. 1877, art. VI, sec. XVIII, par. II; Ga. Acts 1887, p. 53.
6) Ga. Acts 1872, p. 33; 1878-79, p. 171.
7) Ga. Acts 1873, p. 31; 1878-79, p. 171.
8) Ga. Acts 1878-79, p. 171.
9) Ga. Acts 1875, p. 98.
10) Ga. Acts 1878-79, p. 171; 1875, p. 98; 1876, p. 16.
11) Ga. Acts 1875, p. 98; 1878-79, p. 171.
12) Ga. Acts 1874, p. 46; 1878-79, p. 171.
13) Ga. Acts 1871-72, pp. 29, 30; 1878-79, p. 171.
14) Ga. Acts 1875, p. 96.
15) Ga. Acts 1874, p. 91.
16) Ga. Acts 1920, pp. 132, 143.
17) Ga. Acts 1880-81, p. 114.
18) Ga. Acts 1884-85, p. 94.

repairing lines;(1) stationary engineers;(2) railway postal clerks;(3) special pay members of any volunteer forces of the State;(4) embalmers;(5) members of the legislature during their attendance upon the General Assembly, (6) and any grand juror who has served at the preceding session.(7)

Under an act of February 9, 1797, the clerk of the superior court of Jefferson County obtained from the tax collector a list of persons qualified to serve as grand jurors, which list was corrected annually in the presence of the judge, and the grand jury was drawn from this list.(8) In 1805 the legislature provided that the grand juries should be selected by the justices of the inferior court, the clerk and sheriff from the books of the receiver of tax returns;(9) and in 1869 it was provided that the ordinary, together with the clerk of the superior court and three commissioners appointed by the judge of the superior court should elect "upright and intelligent persons" to serve as grand jurors.(10) Since 1879 the grand jury has been selected by a board of jury commissioners.(11)

Grand jurors are required to take an oath to serve without fear or favor and to maintain secrecy as to their deliberations, unless called upon to give evidence thereof in some court of law.(12)

Superior court sessions are held in Jefferson County, which is a part of the Middle Judicial Circuit, on the second Mondays in May and November of each year,(13) and at the close of each term the judge draws from the grand jury box a sufficient number of names of persons to serve as grand jurors for the next term of court.(14) If the court is held longer than one week, the presiding judge may draw separate panels of jurors for each week.(15)

No citizen is compelled to serve on the grand jury for more than four weeks in one year.(16)

Prior to the adoption of the present constitution, the compensation of grand jurors was $1 for each day they served,(17) but the Constitution of

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1) Ga. Acts 1884-85, p. 102.
2) Ga. Acts 1890-91, vol. I, pp. 219, 220.
3) Ga. Acts 1899, p. 69.
4) Ga. Acts 1884-85, pp. 83, 84.
5) Ga. Acts 1905, p. 105.
6) Ga. Code of 1933, #59-113; Ga. Acts 1905, p. 93.
7) Ga. Code of 1933, #59-114; Ga. Acts 1903, p. 83; 1911, p. 72.
8) Act 1797, Watkins, p. 627.
9) Ga. Acts 1805, pp. 42-44; Clayton, p. 272.
10) Ga. Acts 1869, pp. 139, 140.
11) Ga. Code of 1933, #59-106; Ga. Acts 1878-79, pp. 27-34; 1887, p. 31; 1892, p. 61; 1899, p. 44; see also Jury Commissioners, supra, p. 108.
12) Ga. Code of 1933, #59-208; Act 1812, Cobb, p. 551; Peeples v. The State, 173 S.E. 850; 178 Ga. 675 (1934).
13) Ga. Acts 1939, p. 1467.
14) Ga. Code of 1933, #59-203; Ga. Acts 1869, p. 140; 1874, p. 20.
15) Ga. Code of 1933, #59-204; Ga. Acts 1871-72, p. 48; 1884-85, p. 41.
16) Ga. Code of 1933, #59-118; Ga. Acts 1872, p. 15.
17) Ga. Acts 1869, p. 142.

1877 provided that the General Assembly establish the manner of fixing compensation,(1) and pursuant to this provision an act approved October 11, 1879 made it the duty of the first grand jury impaneled at the fall term of the superior court to fix the compensation of jurors, not to exceed the sum of $2 per diem.(2) Since 1919 the grand jurors have received for their services a sum not exceeding $3 per day, as fixed by the grand jury at the fall term of superior court.(3)

Any grand juror convicted of being corruptly influenced is forever disqualified to act as a juror.(4)

The officers of the grand jury consist of a foreman, who may be appointed by the judge, or, if so directed by the judge, be elected by their body, (5) and a clerk, who is elected by custom, there being no legal provision for this office.

The legal counsel of the grand jury is the solicitor general, whose duty it is to attend on the grand jury, advise them on matters of law, and swear and examine witnesses before them.(6)

It is the duty of the foreman to preside over the grand jury, and he may administer oaths and examine witnesses.(7)

The authority of the grand jury has been enlarged from time to time by legislative enactment. An act approved December 24, 1825 made it the duty of the county treasurer to exhibit to the grand jury at the first term of court in each year a statement of the county funds, with vouchers for all expenditures.(8)

In 1829 it was made the duty of the grand jury to inspect and examine the offices, papers and records of the clerks of the superior and inferior courts,(9) and it was made the duty of the county treasurer to lay before the grand jury at every second term a fair abstract from the books of record of the receipts and expenditures of public moneys.(10) Grand juries were required in 1854 to make out from the tax receivers' books, "a list of all the children entitled to the benefits of the poor school funds."(11) An act of December 21, 1859, required the ordinary to exhibit to the spring term grand

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1) Ga. Code of 1933, #2-4503; Ga. Const. 1877, art. VI, sec. XVIII, par. III.
2) Ga. Acts 1878-79, p. 190.
3) Ga. Code of 1933, #59-120; Ga. Acts 1878-79, p. 190; 1890-91, vol. 1, p. 80; 1895, p. 74; 1919, p. 104.
4) Ga. Code of 1933, #26-4702; Act 1833, Cobb, p. 809.
5) Ga. Code of 1933, #59-208; Act 1812, Cobb, p. 551; Peeples v. The State, 173 S.E. 850; 178 Ga. 675 (1934).
6) Ga. Code of 1933, #24-2908; pars. 2-4; Act 1799, Cobb, p. 574.
7) Ga. Code of 1933, #59-210; Ga. Acts 1857, p. 109.
8) Ga. Acts 1825, p. 68.
9) Ga. Code of 1933, #59-309; Ga. Acts 1877, p. 116.
10) Ga. Code of 1933, #23-1015; Act 1825, Cobb, p. 211; 1838, Cobb, p. 216; Ga. Acts 1859, p. 25.
11) Ga. Acts 1853-54, p. 110.

(Next entry 76, p. 114)

jury his vouchers for the expenditures of school funds.(1) The Constitution of 1877 authorizes the appointment of notaries public and ex officio justices of the peace on recommendation of grand juries.(2)

It is the special duty of the grand jury to inspect and examine the offices, papers, books and records of the several county officials,(3) or to appoint one or more citizens to make such inspection for them.(4) The grand jury is required carefully to investigate the sanitary conditions of the county jail,(5) and all other public buildings and property of the county, (6) and to inspect the list of pensioners and give in their general presentments the names of those they deem ineligible.(7) In like manner, the grand jury is required to inspect every orphanage, sanitarium, hospital, asylum, House of Good Shepherd, convent, monastery, house of correction, reformatory and penitentiary in the county.(8)

Upon the recommendation of two-thirds of the grand jury, the county authority empowered to levy taxes is authorized to levy additional taxes for county purposes not to exceed 50 percent of the State taxes for that year.(9)

On the recommendation of two successive grand juries, a juvenile court may be established in any county of less than sixty thousand inhabitants, and the judge of the superior court is authorized to appoint a judge thereof.(10) Jefferson County, however, has no juvenile court.

Upon the authority of the recommendation of two successive grand juries, the county commissioners may levy a tax of three mills for the support of paupers.(11)

The duty of the grand jury in regard to criminal matters is to make presentments of such offenses as may come to their knowledge, and to indict or make presentments of violations of law which they may know to have been committed at any previous time, which are not barred by the statute of limitations.(12)

The utmost frankness among grand jurors in all their communications is encouraged by law; and to that end it is provided by law that communications among grand jurors are excluded from evidence, from public policy.(13)

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1) Ga. Acts 1859, p. 30.
2) Ga. Const. 1877, art. VI, sec. VIII, par. I.
3) Ga. Code of 1933, #59-309; Act 1829, Cobb, p. 195; Ga. Acts 1877, p. 116.
4) Ga. Code of 1933, #59-310; Ga. Acts 1872, p. 45; 1890-91, vol. I, p. 79.
5) Ga. Code of 1933, #59-314; Ga. Acts 1887, p. 102.
6) Ga. Code of 1933, #59-315.
7) Ga. Code of 1933, #59-316; Ga. Acts 1890-91, vol. I, p. 204; 1931, pp. 7-10.
8) Ga. Code of 1933, #59-401; Ga. Acts 1916, p. 126; 1918, p. 166.
9) Ga. Code of 1933, #92-3706; Ga. Acts 1821, p. 115; Act 1821, Cobb, p. 184.
10) Ga. Code of 1933, #24-2401; Ga. Acts 1915, pp. 35, 36.
11) Ga. Acts 1939, pp. 199, 200.
12) Ga. Code of 1933, #59-304; Act 1829, Cobb, p. 553.
13) Ga. Code of 1933, #38-418; #59-302, #59-303.

The grand jury has the right to make recommendations concerning county matters. The effect of such recommendations is persuasive only, they having no authority to compel acceptance of its recommendations. Such recommendations, however, often prove a powerful factor in moulding public opinion and finally securing their adoption. The law provides for the publication of the whole or any part of their general presentments when so recommended by the grand jury.(1)

The law does not require the grand jury to keep minutes of its proceedings.(2) All presentments, indictments and other proceedings are returned to the court and are filed and recorded by the clerk of the superior court.(3)

Presentments

76. (PRESENTMENTS), 1910--. Est. 500 papers in 1 f.d.
Original presentments, showing date of meeting, criticisms and recommendations regarding operation and condition of various county offices, departments, and institutions, signatures of jurors, and order for publication in local newspaper. Arr. chron. by date found. No index. Hdw. and typed. 11 x 5 x 14. Sup. ct. cl.'s va.

VII. INFERIOR COURT

Structural Organization

The Constitution of 1789, like that of 1777, provided only for a superior court, but it delegated to the General Assembly the right to set up any necessary court of inferior jurisdiction.(4) In conformity to this delegated power, the legislature, by the judiciary act of 1789, created the inferior court.(5) The Constitution of 1798 set out in detail specific powers and duties of this court.(6) The inferior court exercised jurisdiction in Jefferson County from 1796 until this court was abolished by the Constitution of 1868, which provided for the transfer of its unfinished business to such courts as the General Assembly might designate.(7)

Five justices constituted this court in each county,(8) and this number was continued throughout the life of the court. The only qualifications required of the justices were those of good behavior and residence in the county for which they were appointed.(9)

A constitutional amendment in 1812 abolished the original system of

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1) Ga. Code of 1933, #59-317; Ga. Acts 1889, p. 156.
2) Thompson v. The State, 89 S.E. 436; 18 Ga. App. 488 (1916)
3) See Superior Court and Clerk, supra, p. 93.
4) Ga. Const. 1789, art. III, sec. I.
5) Act 1789, Watkins, pp. 396, 397.
6) Ga. Const. 1798, art. III, secs. I, IV, V, VI, X, XI.
7) Ga. Const. 1868, art. V, secs. V, XIV.
8) Ga. Acts 1811, p. 130.
9) Ga. Const. 1798, art. III, sec. IV.

appointment of the justices by the General Assembly and provided for their selection by the electors of the county qualified to vote for members of the General Assembly.(1) This method of selection continued throughout the remainder of the court's existence.

The terms of office of the justices, at first during good behavior, was changed in 1812 to four years, and this term was maintained throughout the rest of the court's existence in Jefferson County.(2) Provisions for compensation of the justices varied. "Salaries adequate to their services, established by law," were provided by the Constitution of 1798, and under this provision fees were fixed in 1806 at from $1 to $3 per case tried, according to the amount of money involved in litigation.(3) This schedule was repealed three years later.(4) An amendment to the constitution in 1812 provided compensation for their services "in such manner as the legislature may by law direct,"(5) and this stipulation remained in effect until its repeal in 1818.(6) From this date until the abolition of the court, no provision appears to have been made regarding the pay of the justices, the assumption being that their compensation for this period reverted to the original fee system.

Removal of the justices of the inferior court by impeachment, or by the Governor upon the address of two-thirds of each branch of the General Assembly, was provided in 1812,(7) and the same measure directed that any vacancy in the office of a justice be filled by an election called by two or more justices of this court or justices of the peace, who were required to advertise the election at least 20 days beforehand.(8)

Election of a clerk of the court by citizens of the county qualified to vote for members of the legislature was provided for in 1799,(9) and in 1817 the clerk was authorized to appoint one or more deputies.(10)

Provision that the same person could serve as clerk of both the superior and inferior courts was also included in the acts of 1799, and such person was required to take an oath and make bond payable to the Governor in the sum of $3,000.(11)

Tenure of office of clerks, originally during good behavior,(12) was fixed in 1811 at four years.(13) In 1802 the justices were authorized to allow

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1) Ga. Acts 1811, pp. 128-132.
2) Ibid.
3) Ga. Acts 1806, Nov. An. Sess., pp. 55-57.
4) Act 1809, Clayton, p. 551.
5) Ga. Acts 1812, pp. 125-129.
6) Ga. Acts 1818, pp. 100-102.
7) Ga. Acts 1812, pp. 125-129.
8) Ibid.
9) Ga. Acts 1799, Nov. Ex. Sess., pp. 7, 8.
10) Ga. Acts 1817, p. 55.
11) Ga. Acts 1799, Jan. An. Sess., pp. 8-56.
12) Ga. Acts 1799, Jan. An. Sess., pp. 119-122.
13) Ga. Acts 1811, p. 130.

the clerks of their courts reasonable compensation for the services performed by them.(1)

An act of 1817 provided that in case a vacancy occurred in the office of clerk of the inferior court by reason of death, resignation, or otherwise, the justices of the court, or a majority of them, should meet immediately at the courthouse and proceed to fill such vacancy by appointing a fit and proper person to serve until a successor was elected and qualified.(2)

Powers, Duties and Jurisdiction

Three separate jurisdictions were vested in the inferior court, which sat, or convened, at different times for each of these purposes. The court had control of and administered county affairs,(3) heard and determined ordinary, or probate, matters,(4) and sat as a court of law, with power to hear and determine causes and controversies, concurrent with the superior court, in all civil cases except those vested exclusively in the latter court.(5)

Administration of County Affairs

From its creation, the inferior court "sitting for county purposes," administered county business, had charge of public works and buildings, levied taxes,(6) and was charged with the supervision and maintenance of roads, bridges, and ferries.(7) In 1868 the powers of inferior courts over county affairs were vacated and these functions and duties were lodged in the ordinary until 1873, when a board of county commissioners was established in Jefferson County.(8)

Sitting for Ordinary Purposes

At Jefferson County's creation in 1796, powers and jurisdiction over probate and estate matters were exercised by the register of probates.(9) Two years later they were vested in the newly created inferior court, "sitting for ordinary purposes."(10) The inferior court, functioning in this capacity, was discontinued in 1852, and its powers, duties and jurisdiction

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1) Ga. Acts 1802, pp. 71, 72.
2) Ga. Acts 1817, pp. 75, 76; 1853-54, p. 28.
3) Act 1796, Marbury and Crawford, pp. 171, 172.
4) Ga. Acts 1799, Jan. An. Sess., pp. 71-73.
5) Act 1797, Marbury and Crawford, pp. 285-287.
6) Act 1796, Marbury and Crawford, pp. 171, 172; 1801, Clayton, p. 39; 1818, Lamar, p. 919.
7) Ga. Acts 1805, pp. 30, 31, 35-37; Act 1805, Clayton, p. 262; 1818, Lamar, pp. 786-793.
8) Ga. Const. 1868, art. V, secs. V, XIV; Ga. Acts 1873, p. 248. For a fuller treatment of the inferior court's jurisdiction over county matters, see County Commissioners, supra, p. 81.
9) Ga. Const. 1777, art. LII.
10) Ga. Const. 1798, art. III, sec. VI; Ga. Acts 1812, pp. 143-147; 1822, pp. 21-26.

(Next entry 77, p. 119)

were transferred to the court of ordinary, created in that year.(1)

Sitting as a Court of Law

As a court of law, the inferior court had concurrent jurisdiction with the superior court of all civil cases, except those of divorce and equity and cases respecting titles to land, over which the superior court held original and exclusive authority. The inferior court had power to try minor criminal offenses, classified as misdemeanors, and exercised sole jurisdiction in the trial of all offenses by slaves.(2)

The court held sessions twice a year in each county. It was made a court of record in 1799; vested with authority to establish lost papers; to issue writs of habeas corpus in the absence of the superior court judge, two or more justices concurring; and the course of appeal was prescribed as by certiorari to the superior court.(3)

This court was empowered by an act of 1799 also to hear and determine all causes, both civil and criminal, by a jury of 12 men,(4) and concurrent authority with the superior court was given the inferior court by the foregoing act. The justices were empowered in 1801 to release debtors from prison, if the execution restraining them issued from this court,(5) and in 1803 this provision was extended to include release of debtors regardless of what court issued the execution.(6) It was provided in 1811 that the inferior court try all capital offenses by slaves, and the court was empowered, in case of conviction, to inflict the death penalty.(7) Justices of this court were authorized in 1828 to issue warrants for the apprehension of Indians trespassing upon State territory without permits.(8)

An act of 1858 to abolish imprisonment for debt required that the defendant file a schedule in the office of the clerk of the inferior court and take the oath prescribed for honest debtors. If the jury found in favor of the defendant, he was permitted to take the insolvent debtor's oath, on delivering to the sheriff all the property described in the schedule. He was then released.(9)

Authority to grant corporate powers and privileges, except for banking, telegraph and railroad companies and towns and cities, was transferred in

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1) Ga. Acts 1849-50, pp. 117, 118; 1851-52, pp. 49, 50, 91 et. seq. The functions and powers of the inferior court, sitting for ordinary purposes, are treated in detail in the court of ordinary, infra, p. 120, and the estate and probate records are listed under that essay.
2) Act 1797, Marbury and Crawford, p. 287; Ga. Code of 1933, #37-101; Act 1799, Cobb, p. 467; Ga. Acts 1847, pp. 63, 64.
3) Ga. Acts 1799, Jan. An. Sess., pp. 8-56.
4) Ibid
5) Ga. Acts 1801, pp. 55-63.
6) Act 1803, Clayton, p. 147.
7) Ga. Acts 1811, pp. 49-53.
8) Ga. Acts 1828, pp. 87, 88.
9) Ga. Acts 1858, pp. 60, 61.

1860 from the General Assembly to the superior and inferior courts.(1)

In 1866 this court, sitting as a court of law, was superseded by the county court and all suits and cases on the inferior court dockets were transferred to the county court.(2) This county court existed only a few months, and was abolished by the Constitution of 1868.(3)

The first subsequent effort to provide a substitute for the inferior court, which had served in its 42 years of existence for the transaction of a great volume of county business and intermediate judicial administration, was contained in the act of 1872, which established a second county court in every county in the State, except in 46 counties specifically excluded in the measure.(4) Jefferson was one of the counties excepted at that time, but an amendment of 1875 established a county court in this county.(5)

Records

The Constitution of 1798 authorized the justices of the inferior court to vest the keeping and custody of its records and papers in a clerk,(6) and an act of 1799 required the clerk to keep a book of record of all the proceedings in all civil cases and fair and regular minutes, which were to be signed by the justices at the end of each session.(7)

The clerks were required by an act of 1801 to keep a book in which to enter descriptions of estrays taken up and sold, and such descriptions were to be kept at the courthouse for two years.(8) Under an act of 1810 clerks were required to keep a docket book for the special purpose of entering the names of plaintiffs and defendants and stating the case, and entering the satisfaction as per the sheriff's return; regular subpoena dockets were also required to be kept, and it was the duty of the clerks to file the sheriff's execution docket of cases handled in the inferior court.(9) In 1815 the duties of the justices in regard to books of records were further defined, and they were required to purchase out of county funds a sufficient number of well-bound blank volumes for the clerks of the superior, inferior and ordinary courts of their respective counties, and it was specified that such books should be lettered and indexed in a manner they considered proper; that the justices at the expiration of each year cause the clerks to produce a schedule of such books in their respective offices and have the same duly recorded.(10) Justices of the inferior court were ordered in 1806 to enter application of persons entitled to draw for lands ceded by the Creek Indians.(11)

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Inferior Court
Sitting for County Purposes (77-80)

The justices in 1820 were empowered to have transcribed in new and well-bound books the records of their respective counties, and to require county officers to produce their books for such purposes.(1) Clerks were compelled to exhibit to the grand jury at the first term of superior court in their counties a statement of county funds.(2)

The clerks were required to preserve a copy of the gold and land drawing lotteries as provided by the Governor.(3) and justices of the inferior court were required by an act of 1839 to obtain from the Governor's office and file one each of the standards of weights and measures adopted by the Congress of the United States.(4)

In 1866 the inferior court, sitting as a court of law, was abolished. (5) This loss of the court's powers as a court of law, together with its loss of jurisdiction over probate and estate matters in 1852, left it in charge of county affairs only, over which it continued to exercise authority until the court was abolished in toto by the Constitution of 1868.(6)

Sitting for County Purposes

77. (MINUTES FOR COUNTY PURPOSES), 1796-1858. In Inferior Court Minutes, entry 83.
Record of proceedings of justices when sitting for county purposes, showing nature of business and projects considered, date, amounts involved, and decisions of justices regarding matters considered.
For subsequent records, see entries 1, 170.

78. INFERIOR COURT RECEIPT BOOK, 1821-58. 6 vols. (dated).
Receipts for money paid by county for support of paupers, showing name of pauper, name of person responsible for pauper, amount and date of payment. Arr. chron. by date of payment. No index. Hdw. Aver. 100 pp. 12 x 7½ x 1½. Ord.'s va.

79. ACCOUNT BOOK OF THE COUNTY, MONEY RECEIVED IN THE OFFICE, 1820-24. 1 vol.
Record of moneys received by the county, showing from what source, for what purpose, date, and amount. Arr. chron. by date received. No index. Hdw. 33 pp. 13 x 6 x ½. Ord.'s va.

80. RECEIPTS FOR ROAD FINES, ETC., 1821-25, AND OATHS (and Fees Collected) FOR RETAILERS OF SPIRITUOUS LIQUORS, 1839-64, AND PUBLIC MONIES RECEIVED BY CLERKS OF THE INFERIOR COURT OF JEFFERSON COUNTY, GEORGIA, 1824-52, 1821-64. 1 vol.
Record of revenue received by county, showing date, from whom received and amount. Vol. divided into three sections and entries arr. chron. thereunder. No index. Hdw. 150 pp. 15 x 10 x 1. Ord.'s va.

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1) Ga. Acts 1820, pp. 67, 68.
2) Ga. Acts 1823, pp. 43, 44.
3) Ga. Acts 1832, pp. 223, 224.
4) Ga. Acts 1839, pp. 224, 225.
5) Ga. Acts 1865-66, pp. 22, 64-71.
6) Ga. Const. 1868, art. V, sec. XIV.

81. A LIST OF PERSONS ENTITLED TO DRAW OR DRAWS IN THE PRESENT CONTEMPLATED LAND LOTTERY, 1825, 1831. 11 vols.
Shows name of person entitled to draw in proposed land lottery sponsored by the State government, date of registration, and militia district. Arr. alph. by first letter of surname of person entitled to draw and chron. thereunder. No index. Hdw. Aver. 30 pp. 8½ x 6½ x ½. Ord.'s va.

Sitting as a Court of Ordinary

82. A. DILLON'S BLOTTER, 1822-25. 1 vol.
Local tailor's account book, showing name of customer, amount due, service rendered and date. This book was apparently filed in office in connection with the settlement of an estate. Arr. chron. No index. Hdw. 120 pp. 13 x 8 x ½. Ord.'s va.

Sitting as a Court of Law

83. INFERIOR COURT MINUTES, 1796-1858. 11 vols. (1-11 and dated).
Minutes of proceedings and business had before court, showing name of estate, nature of case or business, date and disposition thereof. Also contains: (Minutes for County Purposes), entry 77. Arr. chron. by date recorded. Loose index in each vol., alph. by first letter of surnames of plaintiff and defendant and chron. thereunder; or subject and nature of matters considered. Hdw. Aver. 118 pp. 13 x 8 x 1. Ord.'s va.

84. RECORD OF WRITS, 1825-48. 2 vols. (dated).
Record of writs issued, showing names of plaintiff, defendant, attorneys, and judge, case number, nature of writ, term of court, and disposition of case. Arr. chron. by date of case. 1825-40, 1 vol., indexed alph. by first letter of defendant's surname and chron. thereunder; 1840-48, loose index in vol., alph. by first letter of defendant's surname and chron. thereunder. Hdw. Aver. 244 pp. 13 x 8 x 1. Ord.'s va.

85. APPEAL BOND RECORDED, 1849-58. 1 vol.
Record of bonds given in cases appealed to a higher court, showing names of plaintiff and defendant, date of trial, judgment of lower court, amount of bond, and date recorded. In front of volume are several accounts of an unknown merchant. Arr. chron. by date recorded. Indexed alph. by first letter of defendant's surname and chron. thereunder. Hdw. 150 pp. 12 x 8½ x 1. Ord.'s va.

86. REGISTER OF FREE NEGROES, AGREEABLE TO AN ACT OF THE GENERAL ASSEMBLY, DECEMBER 19, 1818, 1818-59. 1 vol.
Register of free persons of color, showing name, age, nativity, date of arrival, residence, occupation, name of guardian, and date appointed. Arr. chron. by date registered. Loose index in vol., alph. by first letter of free person's surname and chron. thereunder. Hdw. 82 pp. 12½ x 8 x ½. Ord.'s va.

VIII. COURT OF ORDINARY AND CLERK

The court of ordinary was created in 1852, assuming the powers, functions,

and duties of the inferior court "sitting for ordinary purposes,"(1) and has continued to function in this capacity to the present time.(2)

Probate duties, at the creation of Jefferson County, were vested in a register of probates,(3) but the Constitution of 1798 provided for the transfer of these duties to the inferior court,(4) and an act of 1799 carried into effect these provisions.(5) The powers and jurisdiction of the inferior court, "sitting for ordinary purposes," were further defined by an act of 1810.(6)

Qualifications for the ordinary are residence for 2 years in the county for which elected, and eligibility to vote therein.(7) He cannot practice law in his own court, nor in any other court in connection with a case which originated in his court.(8) He is forbidden to assume any private fiduciary duties which would require him to account to his own court.(9)

The ordinary is chosen by the electorate of his county,(10) takes an oath to discharge his duties well and faithfully and without favor, and to receive only his legal fees.(11) If he acts as his own clerk, he is required to give bond of $1,000.(12) The term of office was established upon the creation of the office at 4 years, and this tenure remains in force.(13)

Compensation of the Jefferson County ordinary at present is based on a schedule of fees for each of his official acts.(14)

Ordinaries at present may be removed for malpractice in office, oppression or tyrannical partiality, refusal to preside in or hold court at the regular terms thereof, conduct unbecoming an upright magistrate, or for charging fees in excess of those provided for by law.(15)

When a vacancy occurs in the office of ordinary, the clerk of the superior court orders an election to take place within 20 days of the order, and notice thereof is published in the official newspaper of the county. Until the vacancy is filled, the superior court clerk performs the duties the

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1) Ga. Acts 1851-52, pp. 49, 50, 91.
2) Ga. Code of 1933, #24-1701; Ga. Const. 1877, art. VI, sec. VI, par. I.
3) Ga. Const. 1777, art. LII.
4) Ga. Const. 1798, art. III, sec. VI.
5) Ga. Acts 1799, pp. 71-73.
6) Ga. Acts 1810, pp. 143-147.
7) Ga. Code of 1933, #2-8301; Ga. Acts 1914, p. 43, ratified Nov. 3, 1914.
8) Ga. Code of 1933, #24-1715; Ga. Acts 1851-52, p. 97; 1859, p. 18; 1889, p. 46.
9) Ga. Code of 1933, #24-1711; Ga. Acts 1851-52, p. 93.
10) Ga. Code of 1933, #24-1702; Ga. Acts 1872, pp. 81, 82.
11) Ga. Code of 1933, #24-1703; Ga. Acts 1851-52, pp. 91-96.
12) Ga. Code of 1933, #24-1704; Ga. Acts 1851-52, p. 96.
13) Ga. Code of 1933, #24-1702; Ga. Acts 1872, pp. 81, 82.
14) Ga. Code of 1933, #24-1716; Act 1792, Cobb, p. 352; 1824, Cobb, p. 358; Ga. Acts 1851-52, p. 97; 1855-56, p. 147; 1857, p. 49; 1865-66, pp. 40, 41; 1870, pp. 67, 68; 1882-83, p. 61; 1889, pp. 76-79.
15) Ga. Code of 1933, #89-9907; Cobb, pp. 644, 809; Ga. Acts 1865-66, pp. 233, 234; 1873, pp. 23, 24; 1895, p. 63.

ordinary could as clerk.(1)

The ordinary is, by virtue of his office, also clerk of his own court, but he may, at his own expense, appoint one or more clerks, for whose conduct he is responsible and who hold office at his pleasure.(2) Clerks thus appointed are required to give bonds of $1,000.(3)

Powers and Duties

The Constitution of 1777 empowered registers of probates to prove wills and grant letters of administration,(4) and the Constitution of 1798 vested exclusive jurisdiction over such matters in the inferior court, sitting for ordinary purposes.(5)

The court of ordinary has original and exclusive jurisdiction of: The probate of wills; the granting and repeal or revocation of letters testamentary and of administration; all controversies over the right of executorship or administration; the sale and disposition of property belonging to the estates of deceased persons, and the distribution of such estates; the appointment and removal of guardians of minors and persons of unsound minds; auditing and passing returns of all executors, administrators, and guardians; all other matters relating to estates of deceased persons, and to idiots, lunatics, and insane persons.(6) The ordinary grants widows' years support, and is required to record in a book for that purpose the appraisers' return of the property, if the widow's application for support is granted;(7) and records the proceedings in connection with any conveyances or incumbrances of property set aside for the joint support of the widow and children.(8) Ordinaries are the guardians (custodians and distributors), and administer the estates of minor children and insane persons where the estate is valued at $500 or less, and the ordinary is required to keep a record of his acts as such guardian.(9)

The ordinary issues licenses to peddle in the county;(10) issues certificates to disabled or indigent veterans and blind persons to peddle without a license;(11) issues pistol toters' licenses;(12) grants homesteads;(13)

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1) Ga. Code of 1933, #24-1707; Ga. Acts 1851-52, pp. 50-95; 1871-72, p. 29.
2) Ga. Code of 1933, #24-1801; Ga. Acts 1851-52, p. 50.
3) Ga. Code of 1933, #24-1803.
4) Ga. Const. 1777, art. LII.
5) Ga. Const. 1798, art. III, sec. VI; Ga. Acts 1810, pp. 143-147; 1822, pp. 21-26.
6) Ga. Code of 1933, #24-1901; Act 1799, Cobb, p. 281; 1810, Cobb, p. 283; Ga. Acts 1851-52, p. 91; 1855-56, p. 147.
7) Ga. Code of 1933, #113-1005; Ga. Acts 1884-85, p. 49; 1918, p. 182.
8) Ga. Acts 1937, p. 861.
9) Ga. Code of 1933, #49-701; Ga. Acts 1918, p. 198; 1927, p. 256.
10) Ga. Code of 1933, #84-2001; Act 1819, Cobb, p. 773.
11) Ga. Code of 1933, #84-2011; Ga. Acts 1897, p. 24; 1898, p. 46; 1918, p. 116; 1919, p. 91.
12) Ga. Code of 1933, #26-5104; Ga. Acts 1910, pp. 134, 135.
13) Ga. Code of 1933, #51-201, #51-1103, #51-1401; Ga. Acts 1924, p. 57; 1898, p. 52.

issues writs of habeas corpus, except in cases of capital felonies, or where a person is held for extradition under warrant of the Governor;(1) has jurisdiction over estray animals;(2) and keeps a register of cattle marks and brands;(3) of persons handling explosives;(4) of embalmers;(5) of livestock dealers;(6) of sewing machine agents;(7) of fuel distributors from 1921 to 1928, at which time the keeping of this record was transferred to the State Comptroller General;(8) of druggists from 1880 through 1927, at which time the keeping of this record was transferred to the State Board of Pharmacy; (9) and a pension roll of Confederate veterans and their widows.(10)

From 1854 until a State Board of Education was organized in 1870, the ordinary was ex officio county school commissioner and administered the poor school fund.(11) The ordinary has authority to issue warrants and impose sentences in all misdemeanor cases arising from violations of the traffic laws under jurisdiction of the Georgia State Highway Patrol, where there is no city or county court, provided the defendant waives jury trial.(12)

Appeals to the superior court from the court of ordinary touching the probate of wills and the granting of letters of administration, in which matters of fact are involved, were required by an act of 1823 to be tried before a special jury in the county where the case arose.(13) Courts of ordinary were empowered in 1826 to order the sale of a part or the whole of the real estate of every testator or intestate, on application therefor when it was made clear that such sale was for the benefit of the heirs and creditors.(14) Similar sales for the benefit of orphans, lunatics, idiots, or illegitimate children were provided for the following year.(15)

Of the 159 county governments in Georgia, ordinaries still (in 1935) administer only 12, under authority of the Constitution of 1868, which abolished the inferior court and transferred its authority over county affairs to the ordinary.(16) In Jefferson County, the ordinary exercised authority over county affairs until the creation of a board of county commissioners in 1873.(17)

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Court of Ordinary and Clerk (Next entry 87, p. 125)

The ordinary was in 1935 authorized, upon the recommendation of two successive grand juries, to receive, file, record, and index historical data. The ordinary and the board of education of the county are the sole judges of the admissibility of any record, should there arise any question as to its historical value.(1)

The duties of clerk, or ordinary acting as such, are: to issue all citations required by law; to administer all oaths incident to the business of the court; to grant temporary letters of administration; to grant marriage licenses; to issue all fieri facias for costs on all judgments of the ordinary, or other processes necessary to enforce them; to issue subpoenas for witnesses, and all similar processes in connection with a trial; to keep fair and regular minutes of each session of the court, such minutes to be entered in a well-bound book, and to perform such other services during term time as the ordinary may require; to keep in his office a suitable book for each of the following purposes: a record of wills; record of all letters of administration and guardianship; record of all bonds given by administrators and guardians; record of all appraisements, investories and schedules; record of all accounts of sales; record of all accounts current authorized to be made to the ordinary, together with the vouchers accompanying same; record of all marriage licenses and the returns thereon; record of all official bonds required to be recorded in the ordinary's office;(2) a docket in which to enter all applications and other proceedings, in the order they are made, and which shall be called in like manner at each session; to procure and preserve for public inspection a complete file of all newspapers in which the ordinary's advertisements appear, and to have them bound in volumes of suitable size to be deposited and kept with their other records; to keep their books and papers arranged, filed, labeled and indexed, as is required of clerks, to give transcripts as they are required, and when the ordinary and the clerk are the same person, so to state in the certificates; to perform any other duty required of him by law, or which is indispensable to those required.(3)

The clerk of the court of ordinary in each county was required in 1801 to execute the duties of escheator, posting $10,000 bond with the Governor for the faithful discharge of his duties in that capacity.(4) Escheats are now handled by the ordinary, and the proceeds realized therefrom are turned over to the county educational fund.(5) Clerks of the court of ordinary were required under an act of 1823 to record births, and receive for each such record a fee of 25¢.(6) Until the establishment of the office of commissioner

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1) Ga. Acts 1935, pp. 383, 384.
2) Oaths of county officers may be taken before the ordinary, in which case they are filed in the office of the superior court clerk and entered on the minutes of the superior court; they are filed with the ordinary when they are taken by sheriffs, but are entered on the superior court minutes, and they are filed with the ordinary and entered on his minutes when they are taken before the coroner, tax collector, tax receiver, county treasurer, justices of the peace, or other county official empowered to administer oaths (Ga. Code of 1933, #89-306).
3) Ga. Code of 1933, #24-1804; Ga. Acts 1882-83, p. 70.
4) Ga. Acts 1801, pp. 63-70.
5) Ga. Code of 1933, #85-1101 to #85-1104.
6) Ga. Acts 1823, pp. 45, 46.

of health in Jefferson County in 1929, the ordinary was required to file and preserve in his office a copy of all birth and death certificates received by him from the local registrars of vital statistics.(1) The commissioner of health now performs this duty. Courts of ordinary were authorized by an act of 1845 to appoint their clerks as guardians in cases where estates are liable to be wasted because of inability to secure a guardian who could give the necessary bond, and to allow clerks acting in such capacity the same commissions as other guardians received. Acceptance of such appointment was left to the discretion of the clerk.(2) Under the present law, the county administrator, who is ex officio county guardian, appointed by the ordinary, serves in such cases.(3)

All records of the court of ordinary are in the ordinary's vault.

Minutes

87. MINUTES, COURT OF ORDINARY, 1801-61, 1865--. 15 vols. (1A-4D, 5A, 6B; A-I). Title varies: Record of Minutes, 1801-61, 4 vols.; Record of the Minutes, 1865-91, 2 vols. 1796-1800 in Record of Wills, entry 39.

Minutes of proceedings of court of ordinary, showing term of court, nature of case or business, action taken, and disposition thereof. Arr. chron. by date recorded. Indexed alph. by first letter of name of estate and chron. thereunder. 1801-61, 1865-1921, 10 vols., hdw.; typed thereafter. Aver. 500 pp. 17 x 12 x 3.

Wills

88. WILLS, 1790-1860, 1865--. Est. 5,000 papers in 8 f.d. (labeling varies).

Original wills, showing names of testator, witnesses, and executor, provisions of will, date executed, date recorded, and signature of ordinary. 1790-1860, 3 f.d., arr. chron. by date filed; 1865--, arr. alph. by first letter of deceased's surname and chron. thereunder. No index. Hdw. and typed. 11 x 5 x 14.

89. RECORD OF WILLS, 1796--. 5 vols. (1A, 3A; A-C).

Record of wills probated in court of ordinary, together with probate proceedings had thereon, showing names of testator, witnesses, and executor, provisions of will, date executed, date probated and recorded, and signature of ordinary. Volume A is a transcription of original record of wills 1796-1873. Also contains: Minutes, Court of Ordinary, 1796-1800, entry 87; Inventory and Appraisement, 1796-1800, entry 106. Arr. chron. by date recorded. Indexed alph. by first letter of testator's surname and chron. thereunder. 1796-1919, 4 vols., hdw.; typed thereafter. Aver. 288 pp. 15 x 10 x $1\frac{1}{2}$.

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1) Ga. Code of 1933, #88-1210; Ga. Acts 1927, p. 366; 1931, p. 7; 1933, p. 7.
2) Ga. Acts 1845, pp. 29, 30.
3) Ga. Code of 1933, #49-501, #113-1301; Ga. Acts 1882-83, p. 79; 1890-91, vol. I, p. 102.

Court of Ordinary and Clerk
Estates

(90-95)

Estates

Case Papers

90. (ESTATE PAPERS), 1796--. Est. 57,400 papers in 139 f.d. (labeled by contained letters of alph.).
All original case papers and letters pertaining to probation of wills and estate matters, showing name of estate, character of instrument or paper, and date filed. Original petitions for writs of habeas corpus, commanding the sheriff to produce the body of persons alleged to be illegally held, and other pleadings in connection therewith, showing term of court, names of parties, and disposition of case. Also contains: Annual Returns, 1796-1927, entry 116; Estrays, 1913--, entry 160. Arr. alph. by first letter of surname of estate and chron. thereunder. No index. Hdw. and typed. Older papers condition poor. 1796-1865, 1900--, 133 f.d., 11 x 5 x 14; 1865-1900, 6 f.d., 17 x 14 x 24.

Letters, Representatives of Estates

91. PETITIONS TEMPORARY LETTERS OF ADMINISTRATION, 1901--. 1 vol.
Applications of persons to be appointed to preserve an estate until a legal administration can be granted, showing names of applicant and estate, date of petition, and date of letter, if granted. Arr. chron. by date recorded. Indexed alph. by first letter of name of estate and chron. thereunder. Hdw. on pr. fms. 432 pp. 14 x 9½ x 3.

92. ADMINISTRATORS' TEMPORARY LETTERS, 1897--. 1 vol.
Copies of temporary letters granting authority to administer estates, showing names of deceased and temporary administrator, date appointed, and date returned and recorded. Arr. chron. by date granted. Indexed alph. by first letter of name of estate and chron. thereunder. Hdw. on pr. fms. 436 pp. 14 x 9 x 2½.

93. PETITIONS PERMANENT LETTERS OF ADMINISTRATION, 1897--. 2 vols. (A, B). Title varies: Petitions Letters of Administration, 1897-1912, 1 vol.
Petitions for letters of administration on estates to issue, showing names of petitioner, estate, reason for petition, and date. Arr. chron. by date recorded. Indexed alph. by first letter of name of estate and chron. thereunder. Hdw. on pr. fms. Aver. 503 pp. 15 x 10½ x 3.

94. LETTERS OF ADMINISTRATION, 1873--. 3 vols. (A, C; 1 vol. dated).
Copies of letters of administration, showing name of person appointed to administer estate of deceased, date letters granted, name of deceased, date recorded, and signature of ordinary. Arr. chron. by date granted. Indexed alph. by first letter of name of estate and chron. thereunder. Hdw. and typed on pr. fms. Aver. 416 pp. 15 x 10 x 3.

95. LETTERS TESTAMENTARY, 1873--. 2 vols. (1, 2).
Copies of letters testamentary issued upon probation of wills of deceased persons, authorizing executor named in will to administer estate, showing names of deceased and executor, date letters granted, date recorded, and signature of ordinary. Arr. chron. by date recorded. Indexed alph. by first letter of name of estate and chron. thereunder. Hdw. on pr. fms. Aver. 337 pp. 14 x 9 x 1½.

Court of Ordinary and Clerk (96-102)
Estates

96. PETITIONS FOR GUARDIANSHIP, 1900--. 2 vols. (1, 2).
Copies of petitions for appointment as guardian and orders granting same, showing names of guardian and ward, term of court, and dates. Arr. chron. by date recorded. Indexed alph. by first letter of ward's surname and chron. thereunder. Hdw. and typed on pr. fms. Aver. 303 pp. 14 x 9½ x 2.

97. LETTERS OF GUARDIANSHIP, 1873--. 2 vols. (A, B).
Copies of letters appointing guardian to have custody and control of the person and property of minors and incompetents, showing date appointed, names of guardian and ward, date recorded, and signature of ordinary. Arr. chron. by date recorded. Indexed alph. by first letter of name of estate and chron. thereunder. Hdw. on pr. fms. Aver. 431 pp. 14 x 9½ x 3.

98. PETITIONS NATURAL GUARDIAN, 1900--. 1 vol.
Record of petitions of parents for appointment as guardian of property of their minor children, and order granting same, showing names of parent and child, date of petition, and term of court. Arr. chron. by date recorded. Indexed alph. by first letter of ward's surname and chron. thereunder. Hdw. on pr. fms. 499 pp. 14 x 10 x 3.

99. MINORS' ESTATES UNDER $500, 1918--. 2 vols. Title varies: Ordinary Guardian, 1927-39, 1 vol.
Record of cases where ordinary has acted as guardian of minors whose estates are valued at $500 or less, showing description of estate property, account of receipts and disbursements, and affidavits of persons boarding minors, wherein moneys expended by them for necessities are itemized. Arr. chron. by date recorded. Indexed alph. by first letter of minor's surname and chron. thereunder. Hdw. on pr. fms. Aver. 173 pp. 14 x 9½ x 1.

Dockets

100. ORDINARY'S DOCKET, 1821-48, 1865--. 6 vols. (1821-48, 1 vol., not labeled; 1 vol. dated; A-D). Title varies: Docket for the Court of Ordinary, 1821-48, 1865-84, 2 vols.
Docket of all cases and business heard by ordinary, showing date, term of court, names of estate and the representative thereof, his capacity, nature of case, disposition thereof, and signature of ordinary. Arr. chron. by date entered. 1821-48, 1865-84, 2 vols., no index; 1885--, indexed alph. by first letter of name of estate and chron. thereunder. Hdw. under pr. hds. Aver. 258 pp. 15 x 11½ x 1½.

101. LIST OF EXECUTORS, ADMINISTRATORS AND GUARDIANS, 1889--. 2 vols.
Shows names of estate and legal representative, date letters granted, sureties on bonds, dates returns filed and letters of dismission granted. Arr. chron. by date recorded. Indexed alph. by first letter of name of estate or legal representative's surname and chron. thereunder. Hdw. Aver. 275 pp. 15 x 9½ x 2½.

102. SUBPOENAS, 1921--. 1 vol.
Stubs of subpoenas issued to persons to appear in ordinary's court, showing names of witnesses summoned to testify in court, name of case subpoenaed for, nature of hearing, date subpoena issued, and record of service. Arr. chron. by date issued. No index. Hdw. on pr. fms. 200 pp. 17 x 11 x 2.

Bonds, Representatives of Estates

103. BONDS FOR TEMPORARY LETTERS OF ADMINISTRATION, 1855-58, 1865-88, 1897--. 3 vols. (1A, 2B; A). Title varies: Temporary Administrators' Bonds, 1855-58, 1865-88, 2 vols.
Record of bonds given by temporary administrators of estates to assure faithful performance of their legal duties until a permanent administrator is named, showing date, names of administrator, surety, and estate, amount and conditions of bond; approved by ordinary. Arr. chron. by date recorded. Indexed alph. by first letter of name of estate and chron. thereunder. Hdw. on pr. fms. Aver. 213 pp. 13½ x 8½ x 2.

104. ADMINISTRATORS' BONDS, 1823-55, 1865--. 5 vols. (1A-4D; E).
Record of bonds given by administrators of estates to assure faithful performance of their legal duties, showing date, names of administrator, surety, and estate, amount and conditions of bond, and approval of ordinary. Arr. chron. by date recorded. 1823-55, 1865-72, 2 vols., loose index in each vol., alph. by first letter of name of estate and chron thereunder; 1872--, indexed alph. by first letter of name of estate and chron. thereunder. 1823-55, 1865-72, hdw.; hdw. and typed on pr. fms. thereafter. Aver. 342 pp. 12 x 8½ x 2.

105. RECORD OF GUARDIAN BONDS, 1822--. 4 vols. (1A-3C; D). Title varies: Guardians' Bond Book, 1822-88, 3 vols.
Record of bonds given by guardians to assure faithful performance of their legal duties toward minors and their estates, showing date, names of guardian, surety, and ward, and amount and conditions of bond. Arr. chron. by date recorded. Indexed alph. by first letter of guardian's surname and chron. thereunder. Hdw. on pr. fms. through 1930; typed on pr. fms. thereafter. Aver. 430 pp. 19 x 11 x 2½.

Inventories and Appraisements

106. INVENTORY AND APPRAISEMENT, 1801-12, 1816--. 12 vols. (labeling varies). Title varies: Appraisements, 1883-1900, 1 vol. 1796-1800 in Record of Wills, entry 89.
Record of inventories of estate, showing names of estate, administrator, and appraisers, itemized list of assets, description, valuation and location of property, amount certain items of the property brought at sale, name of purchaser, signature of ordinary, and date recorded. Arr. chron. by date recorded. Indexed alph. by first letter of name of estate and chron. thereunder. Hdw. Aver. 285 pp. 14½ x 9½ x 1½.

Widows Years Support

107. PETITIONS FOR YEARS SUPPORT, 1897--. 4 vols. Title varies: Twelve Months' Record, 1901-20, 1 vol.
Record of petitions for three persons to be appointed to appraise and set aside out of deceased husband's estate a sufficient amount of either property or money, or both, to maintain his widow for next year following the date administration is granted upon such estate, showing name of widow, names of children (if any). Arr. chron. by date recorded. Indexed alph. by first letter of name of estate and chron. thereunder. Hdw. on pr. fms. to 1931; typed thereafter. Aver. 313 pp. 15 x 11 x 2.

108. YEAR'S SUPPORT, 1897--. 3 vols. (A; 1, 2). Title varies: Warrants of Appraisement, 1897-1913, 1 vol.
Record of report of three persons appointed to appraise and set aside out of deceased husband's estate a sufficient amount of either property or money, or both, to maintain his widow for next year following the date administration is granted upon such estate, showing description and valuation of property awarded (if any), total amount allowed, names of appraisers, and date order confirmed and award granted. Arr. chron. by date recorded. Indexed alph. by first letter of name of estate and chron. thereunder. 1897-1913, 1 vol., hdw.; hdw. and typed on pr. fms. thereafter. Aver. 380 pp. 16 x 12 x 2.

Accounts and Sales

109. VOUCHER RECORD, 1851-61, 1865--. 24 vols. (labeling varies). Title varies: Record of Vouchers, 1851-1918, 20 vols.
Shows voucher number, amount, to whom payable, from what estate, name of administrator, dates paid and recorded. Arr. chron. by date recorded. Indexed alph. by first letter of name of estate and chron. thereunder. Hdw. to 1918; typed thereafter. Aver. 500 pp. 16 x 10½ x 2.

110. SALE RECORD, 1824-50, 1865--. 6 vols. (1A-3C, 5E, 6F; C). Title varies: Book of Sales, 1824-37, 2 vols.; Record of Sales, 1838-96, 3 vols.
Record of sales of estate property, showing names of estate and appraisers, description, location, and amount property brought at sale, and date recorded. Arr. chron. by date sold. 1824-50, 3 vols., loose index in each vol., alph. by first letter of name of estate and chron. thereunder; 1865-- indexed alph. by first letter of name of estate and chron. thereunder. 1824-96, 5 vols., hdw.; typed thereafter. Aver. 315 pp. 16 x 10 x 2.

Division of Estates

111. DIVISION IN KIND, 1843-90, 1897-1910. 3 vols. (1A-3C)
Record of division of estate of deceased among heirs, showing date, names of deceased and heirs, brief description of property received by them, and certificates of freeholders appointed to make division. Arr. chron. by date recorded. Indexed alph. by first letter of name of estate and chron. thereunder. 1843-99, 2 vols., hdw.; typed thereafter. Aver. 218 pp. 13½ x 8½ x 1½.

112. PROCESSING, 1920--. Est. 400 papers in 1 f.d.
Findings in estate land boundary disputes by a board of three appointed by the ordinary to determine the lines, showing names of disputants, board members, description of land, and date. Arr. chron. by date filed. No index. Hdw. on pr. fms. 11 x 5 x 14.

113. PLATS, 1897--. Est. 800 papers in 2 f.d.
Diagrams of estate property, showing name of landowner, number of acres, lines between properties, and location of land. Arr. chron. by date filed. No index. Hdw. 11 x 5 x 14.

114. SURVEY PLATS, 1885--. 1 vol.
Plats of estate lands made in connection with settlement of estates, showing

location of land, streams, boundaries, number of acres, scale, names of surveyor and estate, and date survey made. Arr. chron. by date surveyed. Indexed alph. by first letter of name of estate and chron. thereunder. Handdrawn. 608 pp. 21 x 17 x 4.

115. PLATS, 1837-44, 1872--. 6 vols. (labeling varies).
Plats of estate property in Jefferson County made by the county surveyor, showing name of owner of land, date of survey, name of surveyor, boundaries of land, number of acres, and location. Arr. chron. by date surveyed. 1872-83, 1 vol., loose index in front of vol., alph. by first letter of name of estate and chron. thereunder; 1837-44, 1876--, 5 vols., no index. Handdrawn. Aver. 500 pp. 18 x 16 x 2½.

Returns

116. ANNUAL RETURNS, 1927--. Est. 600 papers in 2 f.d. 1796-1927 in (Estate Papers), entry 90.
Annual and final returns, showing names of representative and estate, amounts received, disbursed, and on hand, to whom money was paid, for what purpose, and by what authority, date paid, date recorded, and signature of ordinary. Arr. chron. by date filed. No index. Hdw. and typed. 11 x 5 x 14.

117. ANNUAL RETURNS TO BE CHECKED, 1939--. Est. 50 papers in 1 f.d.
Annual returns of representatives of estates to be audited by ordinary, showing name of estate, representative, date, itemized account of receipts and disbursements; when approved these papers are filed permanently with Annual Returns, entry 116. Arr. alph. by name of estate. No index. Hdw. 11 x 5 x 13.

118. ANNUAL RETURNS, 1815-60, 1865-91, 1909--. 11 vols. (labeling varies). Title varies: Record of Returns, 1815-60, 1865-91, 8 vols.
Record of annual and final returns made by representatives of estates, showing names of estate and representative, all receipts and disbursements, to whom paid, by what authority, and for what purpose, date checks issued, amount on hand, date recorded, and signature of ordinary. Arr. chron. by date recorded. Indexed alph. by first letter of name of estate and chron. thereunder. 1815-1922, 10 vols., hdw.; typed thereafter. Aver. 500 pp. 15½ x 11½ x 2½.

119. ORDINARY, GUARDIAN AND LOST LEGATEES, 1918--. Est. 1,500 papers in 3 f.d.
Returns made by ordinary as legal guardian of estates of minors whose estates are valued at $500 or less, or where there are no apparent heirs and ordinary assumes legal responsibility of handling property for settlement of estate. Arr. alph. by first letter of name of estate and chron. thereunder. No index. Hdw. on pr. fms. 11 x 5 x 14.

120. RETURN DOCKET, 1891--. 1 vol.
Docket of legal representatives of estates required by court to file returns of receipts and disbursements, showing names of estate and representative, his capacity, date of qualification, name of bondsman, dates annual and final returns due, date filed, and date letters of dismission granted. Arr. chron.

by date entered. Indexed alph. by first letter of name of estate and chron. thereunder. Hdw. 428 pp. 15 x 9 x 3½.

Letters of Dismission

121. PETITIONS LETTERS DISMISSION, 1898--. 2 vols. (A, B).
Petitions of representatives of estates for dismission from their duties, showing names of estate and representative, date of petition, and order that letters be granted. Arr. chron. by date recorded. Indexed alph. by first letter of representative's surname and chron. thereunder. Hdw. on pr. fms. Aver. 432 pp. 14 x 10 x 2½.

122. PETITIONS LETTERS OF DISMISSION FROM GUARDIANSHIP, 1902--. 1 vol.
Petitions of guardians praying to be dismissed after they have performed all legal duties in connection with the estate, and ward has attained his majority or regained competency, orders granting same, and letter of dismission, showing date, names of guardian and ward. Arr. chron. by date recorded. Indexed alph. by first letter of guardian's surname and chron. thereunder. Hdw. on pr. fms. 432 pp. 14 x 10 x 2½.

123. LETTERS DISMISSION, 1900--. 2 vols. (A, B).
Copies of letters dismissing representatives of estates after they have discharged all legal duties in connection therewith, showing names of estate and representative, dates of appointment and dismission, and date recorded. Arr. chron. by date granted. Indexed alph. by first letter of name of estate and chron. thereunder. Hdw. on pr. fms. Aver. 500 pp. 14 x 10 x 3.

Lunacy Records

124. LUNACY WARRANTS AND OATHS OF WEIGHERS, 1914-20. Est. 50 papers in 1 f.d.
Original papers, showing dates, name of alleged lunatic, name of person who had warrant issued, copies of notices to three nearest adult relatives of alleged lunatic, names of three persons appointed as commission to determine alleged lunatic's sanity, two of whom are physicians, and verdict of commission, which must be unanimous. Also contains: (Oaths of Weighers), 1914-15, entry 178. Arr. chron. by date filed. No index. Hdw. 11 x 5 x 14.

125. LUNACY, 1897--. 2 vols. (1 vol., 1927--, B; both vols. dated).
Title varies: Records of Lunacy Cases, 1897-1927, 1 vol.
Record of affidavit of interested person deposing that alleged lunatic is insane, warrant for arrest of alleged lunatic, return of arresting officer, examining physician's certificate that party is insane, precept to sheriff directing him to summon named persons and doctors to sit as a jury to determine whether party insane, verdict of jury, acknowledgement of original service of notice by three nearest relatives of alleged lunatic, waiving all further notice in connection therewith, and order of ordinary. Arr. chron. by date filed. Indexed alph. by first letter of alleged lunatic's surname and chron. thereunder. Hdw. on pr. fms. Aver. 160 pp. 15½ x 10½ x 2.

Marriages

126. (APPLICATIONS FOR MARRIAGE LICENSES, WHITE AND COLORED), 1924--. 27 vols.

Applications for marriage licenses, showing names and addresses of applicants, birth dates of parties, and names and addresses of their parents; when parties are under 21 years of age, copies of application are posted for 5 days to give notice of intent to marry before license is issued. Arr. chron. by date of application. No index. Hdw. on pr. fms. Aver. 100 pp. 11 x 7 x 1.

127. WHITE MARRIAGE LICENSES, 1803--. Est. 10,000 papers in 11 f.d. (dated). Title varies: White Marriages, 1803-85, 5 f.d.
Original licenses, showing names, ages, and color of contracting parties, dates license issued, ceremony performed, returned, and recorded, and signature of person performing ceremony. Since 1912, if the parties could be located, the licenses have been returned after recording. Arr. alph. by first letter of man's surname and chron. thereunder. No index. Hdw. on pr. fms. 11 x 5 x 14.

128. COLORED MARRIAGE LICENSES, 1866--. Est. 8,000 papers in 9 f.d.
For description, see entry 127. Arr. alph. by first letter of man's surname and chron. thereunder. No index. Hdw. on pr. fms. 11 x 5 x 14.

129. MARRIAGE LICENSES, WHITE, 1895--. 9 vols. Untitled 1928-35, 1 vol.
Stubs show names of contracting parties, date of application, date issued, and signature of ordinary. Also contains: Marriage Licenses, Colored, 1899-1903, entry 130. Arr. chron. by date issued and numer. by license no. No index. Hdw. on pr. fms. Aver. 250 pp. 15 x 11 x 1½.

130. MARRIAGE LICENSES, COLORED, 1903--. 13 vols. (dated). 1899-1903 in Marriage Licenses, White, entry 129.
For description, see entry 129. Arr. chron. by date issued and numer. by license no. No index. Hdw. on pr. fms. Aver. 250 pp. 15 x 11 x 1½.

131. MARRIAGE RECORD WHITE, 1805-96, 1907--. 6 vols. (1A, 1A; 1 vol. not labeled; A-C). Title varies: Marriage License Record, 1880-93, 1 vol.
Record of marriage licenses issued, showing names, ages, and color of contracting parties, date license issued, date married, name of person performing ceremony, and date recorded. Arr. chron. by date recorded. 1805-65, 1 vol., indexed alph. by surname of man and woman; 1865-- indexed alph. by first letter of man's surname and chron. thereunder; 1805-- also separate index, entry 132. Hdw. and typed on pr. fms. Aver. 452 pp. 16 x 11½ x 2½.

132. WHITE MARRIAGES, WOMAN'S NAME (Index), 1805--. Est. 4,500 cards in 5 f.d. (labeled by contained letters of alph.).
Card index to Marriage Record White, entry 131, showing date issued, name and color of contracting parties, date married, person performing ceremony, and book and page number where recorded. Arr. alph. by name of woman. Typed. 11 x 5 x 14.

133. MARRIAGE RECORD COLORED, 1866--. 7 vols. (1A, A; 5 vols., 1883-84, 1891--, not labeled). Title varies: Record of Colored Marriages, 1866-84, 2 vols.
For description, see entry 131. Arr. chron. Indexed alph. by first letter of man's surname and chron. thereunder; 1897-- also separate index, entry 133. Hdw. to 1884; hdw. on pr. fms. thereafter. Aver. 453 pp. 15½ x 11½ x 2½.

Court of Ordinary and Clerk (134-140)
Homesteads and Exemptions; Voters and Elections; Official Bonds

134. COLORED MARRIAGES, WOMAN'S NAME (Index), 1897--. Est. 2,700 cards in 3 f.d. (labeled by contained letters of alph.).
For description, see entry 132. Serves as index to Marriage Record Colored, entry 133. Arr. alph. by woman's surname. Typed. 11 x 5 x 14.

135. (CORRESPONDENCE - MARRIAGE APPLICATIONS FOR MINORS), 1889-1913, 1 vol.
Original letters from parents to ordinary approving or disapproving issuance of license to minors, showing date, name, address, age, sex and color of minor, name of other party and signature of parents or guardian. Letters filed in vol. chron. No index. Hdw. 50 pp. 12 x 8 x ½.

Homesteads and Exemptions
(See also entries 26, 27)

136. PONY HOMESTEAD RECORD, 1868--. 3 vols. (A, B; 1). Title varies: Homestead Record, 1893-1912, 1 vol.
Record of pony homesteads granted to petitioners, who are heads of families, exempting to them household and kitchen furniture and provisions of the value of $300, which may be claimed even though all homestead rights have been waived, giving itemized schedule of personal property exempted, date, and order allowing or disallowing same. Arr. chron. by date recorded. Indexed alph. by first letter of petitioner's surname and chron. thereunder. Hdw. on pr. fms. Aver. 333 pp. 14 x 9 x 2½.

Voters and elections
(See also entries 72, 73, 244-246, 250)

137. (VOTERS' OATHS), 1922--. Est. 350 papers in 1 f.d.
Oaths, signed by voters, showing date, name, age, sex, color, residence, occupation, and qualifications. Arr. alph. by voter's name. No index. Hdw. and typed. 11 x 5 x 14.

138. VOTERS' BOOK, 1895-98, 1911-12, 1914, 1916, 1919, 1922. 8 vols. (1-4, 18-20, 22).
Oaths, signed by voters, showing name, age, sex, color, residence, occupation, and date. Arr. alph. by name of voter. No index. Hdw. and typed. Aver. 26 pp. 15½ x 11 x ½.

139. DISTRICT SCHOOL ELECTIONS FOR LOCAL TAXATION, 1897--. Est. 500 papers in 1 f.d.
Orders for elections in various school districts, and orders declaring results of school elections. Arr. chron. by date of election and numer. by district no. No index. Hdw. 11 x 5 x 14.

Official Bonds
(See also entry 65)

140. COUNTY OFFICERS BONDS AND OATHS, 1868--. Est. 1,100 papers in 2 f.d.
Oaths and original bonds given by county officials to assure faithful performance of their legal duties while in office, showing names of officer and

surety, amount and conditions of bond, date recorded, and signature of ordinary. Arr. chron. by date filed. No index. Hdw. on pr. fms. 11 x 5 x 14.

141. COUNTY OFFICERS BONDS, 1870--. 3 vols. (1A, 2B; A). Title varies: Record of County Officers Bonds, 1889-95, 1 vol.
Record of bonds given by county official to assure faithful performance of their legal duties, showing date, names of officer and surety, amount and conditions of bond, date recorded, and signature of ordinary. Arr. chron. by date recorded. Indexed alph. by first letter of official's surname and chron. thereunder. Hdw. on pr. fms. Aver. 450 pp. 16½ x 12 x 3.

Soldiers and Sailors

Confederate Records

142. CONFEDERATE PENSION DATA, 1892-1910. 1 vol.
Record of applications for Confederate soldiers' and their widows' pensions with letters to set up claim, testimony of witnesses, and oaths of widows, Arr. chron. by date recorded. Hdw. 150 pp. 17 x 10½ x 1.

143. PENSION CHECKS, 1912--. Est. 7,500 papers in 3 f.d. (dated).
Cancelled Confederate pension checks, showing date issued, serial number, name of payee, amount, and signature of ordinary. Arr. chron. by year and alph. by name of payee. No index. Hdw. on pr. fms. 11 x 5 x 14.

144. BANK OF LOUISVILLE (Pensions), 1939--. 1 vol.
Stubs of checks issued in payment of Confederate pensions, showing stub number, date, page, name and address of veteran, amount of check, and signature of ordinary. Arr. chron. by date paid and numer. by stub no. 600 pp. (150 pp. used) 8 x 12 x 2.

145. ROSTER OF CONFEDERATE SOLDIERS, 1861-65. 1 vol.
Shows name of soldier, dates of enlistment and discharge, company, rank, and details of service. Arr. alph. by first letter of soldier's surname and chron. thereunder. No index. Hdw. on pr. fms. 156 pp. 17 x 15 x 1½.

146. LIST OF CONFEDERATE VETERANS IN JEFFERSON COUNTY (and Record of Jefferson County Fair), 1893. 1 vol.
Record of Confederate veterans in Jefferson County and their service in the War Between the States, showing name and company. Record of Jefferson Fair, showing date held, list of entries, and names of prize winners. Arr. alph. by first letter of veteran's surname and chron. thereunder. No index. Hdw. 92 pp. 12 x 8 x 1.

World War Record (See also entries 10-iii, 155).

147. WORLD WAR PAPERS, 1917-18. 4 vols. (1-4).
Photostatic copies of draft papers of world war soldiers, showing name, age, health record, and serial number of draft. Arr. chron. by date recorded. Loose index in vol., alph. by first letter of soldier's surname and chron. thereunder. Photostats. Aver. 50 pp. 12 x 8 x ½.

Spirituous Liquors

148. WHISKEY, 1916. Est. 900 papers in 1 f.d.
Record of liquor shipments received by the Southern Express Company agent, showing names of consignor and consignee, date and place of delivery, amount of liquor, and serial number of certificate. Record kept in accordance with State two-quart law. Arr. chron. by date of shipment. No index. Hdw. on pr. fms. 11 x 5 x 14.

149. RECORD OF ALCOHOL AND WINE APPLICATIONS, 1887-98. 1 vol.
Applications for permits to sell alcohol and wine, showing date, name and address of dealer, location of business and whether granted or rejected. Arr. chron. by date recorded. Indexed alph. by first letter of applicant's surname and chron. thereunder. Hdw. 125 pp. 12 x 8 x 1.

150. PRESCRIPTION RECORD, 1908-17. 1 vol.
Record of prescriptions authorizing drugstores to sell alcohol to patients, giving serial number, date, quantity of alcohol, names of patient and physician, name and location of drugstore where prescription filled. Arr. chron. by date recorded. Indexed alph. by name of physician. Hdw. on pr. fms. 150 pp. 14 x 10 x 1.

151. CASH BOOK AND LICENSES ISSUED FOR RETAILING SPIRITUOUS LIQUORS, 1830-37. 1 vol.
Record of all cash received in office, showing date, amount and from whom received, and for what purpose. Record of licenses issued for retailing spirituous liquors, showing name of dealer, license number, date, name of surety on bond, amount and conditions of bond, and oath signed by retailer stating he would not sell liquor to slaves or free persons of color without consent of owner of slave or guardian of free person of color. Vol. divided into two sections, each arr. chron. No index. Hdw. 100 pp. 13 x 8 x 1.

Licenses

152. REGISTER OF EXPLOSIVES, 1921--. 1 vol.
Record of persons possessing explosives, showing name, date, residence, amount and kind of explosive, when, where, from whom, and for what purpose purchased, and where stored. Arr. chron. by date registered. Indexed alph. by first letter of purchaser's surname and chron. thereunder. Hdw. 69 pp. 16 x 10 x 1.

153. PISTOL TOTERS REGISTER AND BOND, 1910--. 1 vol.
Applicants' affidavits, and the $100 bond given by pistol toters, conditioned to prevent illegal use of weapon, showing name of pistol toter, manufacturer, surety, date and conditions of bond, calibre, and serial number of pistol. Arr. chron. by date recorded. Indexed alph. by first letter of applicant's surname and chron. thereunder. Hdw. on pr. fms. 200 pp. 18 x 11 x 1½.

154. RECORD OF PEDDLERS' LICENSES, 1914--. 1 vol. Last entry 1935.
Applications to peddle wares, "except ardent spirits," within the county for 12 months, showing name and address of applicant, date, and order for issuance of license. Arr. chron. by date recorded. Indexed alph. by first letter of applicant's surname and chron. thereunder. Hdw. and typed on pr. fms. 300 pp. 14 x 9½ x 1½.

Court of Ordinary and Clerk (155-162)
Business and Professional Registration; Estrays; Newspapers

155. VETERANS' LICENSE TO DO BUSINESS, 1935--. 1 vol.
Register and oaths of disabled veterans or blind persons to peddle goods or conduct business without a license, showing name of applicant, record of service, date, and report of physicians as to veteran's disability. Arr. chron. by date issued. Indexed alph. by first letter of applicant's surname and chron. thereunder. Hdw. on pr. fms. 250 pp. 7½ x 19 x 2.

156. LIVESTOCK DEALERS APPLICATION AND LICENSE, 1937--. 1 vol.
Stubs of licenses, showing serial number, name, age, residence, and place of business of dealer, date sworn, signature of ordinary, and dates filed and license issued. Arr. chron. by date issued and numer. by license no. No index. Hdw. on pr. fms. 100 pp. 9 x 18 x 1.

157. REGISTER OF LIVESTOCK DEALERS, 1937--. 1 vol.
Record shows name, age, residence, address, and location of business of dealer, date registered, and license number. Arr. chron. by date registered. No index. Hdw. under pr. hds. 100 pp. 9 x 12 x 1.

Business and Professional Registration
(See also entries 30, 31)

158. EMBALMERS' REGISTER, 1935--. 1 vol.
Register shows name and address of embalmer, and date registered. Arr. chron. by date registered. No index. Hdw. 50 pp. 5 x 3 x ¼.

159. RECORD OF DRUGGISTS, 1908-27. 1 vol. Discontinued as county record December 31, 1927; kept by Secretary of State, 1928--. Last entry September 1911.
Shows name and address of druggist, date registered, name of school or college from which graduated, whether licensed by examination or diploma, license number, and date issued. Arr. chron. by date registered. Indexed alph. by first letter of druggist's surname and chron. thereunder. Hdw. 98 pp. 15 x 11 x 1.

Estrays

160. ESTRAYS, 1834-1913. Est. 35 papers in 1 f.d. 1913-- in (Estate Papers), entry 90.
Notices show kind and number of animals, date picked up, by whom, date sold, or other disposition, and name of purchaser, if sold, amount paid, with notation if animals returned to owner. No obvious arr. No index. Hdw. and typed. 11 x 5 x 14.

161. ESTRAYS, 1796-1815. 1 vol.
Shows number and description of animals, appraised value, name of holder, costs for keeping estrays, order of sale, amount paid by purchaser, if sold, or amount charged for holding, if returned to owner, and signature of ordinary. Arr. chron. by date recorded. No index. Hdw. 122 pp. 12 x 7 x ½.

Newspapers

162. JEFFERSON NEWS AND FARMER, May 5, 1871 - Jan. 22, 1874. 2 vols.
Bound volumes of newspapers in which ordinary's official citations, advertisements, and notices appear, published weekly. Paper ceased publication

in January 1874. Arr. chron. by date published. No index. Pr. Aver. 100 pp. 24 x 18 x 3.

163. NEWS AND FARMER, Dec. 9, 1875--. 64 vols.
Bound volumes of newspapers in which ordinary's official citations, advertisements, and notices appear, published weekly. Began publication in December 1875. Arr. chron. by date published. No index. Pr. Aver. 1,000 pp. 24 x 18 x 3.

164. CITATIONS NOW RUNNING IN NEWS AND FARMER, 1939--. Est. 100 papers in 1 f.d.
Clippings of official citations ordered and advertisements now running in county newspaper. Arr. chron. by date appearing. No index. Typed. 11 x 5 x 13.

Maps

165. JEFFERSON COUNTY, GEORGIA, 1879. 1 map.
Political and communications map, showing roads, rivers, streams, and militia district boundaries. Author and place of publication unknown. Black and white. Condition very poor. Scale: 1 in. equals 8 mi. 27 x 42.

166. JEFFERSON COUNTY, GEORGIA, 1897. 1 map.
Political and communications map, showing public bridges, rivers, creeks, and taxable property. Margin around map shows historical sketch of county, school population, and polls returned. Author: I. F. Adkins. Publisher: Smith and Stroup, Philadelphia. Colored. Condition poor. Scale: 1 in. equals 1 mi. 30 x 40.

167. JEFFERSON COUNTY, GEORGIA, 1921. 1 map.
Political and communications map, showing school districts, county lines, schools, State highways, other public roads, railways, water courses. Map accepted by county board of education, January 3, 1922. Author: R. P. Little. Published: Louisville, Ga. Black and white. Scale: 1 in. equals 1 mi. 28 x 52.

168. NEW COMMERCIAL AND CENSUS MAP OF GEORGIA, 1923. 2 maps.
Political and communications maps, showing cities, villages, and post offices, railroads, stations and distances between stations, and congressional districts. 1 map on each side of page. Publishers: National Map Co., Indianapolis, Ind. Key arr. alph. by names of cities. Colored. Scale: 1 in. equals 1 English statute mi. 48½ x 49.

169. MAP OF GEORGIA, 1936. 1 map.
Communications map, showing public roads, railroads, and waterways. Publisher: The George F. Cram Company, Indianapolis, Ind. Colored. Scale: 1 in. equals 10 mi. 48½ x 49.

County Purposes

170. ORDINARY'S MINUTES FOR COUNTY PURPOSE, 1865-84. 1 vol.
Minutes, proceedings and business transacted by ordinary sitting for county

purposes, showing date, nature of business and disposition thereof. (Ordinary supposed to have exercised authority over county affairs 1868-73 only.) Arr. chron. by date entered. No index. Hdw. 150 pp. 16 x 10 x 1.
For prior records, see entry 77; for subsequent records, see entry 1.

171. ROADS, CONSTRUCTIONS AND PRIVATE WAYS, 1849--. Est. 500 papers in 1 f.d. Last entry 1923.
Agreements between property owners to open a public or private roadway between private properties, showing names of landowners, location and length of proposed way. No obvious arr. No index. Hdw. 11 x 5 x 14.

Miscellaneous

172. PAPERS LEFT FOR SAFEKEEPING, 1927--. Est. 400 papers in 1 f.d.
Sealed envelopes containing papers left with ordinary for safekeeping. No obvious arr. No index. Hdw. and typed. 11 x 5 x 14.

173. OLD PAPERS, 1771-1865. Est. 400 papers in 1 f.d.
Old land grants and deeds, together with miscellaneous case papers and pleadings, showing names of parties, nature of instrument, and dates. No obvious arr. No index. Hdw. Condition poor. 11 x 5 x 14.

174. MIXED PAPERS, 1856-1900. Est. 500 papers in 1 f.d.
Miscellaneous papers, principally orders for adjournment of court, showing term of court, and date of adjournment, and unclassified papers. Also contains: (Oaths of Weighers), entry 178. No obvious arr. No index. Hdw. Condition poor. 11 x 5 x 14.

175. UNRECORDED PAPERS, 1875-1900. Est. 1,000 papers in 2 f.d.
Old assortment of papers, some incomplete, some left for safekeeping, one copy of the "Dog Law", and a copy of "Stamp Duties on and After July 1, 1898." No obvious arr. No index. Hdw. 11 x 5 x 14.

176. LEDGER (Fees), 1875-97. 2 vols.
Record of fees collected by ordinary, showing date and from whom collected, and for what purpose. Arr. chron. No index. Hdw. Aver. 100 pp. 14 x 8 x 1.

177. ORDINARY (Office Expenses), 1933--. 1 vol.
Stubs of checks issued for expenses of ordinary's office, showing serial number, date issued, to whom, and amount. Arr. chron. by date issued and numer. by stub no. No index. Hdw. on pr. fms. 500 stubs 10 x 8 x 2.

178. (OATHS OF WEIGHERS), 1856-1900, 1914-15. 1856-1900 in Mixed Papers, entry 174; 1914-15 in Lunacy Warrants and Oaths of Weighers, entry 124.
Oaths of public weighers, deposing that they will weigh fairly and impartially all articles brought to them, showing name of weigher, and date of oath.

179. CENSUS - 82nd & 78th M.D. (Militia District), 1880. 1 vol.
Shows name and address of citizens, quantity of personal and real property owned, and annual agricultural production. No obvious arr. No index. Hdw. 100 pp. 13 x 8 x $\frac{1}{2}$.

180. POSTAGE BOOK, 1854. 1 vol.
Record of money transmitted through W. A. Hayles from persons in Jefferson County to persons living out of the county, showing amount, name and address of consignor and consignee, and date of transaction. In front of volume is a list of periodicals published in the county. Arr. chron. by date recorded. No index. Hdw. 30 pp. 12 x 8 x ½.

181. LETTERS FOR FAMILY RECORDS, 1923--. Est. 500 papers in 1 f.d.
Letters written to the ordinary, clerk of superior court, the mayor, and ministers by persons desiring records of their families. No obvious arr. No index. Hdw. and typed. 11 x 5 x 14.

IX. COUNTY ADMINISTRATOR

This office was created in Georgia by an act approved September 27, 1883. It provides for the appointment by the ordinary in each county of a county administrator.(1)

The clerk of superior court served in this capacity in Jefferson County until 1919, when a county administrator was appointed.(2)

The administrator is required to be a citizen and resident for one year of the county for which he is appointed, and have attained the age of 21 years. The clerk of the superior court is eligible to this office, and if, from any cause, there is no county administrator in a county, it is the duty of the ordinary to vest the duties of this office in the superior court clerk.(3)

A bond of $5,000 is required of this officer, whose term of office is four years. His compensation is the same as that of any other administrator of an estate. The ordinary is authorized to fill by appointment any vacancy that may occur by reason of death or resignation.(4)

It is the duty of the county administrator to take charge of all estates unrepresented and not likely to be represented.(5)

The records of the county administrator are filed and recorded in the office of the ordinary in the same manner as those of other administrators of estates.

X. COUNTY COURT

Jefferson County in 1866 became subject to the general act which established a county court in each county of the State in lieu of the inferior court as a court of law. The county court inherited the trial functions and jurisdiction of the older court and took over its records, books and papers.(6)

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1) Ga. Acts 1882-83, pp. 79-81.
2) Minutes, Court of Ordinary, vol. F, 1918-21, p. 103, see entry 87.
3) Ga. Code of 1933, #113-1307; Ga. Acts 1882-83, pp. 79-81.
4) Ibid.
5) Ibid.
6) Ga. Acts 1865-66, pp. 22, 64-71. See Inferior Court, supra, p. 114.

County Court

(Next entry 182, p. 141)

This county court was abolished in 1868.(1)

The uniform act of January 19, 1872, created county courts upon the recommendation of the grand juries in all except 46 named counties, of which Jefferson was one, thus excluding this county from its operations.(2) In 1875, however, the act of 1872 was amended to provide such a county court for Jefferson, and the Governor was authorized to appoint a county judge without the recommendation of the grand jury.(3)

The judge of this court, called the county judge, was required to be at least 25 years of age, and a resident of the county for one year immediately before taking office. The appointment by the Governor was made with the advice and consent of the Senate. The judge's term of office was four years. His salary was fixed by the grand jury at its spring term. Vacancies occurring in the office were filled by appointment by the Governor, as in cases of judges of the superior court.(4)

The county judge served as clerk of his court, and was given authority to appoint a bailiff to serve the writs and processes of the court. The bailiff was required to give the same kind of bond and security as required of constables, except that it should not exceed $200. The judge administered the same oath to the bailiff as taken by constables. The judge could also appoint special bailiffs when necessary.(5)

An act approved September 19, 1889, abolished the county court and provided for the transfer of pending cases to the superior court of Jefferson County.(6) This action was rescinded three years later by the repeal of the act of 1889, thus reestablishing this court.(7) In 1906 a proposal to abolish the county court was again made by legislative act,(8) conditioned upon the establishment of the city court. The proviso in this act, however, that it go into effect only upon the recommendation of the grand jury at the November term, 1906, of the superior court was not met, and the county court continued to function until 1911, when it was finally discarded and its pending cases transferred to the city court, established that year.(9)

The county judge had jurisdiction of all matters of contract or tort (except where exclusive authority was vested in the superior court), when the principal sum did not exceed $100. He had the powers of a justice of the peace to issue criminal warrants, and, upon examination, to commit the accused to jail, unless the case was bailable by a justice of the peace, when the accused could furnish bail for his appearance before the proper court. In cases which did not appear on examination to be felonies, the county judge had full authority over them unless the accused, in writing, demanded indictment by the

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1) Ga. Const. 1868, art. V, sec. XVI.
2) Ga. Acts 1871-72, pp. 288-298.
3) Ga. Acts 1875, pp. 53, 54.
4) Ga. Acts 1871-72, p. 289.
5) Ga. Acts 1871-72, pp. 288-298.
6) Ga. Acts 1889, p. 1157.
7) Ga. Acts 1892, p. 225.
8) Ga. Acts 1906, p. 269.
9) Ga. Acts 1911, p. 383.

grand jury. In that case, the judge was required to demand good bond and security for the accused's appearance to answer such indictment. Trial by a jury of 12 in criminal cases was provided for on demand, and the right to certiorari to superior court in both civil and criminal matters was given the county court.(1)

The county judge was empowered to compel the attendance of witnesses, the production of papers, and could punish for contempt by fines not exceeding $100 and imprisonment not exceeding 10 days. The creating act provided for the transfer of all misdemeanor cases from the superior to the county courts.(2)

Although in some counties jurisdiction and management of county affairs, formerly vested in the inferior courts, was transferred to the county judge, in Jefferson County the board of county commissioners, vested in 1873 with control of county affairs, continued to have jurisdiction.(3)

The county judge was required to keep a docket of all his civil proceedings, such as is required of justices of the peace, and carefully file away and preserve all the papers connected with such proceedings. He was also required to keep a docket of all criminal cases disposed of by him, and to state therein the case, its nature and disposition.(4) The amending act of 1875 required the judge to keep a book of minutes of civil proceedings and execution dockets corresponding to those kept by clerks of the superior court. The judges were made ex officio clerks of their courts, but were authorized to employ clerks at their own expense.(5)

All records of the county court are in the superior court clerk's vault.

Civil

182. MINUTES, 1892-1901, 1908-11. 3 vols. Title varies: Minutes of Jefferson County, 1892-94, 1 vol.
Minutes of cases and proceedings, showing names of plaintiff, defendant, and attorneys, term of court, nature of action and description of case. Arr. chron. by date entered. Indexed alph. by first letter of defendant's surname and chron. thereunder. 1892-1901, 2 vols., hdw.; typed thereafter. Aver. 450 pp. 17½ x 14 x 2½.

183. EXECUTION DOCKET, 1875-78, 1886-90, 1892-1912. 2 vols.
Docket of executions issued on county court judgments, showing case number, name of plaintiff, defendant, and attorneys, date and amount of judgment, date execution issued, and remarks. Arr. chron. by date of execution. Indexed alph. by first letter of defendant's surname and chron. thereunder. Hdw. under pr. hds. Aver. 250 pp. 17 x 11 x 2.

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1) Ga. Acts 1871-72, pp. 288-298.
2) Ibid.
3) Ga. Acts 1873, p. 248.
4) Ga. Acts 1871-72, pp. 288-298.
5) Ga. Acts 1875, pp. 69-71.

Criminal

184. DEAD DOCKET (Criminal Case Papers), 1892-1910. Est. 50 papers in 1 f.d.
Papers and pleadings in county court criminal cases dead docketed or nolle prossed, showing date such action taken by judge, upon motion of solicitor. Arr. chron. by date filed. No index. Hdw. and hdw. on pr. fms. 11 x 5 x 14.

185. CRIMINAL DOCKET, 1895-1911. 2 vols. (1 vol. not labeled; 2). Docket of cases tried in county court, showing court term, case number, names of defendant, prosecutor, and attorneys, offense charged, and disposition of case. Arr. chron. by date filed. Indexed alph. by first letter of defendant's surname and chron. thereunder. Hdw. on pr. fms. Aver. 300 pp. 17½ x 11 x 2½.

XI. COUNTY COURT SOLICITOR

There was no provision in the general county court act of 1872 for a solicitor of that court. The amendment of 1875, however, which made the original law operative in Jefferson County, authorized the Governor to appoint this officer upon the recommendation of a majority of the grand jury of the county.(1)

The solicitor of the county court was required to be a resident of the county for which he was appointed, and a practicing attorney at law in good standing.(2)

No oath or bond was exacted of this officer, who, while his term of office was not fixed by the amending act, had the same tenure as the judge, whose term was four years.(3) The compensation of the solicitor was on a fee basis. He received the same fees as those provided for the solicitor general of the superior courts of that circuit.(4) Vacancies in this office were filled in the same manner provided for filling vacancies in the office of county judge.(5)

It was the duty of the county court solicitor to represent the State in all criminal cases tried in the county court, and in such cases as were appealed to the superior court for review.(6)

XII. CITY COURT OF LOUISVILLE AND CLERK

The city court of Louisville, in and for the county of Jefferson, was authorized in 1906 by an act of the General Assembly, but approval of the grand jury at the November term of superior court was made a condition

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1) Ga. Acts 1875, pp. 69-71.
2) Ibid.
3) Ga. Acts 1871-72, pp. 288-298; 1875, p. 69.
4) Ga. Acts 1875, p. 69.
5) Ibid.
6) Ibid.

precedent to the establishment of the court, and was not forthcoming.(1) Five years later a successful effort was made to provide a city court for the county. It was also termed the city court of Louisville, and the tribunal then established remains in operation today.(2)

The judge of the city court must be at least 25 years of age, a citizen of Jefferson County for two years immediately preceding his election, and must have been a practicing attorney at law for five years next preceding his election.(3)

Originally appointed by the Governor with the approval of the Senate,(4) the judge of the city court of Louisville has been elected since 1920 by the qualified voters of Jefferson County.(5) He is required to take an oath to administer justice without respect to person and to do equal rights to the poor and rich, and that he will perform faithfully and impartially all duties which may be required of him as judge of the city court of Louisville, according to the best of his ability and understanding. The oath is filed in the State Executive Department. The term of office of the judge is two years,(6) and his salary is $1,200 a year.(7)

He may be impeached for failure to perform certain duties.(8) The State House of Representatives has the sole power to impeach office holders,(9) and the Senate has the sole power to try impeachments.(10) Vacancy in the judgeship is filled by appointment by the Governor for the unexpired term, unless a general election for members of the General Assembly occurs before the expiration of his term.(11)

The clerk of the superior court of Jefferson County is, by virtue of his office, also clerk of the city court. He must give a bond of $1,000 for the faithful discharge of his duties in the city court, made payable and filed as is his bond as clerk of superior court. His compensation is fixed at $2 per day for attending the regular session of this court, and his scale of fees corresponds to those allowed for like services in the superior court.(12)

The sheriff of Jefferson County and his deputies are ex officio officers of the city court. Bond of $1,000 is required of the sheriff, and he is paid $2 per day for his services at the regular terms of the court, and also receives fees similar to those allowed for like services in the superior court. All duties and liabilities attached to the office of clerk of the superior court and to the office of sheriff are applied respectively to the office of

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1) Ga. Acts 1906, pp. 257-259.
2) Ga. Acts 1911, pp. 277-293.
3) Ibid.
4) Ibid.
5) Ga. Acts 1917, pp. 265, 266.
6) Ga. Acts 1911, pp. 277-293.
7) Ibid.; Ga. Acts 1917, p. 265.
8) Ga. Code of 1933, #24-2620, #24-2621; Ga. Acts 1898, p. 89.
9) Ga. Code of 1933, #2-1703.
10) Ga. Code of 1933, #2-1603.
11) Ga. Acts 1917, p. 265.
12) Ga. Acts 1911, p. 281.

clerk of the city court of Louisville and to the office of sheriff of the city court.(1)

Monthly and quarterly terms are provided for the city court of Louisville. Suits for sums not exceeding $100 are returnable to the monthly session, and all other causes and proceedings must be brought to the quarterly term in like manner as suits are brought in the superior court. All matters pertaining to service, pleading and practice conform to the laws governing the superior court. All cases, both civil and criminal, are tried before a jury of six except where by consent of parties a civil case is tried by the judge on an agreed statement of facts; or upon demand, any party in a civil case and any defendant in a criminal case is entitled to a jury of twelve.(2)

This court is vested with civil jurisdiction over the whole county of Jefferson, concurrent with the superior court, to try and dispose of all such cases except those over which the State Constitution has given the superior court exclusive authority.(3) The court is vested also with powers concurrent with the superior court to try all criminal offenses below the grade of a felony committed in the county.(4) All business pending in the county court of Jefferson County, and all its books, papers and proceedings were transferred to the city court.(5)

The judge of the city court has power to cause testimony to be taken de bene esse, and for the purpose of perpetuating testimony in all cases according to the general laws of the State; and the judge and all other officers of the court have authority, respectively, to administer all oaths pertaining to their offices, as have the judge and other officers of the superior court in like cases. The judge is empowered to attest deeds and other papers and may exercise the powers of superior court judges throughout his jurisdiction, except those vested exclusively in the judges of the superior courts.(6)

It is the duty of the justices of the peace and notaries public of Jefferson County to bind over to the city court all persons charged with offenses committed within the limits of the county over which this court has jurisdiction. If, upon the trial of any case, it appears to the judge that the evidence makes such case a felony, he is required to suspend the trial and commit or bail over the defendant to the next term of the superior court, as in preliminary examinations.(7)

The city court of Louisville is a court of record, and has a seal; the minutes, records, orders and other books and files that are required by law and rules to be kept for the superior court are kept in and for the city

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1) Ga. Acts 1911, p. 281.
2) Ibid., pp. 283, 289.
3) The superior court has original and exclusive jurisdiction over divorce and equity cases, cases respecting the title to land, and felony criminal cases (Ga. Code of 1933, #2-3201).
4) Ga. Acts 1911, pp. 277-293.
5) Ibid.
6) Ibid.
7) Ibid.

court and in the same manner, and all laws applicable to the duties of the clerk apply to him when serving in the city court, except where they conflict with the provisions of the creating act.(1)

All records of the city court of Louisville are in the superior court clerk's vault.

Civil

Case Papers

186. MONTHLY TERM, 1911--. Est. 7,500 papers in 15 f.d. (labeled by contained case nos.).
Original papers and pleadings in civil cases under $100, showing term of court, date filed, case number, names of plaintiff, defendant, and attorneys, nature of case, character of pleading, date tried, verdict of jury, and judgment rendered. Arr. chron. by date filed and numer. by case no. For index, see entry 196. Typed. 11 x 5 x 14.

187. CITY COURT MONTHLY TERM (Live), 1931--. Est. 500 papers in 1 f.d. For description, see entry 186. Also contains: Criminal Cases, entry 198. Arr. chron. by date filed and numer. by case no. No index. Typed. 11 x 5 x 14.

188. QUARTERLY TERM, 1911--. Est. 6,000 papers in 12 f.d.
Original papers and pleadings in civil cases involving amounts over $100, showing term of court, date filed, case number, names of plaintiff, defendant, and attorneys, nature of case, character of pleading, date tried, verdict of jury, and judgment rendered. Arr. chron. by date filed and numer. by case no. For index, see entry 196. Typed. 11 x 5 x 14.

189. CITY COURT QUARTERLY TERM (Live), 1932--. Est. 500 papers in 1 f.d.
For description, see entry 186. Also contains: Criminal Cases, entry 198. Arr. chron. by date filed and numer. by case no. No index. Typed. 11 x 5 x 14.

190. FORECLOSURES, 1911--. Est. 1,000 papers in 2 f.d.
Conditional sales agreements, personalty mortgages, with related papers, which have been foreclosed, showing names of mortgagor and mortgagee, date, description and value of property, amount of default, and order of the court. Arr. chron. No index. Hdw. and typed on pr. fms. 11 x 5 x 14.

Dockets

191. MONTHLY CIVIL DOCKET, 1912--. 2 vols. (1, 2). Title varies: Appearance Docket, 1912-27, 1 vol.
Shows case number, term of court, names of plaintiff and defendant, nature of case, and disposition. Arr. chron. by date filed and numer. by case no.

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1) Ga. Acts 1911, pp. 277-293.

Indexed alph. by first letter of plaintiff's surname and chron. thereunder. Typed on pr. fms. Aver. 250 pp. 17 x 11 x 1½.

192. BENCH CIVIL DOCKET (Quarterly Term), 1912--. 1 vol.
Docket of cases tried in quarterly term of city court, showing case number, date, term of court, names of plaintiff, defendant, attorneys, and clerk, nature and disposition of case. Arr. chron. by date filed. Indexed alph. by first letter of plaintiff's and defendant's surnames and chron. thereunder. Hdw. on pr. fms. 293 pp. 16 x 12 x 2½.

193. MOTION DOCKET, 1911--. 1 vol.
Docket of motions in civil cases to be decided by the judge without the intervention of the jury, showing names of attorneys, plaintiff, and defendant, character of motion, date of hearing, and disposition thereof. Arr. chron. by date of motion. Indexed alph. by first letter of plaintiff's surname and chron. thereunder. Typed under pr. hds. 500 pp. 18 x 11 x 2.

194. EXECUTION DOCKET, 1911--. 3 vols. (1-3).
Dockets of executions issued on city court judgments, showing case number, names of plaintiffs, defendants, and attorneys, date and amount of judgment, date execution issued, and remarks. Arr. alph. by first letter of defendant's surname and chron. thereunder. No index. Typed on pr. fms. Aver. 250 pp. 17 x 11 x 1½.

195. CIVIL SUBPOENA DOCKET, 1912--. 1 vol.
Docket of subpoenas issued to witnesses to appear and testify in civil cases, showing names of plaintiff, defendant, and witness, nature of case, date subpoena issued, and date of trial. Arr. chron. by date issued. Indexed alph. by first letter of defendant's surname and chron. thereunder. Typed on pr. fms. 250 pp. 18 x 11 x 1.

Minutes and Proceedings

196. MINUTES, 1911--. 4 vols. (2-5).
Minutes of civil and criminal proceedings and cases tried in city court, showing term of court, date of trial, names of plaintiff, defendant, and attorneys, nature of action, and disposition of case. Serves as Index to Monthly Term, entry 186; Quarterly Term, entry 188; Criminal Cases, entry 198. Arr. chron. Indexed alph. by first letter of plaintiff's and defendant's surnames and chron. thereunder. Typed. Aver. 580 pp. 18 x 12½ x 3.

197. FINAL RECORDS, 1911--. 7 vols. (1 vol. not labeled; 2-7).
Record of all pleadings and papers of civil cases prosecuted to final judgment, showing names of plaintiff and defendant, nature of case, verdict and judgment, and case number. Arr. chron. by date tried. Indexed alph. by first letter of plaintiff's surname and chron. thereunder. Typed on pr. fms. Aver. 500 pp. 18 x 11 x 2.

Criminal
(See also entry 196)

Case Papers

198. CRIMINAL CASES, 1911--. Est. 5,500 papers in 11 f.d. (dated).

1931-- also in City Court Monthly Term (Live), entry 187;.
1932-- also in City Court Quarterly Term (Live), entry 189.
Criminal case papers and pleadings, showing case number, date, term of court, names of prosecutor, defendant, solicitor, witnesses, and attorneys, offense charged, and disposition of case. Arr. chron. by date filed and numer. by case no. For index, see entry 196. Hdw. and typed. 11 x 5 x 14.

199. ORDERS, 1912--. Est. 500 papers in 1 f.d.
Orders transferring misdemeanor cases from superior to city court, showing name of accused, offense charged, date, and court costs. Arr. chron. by date filed. No index. Hdw. and typed. 11 x 5 x 14.

Dockets

200. CRIMINAL DOCKET, 1911--. 2 vols. (1, 2).
Docket shows case number, term of court, names of prosecutor, defendant, court solicitor, and defendant's attorney, offense charged, and disposition of case. Arr. chron. by date filed. Indexed alph. by first letter of defendant's surname and chron. thereunder. Hdw. under pr. hds. Aver. 295 pp. 15 x 12 x 2.

201. BOND RECORD, 1911-15. 1 vol.
Docket of criminal bonds, conditioned to assure defendant's appearance at trial, showing date executed, amount, names of defendant and surety, offense charged, and term of court defendant required to appear. Arr. chron. by date of bond. Indexed alph. by first letter of defendant's surname. Typed on pr. fms. 250 pp. 18 x 11 x 1.

202. CRIMINAL SUBPOENA DOCKET, 1911--. 3 vols. (1, 2, 2).
Docket of subpoenas issued, showing name of defendant, offense charged, name of witness, by whom subpoenaed, date issued, when to appear, to whom delivered, officer's return, date reissued, if done, and remarks. Arr. chron. by date issued. Indexed alph. by first letter of defendant's surname and chron. thereunder. Typed on pr. fms. Aver. 250 pp. 18 x 11 x 1.

Convictions

203. RECORD OF CONVICTIONS, 1911--. 3 vols.
Shows name and physical description of person convicted, offense charged, judgment, sentence, and term of court. Arr. chron. by date convicted. No index. Hdw. on pr. fms. Aver. 485 pp. 12 x $9\frac{1}{2}$ x $2\frac{1}{2}$.

Juries

204. JURY SCRIP, 1934--. 2 vols.
Stubs of scrip issued for jury duty, showing date, serial number, term of court, name of juror, amount paid and whether grand or traverse juror. Arr. chron. by date issued and numer. by serial no. No index. Hdw. on pr. fms. Aver. 800 stubs 15 x 12 x $1\frac{1}{2}$.

XIII. CITY COURT SOLICITOR

The act creating the city court of Louisville provided for a solicitor, who must be at least 22 years of age, a resident of Jefferson County for two

years and a practicing attorney at law.(1) Originally appointed by the Governor with the approval of the Senate,(2) the city court solicitor has been elected since 1920 by the qualified voters of the county.(3)

The solicitor is required to take an oath faithfully and impartially to discharge his duties of office.(4) The original act provided that he give a bond of $5,000,(5) but the bond was reduced to $1,000 in 1922.(6) The term of office is two years.(7)

From the creation of this office until 1918, compensation of the city court solicitor was by fees corresponding to those allowed solicitors general in superior courts.(8) An act approved August 8, 1917, provided that commencing January 1, 1918, the solicitor be paid a salary of not more than $900 per annum as fixed by the commissioners of roads and revenue of Jefferson County at the beginning of each fiscal year.(9) The commissioners in 1920 fixed the salary at $75 per month,(10) and that has remained his salary until the present time.

Vacancies in the office are filled for the unexpired term by appointment by the Governor unless a general election for members of the General Assembly occurs before the expiration of his term.(11)

It is the duty of the solicitor to prosecute all criminal cases cognizable before the city court of Louisville.(12)

XIV. CRIMINAL COURT

In 1868 provision was made for the establishment of criminal courts in each county of the State. This court was composed of the justice of the peace and the notary public (ex officio justice of the peace) appointed by the Governor living in the militia district in which the county seat was situated, or in any militia district having an incorporated town within its limits.(13)

The qualifications, oath, bond and term of office of the members of this

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1) Ga. Acts 1911, pp. 277-293.
2) Ibid.
3) Ga. Acts 1917, p. 265.
4) Ga. Acts 1911, pp. 279, 280.
5) Ibid.
6) Ga. Acts 1922, pp. 261, 262.
7) Ga. Acts 1917, pp. 265, 266.
8) Ga. Acts 1911, pp. 279, 280.
9) Ga. Acts 1917, pp. 265, 266.
10) Minutes of Jefferson Commissioners Court, vol. 15, 1921--, p. 531, entry 1.
11) Ga. Acts 1917, pp. 265, 266.
12) Ga. Acts 1911, pp. 279, 280.
13) Ga. Acts 1868, p. 19.

(Next entry 205, p. 156)

court were those required of them in their original capacities.(1) Compensation was on a schedule of fees, the court receiving $2 for each case tried, which was paid by the accused, if convicted. The creating act provided for no clerk of the court.

It was made the duty of the arresting officer to seize sufficient property of the accused to pay the costs, and if personal property, to retain it in his possession until the accused was acquitted or convicted. If the accused was convicted and failed or refused to pay costs, the officer advertised and sold the property and applied the proceeds to such payment. An exception was made in that the accuser was required to pay court costs if it was shown that he had acted maliciously.(2)

The court formed was vested with jurisdiction to try all infractions of the laws of this State, except such as are punishable by death or confinement in the penitentiary. All offenses of which it had jurisdiction were tried in the criminal court upon written accusation signed by the accuser and founded upon affidavit, which was required to distinctly set forth the nature of the offense, the time committed, and by whom committed.(3)

There were no jury trials before this court, unless demanded by the accused, in which event the jury consisted of seven men competent to serve; and, when demanded by the accused, the court required its bailiffs to summon a jury of twelve men, from which the accused and the accuser proceeded to strike, as provided in cases of appeal, until the number was reduced to seven, when the trial proceeded.(4)

It was the duty of the court to have endorsed upon the written accusation, signed by the accuser, the following words: "Indictment by the grand jury waived," which was to be signed by the accused or his counsel; and in the event the accused refused to sign such waiver, it became the duty of the court to proceed to hear evidence against the accused, and if probable guilt was made to appear, it was the duty of the court to commit the accused, as heretofore practiced by the courts in this State.(5)

It was further provided that whenever any case was brought before this court for trial, and after the evidence was heard it appeared to the court that the accused was guilty of an offense punishable either by death or imprisonment in the penitentiary, it became the duty of the court to bind the party over in the county in which the crime was committed, to answer the charge preferred. On failure of the accused to give the required bail, he was committed to jail.(6)

Either the justice of the peace or notary public, when it was not convenient for both to sit at the same time, could hear and determine cases, and decisions rendered by the justice or notary alone had the legal effect as

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1) See Justice of the Peace Courts, infra, p. 153.
2) Ga. Acts 1868, p. 20.
3) Ga. Acts 1868, p. 19.
4) Ga. Acts 1868, p. 20.
5) Ibid.
6) Ga. Acts 1868, pp. 20, 21.

if rendered by the joint act of both. If the justice and notary failed to agree, it became the privilege of the accused to determine which presiding officer should pronounce decision, and the decision so pronounced was made the judgment of the court.(1)

It was the privilege of the defendant to sue out a writ of certiorari from the decision of the court, under the rules and regulations then prescribed for using this writ in civil cases; provided that no writ of certiorari could be granted unless the accused first had filed his affidavit, setting forth that he had not had a fair trial, and that he had been wrongfully and illegally convicted.(2)

The criminal court, after an existence of two years, was abolished by an act approved October 26, 1870.(3)

There were no record keeping provisions.

XV. DISTRICT COURT

The district court was the third tribunal in Georgia with jurisdiction intermediate between that of the superior court, highest Georgia tribunal of original jurisdiction, and justice of the peace courts.

Established in 1870,(4) it succeeded the county court and the earlier inferior court.

The Constitution of 1868 vested authority in the General Assembly to create district courts in each Senatorial district,(5) but the legislative act, approved October 28, 1870, established such courts in only 24 of the 44 Senatorial districts then existing in the State. Those districts in which the courts were omitted were specifically named in the act. A district court, however, was established by this act in Jefferson County, which, together with Richmond and Glascock Counties, comprised the eighteenth district.

The presiding judge had the title of district judge and the prosecuting officer, that of district attorney.

Qualifications for the district judge were a minimum age of 30 years at the time of his appointment, and residence for at least a year in the district for which appointed. He subscribed to the same oath as that required of superior court judges.(6)

Appointment of the judge was by the Governor, who acted with the advice and consent of the Senate,(7) and tenure of office was four years.(8)

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1) Ga. Acts 1868, p. 21.
2) Ga. Acts 1868, p. 20.
3) Ga. Acts 1870, p. 31.
4) Ga. Acts 1870, pp. 32-36.
5) Ga. Const. 1868, art. V, sec. IV.
6) Ga. Acts 1870, pp. 32-36.
7) Ibid.
8) Ga. Const. 1868, art. V, sec. IV; Ga. Acts 1870, p. 32.

District Court (Next entry 205, p.156)

The judge's compensation was by yearly salary, fixed according to the population of the district. The population of the Eighteenth Senatorial district being 40,650 in 1870,(1) the salary of the judge was $2,000. A tax sufficient to pay this salary, and that of the district attorney, was provided for the district.(2) The judge could be removed by the Governor on the address of two-thirds of each branch of the General Assembly, or by impeachment and conviction thereon.(3)

The superior court clerks of the counties comprising the district were made ex officio clerks of the district court in their respective districts. The county sheriffs and their deputies in the counties of the district were required to attend the sessions of the district court and to execute, as in the superior court, writs, processes or orders of the district court. The clerks, sheriffs, and deputies received the same fees as allowed by law for like services in the superior courts.(4)

The district judge held court in each county of his district once a month, trying offenses and hearing applications for the eviction of trespassers, intruders and tenants holding over; for the partition of personal property, for the trial of possessory warrants, proceedings under distress warrants, and habeas corpus cases. The time of the first court was fixed by the judge and advertised for thirty days in the official gazette of the county, and if changed thereafter, was again advertised.(5)

The district judge procured a list of the superior court jurors in each county of his jurisdiction, placed the names on separate slips, and deposited them in jury boxes in their respective counties, where they were subject to drawing for district court duty. At every fourth monthly session of this court, the judge drew from this box the names of twelve persons, who were summoned by the sheriff or his deputies to serve as jurors at the next three succeeding monthly sessions of the court. From the twelve persons a jury of seven was drawn for the trial of all cases at the three sessions. These jurors were required to take the same oath and were paid in the same manner as jurors of the superior court.(6)

The district court had jurisdiction to hear and determine all offenses not punishable by death or confinement in the penitentiary, and such cases were tried on written accusation, signed by the district attorney. The proceedings, after the accusation, conformed to superior court rules in similar proceedings, except that there was no jury unless demanded by the accused. In this event, the jury consisted of seven members. If it appeared that the crime committed was of a grade above the jurisdiction of the court, a trial thus begun was regarded as if before a court of inquiry, and was disposed of accordingly. All civil cases at the monthly sessions were tried by the judge without the intervention of a jury, unless demanded by one of the parties of record. Certiorari could be had under the sanction and order of the superior court judge of the circuit in the county in which the case was heard. Upon

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1) Ninth Census of the United States, Statistics of Population, I, 20.
2) Ga. Acts 1870, pp. 32-36.
3) Ga. Const. 1868, art. V, sec. IX, par. I.
4) Ga. Acts 1870, pp. 32-36.
5) Ibid.
6) Ibid.

hearing such writ, the superior court judge finally determined it, and in criminal cases could grant a new trial or pass such judgment or sentenances as, in view of the whole case, was consistent with justice.(1)

The district judge was vested with the authority in his district to issue, hear, and determine bail processes in civil cases; admit to bail in criminal cases, issue attachments; foreclose mortgages on personal property; issue warrants and writs on personal property; issue warrants and writs of habeas corpus; enforce statutory liens and other writs or warrants authorized by law and not within the exclusive jurisdiction of some other court or office. He could attest contracts or deeds of registry, administer oaths and exercise all the powers of a justice of the peace in civil or criminal matters, and issue warrants requiring offenders to be brought before some other judge or justice.(2)

The district court was a court of record, held at the courthouse of each county. It was the duty of the clerk to keep the minutes of the court, record its proceedings and issue its orders and processes as in the superior court. He was required to keep a subpoena docket, a docket for civil cases generally, a criminal docket, and an execution docket.(3)

The final section of the act of 1870 repealed all laws giving justices of the peace and notaries public ex officio justices of the peace jurisdiction in criminal cases and made this act effective on January 1, 1871.(4)

The district court, after an existence of only 13 month, was abolished by an act passed over the veto of the Governor on December 7, 1871.(5)

XVI. DISTRICT ATTORNEY

A prosecuting officer, to be entitled district attorney, was provided for by the act of 1870 which established district courts in 24 of the 44 senatorial districts of the State. This officer was required to be at least 21 years of age at the time of his appointment, a resident of the State for one year, of the district for six months, and a practicing attorney.(6)

Appointment of the district attorney was by the Governor, who acted with the advice and consent of the Senate. The district attorney took the oath prescribed for solicitors general. He was required to make bond of $1,000, the security to be approved by the district judge, and the bond conditioned on his paying over all moneys arising from fines and forfeitures to the county treasurer.(7) The district attorney was appointed for four years.(8)

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1) Ga. Acts 1870, pp. 32-36.
2) Ibid.
3) Ibid.
4) Ibid.
5) Ga. Acts 1871-72, p. 68.
6) Ga. Acts 1870, pp. 32-36.
7) Ibid.
8) Ga. Const. 1868, art. V, sec. IV; Ga. Acts 1870, pp. 32-36.

Compensation of the district attorney was by a yearly salary based on the district's population, and was $1,000 per annum in the eighteenth district. A tax sufficient to pay his salary and that of the judge was provided for the district.(1) No provision was made for removal of this officer nor for filling vacancies in his office.

It was the duty of the district attorney to prosecute criminal cases in this court and cases carried up to the superior court by certiorari. He was required to give prompt attention to the collection of all fines and forfeitures, and to pay them over to the clerk, who entered a receipt therefor on the minutes of the court.(2)

XVII. JUSTICE OF THE PEACE COURTS

Provision was made by the State's first constitution for the appointment of justices of the peace,(3) and the Constitution of 1798 provided for the creation of justice of the peace courts.(4) There is one justice for each of the twelve militia districts in the county.(5) The Constitution of 1877 provided in addition for commissioned notaries public, who are ex officio justices of the peace, stipulating there should not be more than one for each militia district.(6)

All persons are eligible to the office of justice of the peace who are entitled to vote in the county in which the district is situated for members of the General Assembly, and who have been in the district three months next preceding the election, and who do not labor under any disqualification. (7)

Originally appointed by the House of Assembly,(8) and later nominated by the justices of the inferior court and commissioned by the Governor,(9) justices of the peace, since 1819, have been elected by the voters of their districts.(10) Commissioned notaries, ex officio justices of the peace, are appointed by the judges of the superior courts in their respective circuits on the recommendation of the grand jury, and are commissioned by the Governor. (11) Justices of the peace and commissioned notaries public take an oath before the ordinary to administer justice without respect to persons, to do equal rights to the poor and the rich, and to discharge faithfully all the duties incumbent on them as justices of the peace, agreeably to the constitution and laws of this State, and according to the best of their ability and understanding. They take also the oath required of all civil officers.(12)

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1) Ga. Acts 1870, pp. 32-36.
2) Ibid.
3) Ga. Const. 1777, art. LIII.
4) Ga. Const. 1798, art. III, sec. V.
5) Ga. Code of 1933, #2-3501; Ga. Const. 1877, art. VI, sec. VII.
6) Ga. Code of 1933, #2-3501; Ga. Const. 1877, art. VI, sec. VIII.
7) Ga. Code of 1933, #24-402.
8) Ga. Const. 1777, art. LIII.
9) Ga. Const. 1798, art. III, sec. V.
10) Ga. Code of 1933, #24-401; Act 1819, Cobb, p. 207.
11) Ga. Code of 1933, #2-3601, #24-501.
12) Ga. Code of 1933, #24-403, #89-302, #89-303.

 (Next entry 205, p. 156)

The terms of office of justices of the peace and of commissioned notaries public who are ex officio justices of the peace are four years,(1) and their compensation is based on a schedule of fees.(2)

Removal from office for malpractice in the discharge of their duties or for any felonious or infamous crime is authorized for both justices and commissioned notaries.(3) These offices are vacated by death; by resignation, when accepted; by decision of a competent tribunal declaring the office vacant; by incapacity; by incumbent becoming a nonresident of the district; by failure to comply or to obtain commission; and on account of abandonment of office.(4) Vacancies in this office are filled by special elections advertised for 15 days, and held in the same manner that applies to regular elections.(5) Vacancies in the office of commissioned notaries public who are ex officio justices of the peace are filled by appointment by the judge of the superior court.(6)

Any justice of the peace who marries any couple without a license, or the publication of bans, forfeits the sum of $500.(7) For a justice of the peace to perform such a marriage ceremony or marry any couple where either of the parties is an idiot or lunatic, or if either party is of African descent and the other white, or if either party is subject to any other legal disability is a misdemeanor.(8)

Justices of the peace act as coroners in counties where there are no coroners, or where the coroner is absent from the county when needed, the justices receive additional fees for these services.(9) They also receive three cents for each name returned to the tax receiver of persons not on the tax digest and liable to taxation.(10)

Justices of the peace have jurisdiction of all civil cases arising ex-contractu and in cases of injury or damage to personal property where the principal sum does not exceed $100, and in such cases there may be an appeal to a jury or to the superior court.(11) They have criminal jurisdiction in the following instances: in acting as conservators of and preserving the public peace in their districts; in issuing warrants for the apprehension of any

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1) Ga. Code of 1933, #24-401, #2-3601; Act 1819, Cobb, p. 207; Ga. Code of 1933, #24-501; Ga. Const. 1877, art. VI, sec. VIII, par. I.
2) Ga. Code of 1933, #24-1601; Ga. Acts 1877, pp. 83, 84; 1878-79, p. 191; 1882-83, p. 110; 1887, p. 55; 1909, p. 175; 1919, p. 99.
3) Ga. Code of 1933, #24-405, #24-9901; Ga. Acts 1811, pp. 3-19; Act 1819, Cobb, p. 207; Ga. Code of 1933, #24-501.
4) Ga. Code of 1933, #89-501.
5) Ga. Code of 1933, #24-406; Act 1819, Cobb, p. 207.
6) Ga. Code of 1933, #24-501, #24-502.
7) Ga. Code of 1933, #53-210.
8) Ga. Code of 1933, #53-9901, #53-9902; Ga. Acts 1927, p. 277.
9) Ga. Code of 1933, #21-204, #21-105.
10) Ga. Code of 1933, #24-601; Ga. Acts 1873, p. 39; 1899, p. 35; 1901, p. 40; 1903, p. 40.
11) Ga. Code of 1933, #24-1001; Act 1811, Cobb, p. 638; 1819, Cobb, p. 649; 1835, Cobb, p. 361; Ga. Acts 1855-56, p. 254.

person charged on oath with violation of any penal law, or for the apprehension of any person whom the justice officially knows has violated any such provision; in examining any such person brought before him, and in committing, binding over, or discharging such person.(1)

Justices were authorized to issue warrants to the sheriff to apprehend Indians trespassing upon State territory without permission,(2) and could issue summonses to any part of the county compelling witnesses to attend and give evidence.(3) Two or more justices of the peace were empowered to issue an order, based on the verdict of a jury of 12 freeholders, for the abatement or suppression of a nuisance.(4)

Duties of justices of the peace include the following: To hold their courts at some convenient place in their districts;(5) to attend sessions of superior courts and courts of ordinary, whenever required to do so, with their dockets or papers of file; to answer interrogatories from courts of other counties, and to furnish copies of records and papers when required; to return a list to the tax receiver of names of persons in their districts not on the tax digests, liable to property or poll tax;(6) to post in a conspicuous place in their offices the schedule of fees prescribed by law;(7) to provide a jury box, in which the names of all persons in their respective districts liable to jury duty shall be placed;(8) to return to the ordinary all marriage licenses executed by them with their certificates thereon as to the fact and date of marriage, within 30 days of such marriages;(9) and to turn over to their successors in office the code of Georgia and the acts of the legislature furnished them.(10) Justices of the peace were formerly required to make out lists of indigent children between the ages of six and fifteen years, who were to participate in the school funds.(11)

Justices of the peace are required to keep a fair and legible book for entry of all civil proceedings for the recovery of debts,(12) and also separate dockets of civil and criminal cases. All case papers must be filed and labeled, and all fieri facias and other processes returned. Dockets when full and papers of all cases therein disposed of are supposed to be turned over to the clerk of the superior court.(13)

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1) Ga. Code of 1933, #24-1501.
2) Ga. Acts 1828, pp. 87, 88.
3) Ga. Acts 1801, pp. 45, 46.
4) Ga. Code of 1933, #72-201; Act 1833, Cobb, p. 817.
5) Ga. Code of 1933, #24-601; Act 1799, Cobb, p. 638; 1811, Cobb, p. 639.
6) Ga. Code of 1933, #24-601; Ga. Acts 1873, pp. 39, 40.
7) Ga. Code of 1933, #24-606; Ga. Acts 1874, p. 90.
8) Ga. Acts 1876, p. 98.
9) Ga. Code of 1933, #53-201; Act 1805, Cobb, p. 282; Ga. Acts 1851-52, p. 50; 1924, p. 53.
10) Ga. Code of 1933, #24-605.
11) Ga. Acts 1840, pp. 61-65. This responsibility subsequently was placed upon the tax receiver (Ga. Acts 1858, pp. 49-51), and upon passage of the general school system act in 1866, upon the trustees of local school districts (Ga. Acts 1866, pp. 58-64).
12) Ga. Code of 1933, #24-1101; Act 1819, Cobb, p. 648.
13) Ga. Code of 1933, #24-601 to #24-605; Ga. Acts 1871-72, pp. 45, 46; 1873, pp. 32, 39; Act 1799, Cobb, p. 638; 1811, Cobb, p. 639.

Justice of the Peace Courts
76th Militia District; 77th Militia District; 78th Militia District; 79th Militia District

76th Militia District

205. CIVIL DOCKET, 1876-1907, 1925--. 4 vols. Title varies: Docket 76 District, 1876-1907, 2 vols.; Justice Court 76 Dist., 1881-82, 1 vol.

Docket of civil cases, showing term of court, case number, names of justice, plaintiff, defendant, and attorneys, kind of action, disposition of case, court costs, and remarks. Also contains: Criminal Docket, 1884-1907, entry 206. Arr. chron. by date tried and numer. by case no. 1876-1907, 3 vols., no index; 1925--, indexed alph. by first letter of defendant's surname and chron. thereunder. 1876-1907, 3 vols., hdw.; hdw. under pr. hds. thereafter. Aver. 125 pp. 14 x 9 x 1. 2 vols., 1876-1907, ord.'s va.; 1 vol., 1881-82, sup. ct. cl.'s va.; 1 vol., 1925--, j. p.'s off., Avera, Ga.

206. CRIMINAL DOCKET, 1925--. 1 vol. 1884-1907 in Civil Docket, entry 205.

Docket of criminal cases, showing term of court, case number, names of prosecutor, defendant, attorneys, and justice, dates warrant issued and served, name of arresting officer, offense charged, date of trial, disposition of case, court costs, and remarks. Arr. chron. by date tried and numer. by case no. Indexed alph. by first letter of defendant's surname and chron. thereunder. Hdw. under pr. hds. 200 pp. 14 x 9 x 1½. J. p.'s off., Avera, Ga.

77th Militia District

207. DOCKET (Civil), 1835-95. 1 vol.

For description, see entry 205. Also contains: Justice Docket 77 District (Criminal), entry 208. Arr. chron. by date tried. No index. Hdw. 97 pp. 14 x 8½ x 1. Ord.'s va.

208. JUSTICE DOCKET 77 DISTRICT (Criminal), 1895-1907. 1 vol. 1885-95 in Docket (Civil), entry 207.

For description, see entry 206. Arr. chron. by date tried and numer. by case no. No index. Hdw. 89 pp. 14 x 9 x 1. Ord.'s va.

78th Militia District
(No records found)

79th Militia District

209. CIVIL DOCKET, 1928--. 2 vols.

For description, see entry 205. Arr. chron. by date tried and numer. by case no. 1928-33, 1 vol., indexed alph. by first letter of defendant's surname and chron. thereunder; 1933--, no index. Hdw. on pr. fms. Aver. 160 pp. 14 x 9 x 2. J. p.'s off., Louisville, Ga.

210. CRIMINAL DOCKET, 1928--. 1 vol. Last entry 1933.

For description, see entry 206. Arr. chron. by date tried and numer. thereunder by case no. Indexed alph. by first letter of defendant's surname and chron. thereunder. Hdw. on pr. fms. 200 pp. 14 x 9 x 2. J. p.'s off., Louisville, Ga.

Justice of the Peace Courts (211-216)
81st Militia District; 82nd
Militia District; 83rd Militia District

81st Militia District

211. CIVIL DOCKET, 1877-84, 1916--. 5 vols. Title varies: Justice Court Docket 81st Dist., 1877-84, 1 vol.
For description, see entry 205. Arr. chron. by date tried and numer. by case no. 1877-84, 1 vol., no index; 1916--, indexed alph. by first letter of defendant's surname and chron. thereunder. 1877-84, 1 vol., hdw.; hdw. on pr. fms. thereafter. Aver. 200 pp. 15 x 8 x 2. 1 vol., 1877-84, sup. ct. cl.'s va.; 4 vols., 1916--, j. p.'s off., Wrens, Ga.

212. CRIMINAL DOCKET, 1904--. 4 vols.
For description, see entry 206. Arr. chron. by date tried and numer. by case no. Indexed alph. by first letter of defendant's surname and chron. thereunder. Hdw. on pr. fms. Aver. 300 pp. 17 x 8 x 1½. J. p.'s off., Wrens, Ga.

82nd Militia District

Case Papers

213. COURT PAPERS, 1930--. Est. 600 papers in 1 f.d.
Original papers and pleadings in civil cases, showing term of court, case number, names of plaintiff, defendant, and attorneys, nature of case, name of constable serving paper, disposition of case, and court costs. Arr. alph. by first letter of plaintiff's surname and chron. thereunder. No index. Hdw. on pr. fms. 11 x 5 x 14. J. p.'s off., C. C.

Dockets

214. CIVIL JUSTICE DOCKET, 1873-74, 1879-1906, 1912--. 6 vols. Title varies: Justice Court Docket 82 District, 1873-74, 1879-98, 2 vols.
For description, see entry 205. Also contains: Criminal Justice Docket, 1873-74, 1879-98, entry 215. 1873-74, 1879-98, 2 vols., arr. chron. by date tried; 1898-1906, 1912--, 4 vols., arr. chron. by date tried and numer. by case no. 1873-74, 1879-98, no index; 1898-1906, 1912--, indexed alph. by first letter of defendant's surname and chron. thereunder. Hdw. on pr. fms. Aver. 300 pp. 17 x 8 x 1½. 1 vol., 1873-74, sup. ct. cl.'s va.; 1 vol., 1879-98, ord.'s va.; 4 vols., 1898-1906, 1912--, j. p.'s off., C. C.

215. CRIMINAL JUSTICE DOCKET, 1887-90, 1898--. 3 vols. Title varies: Docket 82 Dist., 1887-90, 1 vol. 1873-74, 1879-98 also in Civil Justice Docket, entry 214.
For description, see entry 206. 1887-90, 1 vol., arr. chron. by date tried; 1898--, arr. alph. by first letter of defendant's surname and chron. thereunder. No index. Hdw. to 1890; hdw. on pr. fms. thereafter. Aver. 120 pp. 13 x 8 x 1. 1 vol., 1887-90, ord.'s va.; 2 vols., 1898--, j. p.'s off., C. C.

83rd Militia District

216. CIVIL DOCKET, 1853-79, 1920--. 4 vols. (dated).
For description, see entry 205. Arr. chron. by date tried and numer. by case no. No index. Hdw. Aver. 189 pp. 13 x 8 x 1½. 1 vol., 1853-79, sup. ct. cl.'s va.; 3 vols., 1920--, j. p.'s off., Wadley, Ga.

Justice of the Peace Courts (217-226)
84th Militia District; 85th Militia District; 1460th Militia District; 1593d Militia District

217. CRIMINAL DOCKET, 1920--. 3 vols. (dated).
For description, see entry 206. Arr. chron. by date tried and numer. by case no. No index. Hdw. Aver. 300 pp. 14 x 9 x 1. J. p.'s off., Wadley, Ga.

218. (SUBPOENA DOCKET), 1853-79. 1 vol.
Docket of subpoenas issued in civil and criminal cases, showing names of plaintiff and defendant, names of witnesses, for which party subpoenaed, date issued, and to whom delivered. Arr. chron. by date issued. No index. Hdw. Condition very poor. 79 pp. 12 x 8 x ½. Sup. ct. cl.'s va.

84th Militia District

219. DOCKET 84 DISTRICT (Civil), 1825-38, 1889-1901. 3 vols. (dated).
For description, see entry 205. Arr. chron. by date tried and numer. by case no. No index. Hdw. on pr. fms. Aver. 70 pp. 13 x 8 x 1. Ord.'s va.

220. DOCKET 84 DISTRICT (Criminal), 1896-1915. 1 vol.
For description, see entry 206. Arr. chron. by date tried and numer. by case no. No index. Hdw. on pr. fms. 98 pp. 14 x 9 x 1. Ord.'s va.

85th Militia District

221. CIVIL DOCKET, 1920--. 2 vols.
For description, see entry 205. Arr. chron. by date tried and numer. by case no. No index. Hdw. on pr. fms. Aver. 250 pp. 14 x 8 x 2. C. H., Bartow, Ga.

222. CIVIL DOCKET (Notary Public Ex Officio Justice of the Peace), 1921--. 1 vol.
For description, see entry 205. Arr. chron. by date tried and numer. by case no. No index. Hdw. on pr. fms. 200 pp. 14 x 8 x 1. C. H., Bartow, Ga.

223. CRIMINAL DOCKET (Notary Public Ex Officio Justice of the Peace), 1926--. 1 vol.
For description, see entry 206. Arr. chron. by date tried and numer. by case no. No index. Hdw. 200 pp. 14 x 8 x 1. C. H., Bartow, Ga.

1460th Militia District

224. CIVIL DOCKET, 1903-17, 1932--. 2 vols. Title varies: 1460 Justice Docket, 1903-17, 1 vol.
For description, see entry 205. Arr. chron. by date tried and numer. by case no. No index. 1903-17, hdw.; 1932--, hdw. on pr. fms. Aver. 140 pp. 14 x 10 x 1. 1 vol., 1903-17, comms'. off.; 1 vol., 1932--, j. p.'s off., Stapleton, Ga.

225. CRIMINAL DOCKET, 1903-19. 1 vol.
For description, see entry 206. Arr. chron. by date tried and numer. by case no. No index. Hdw. 86 pp. 14 x 9 x 1. Comms'. off.

1593d Militia District

226. CIVIL DOCKET, 1902--. 5 vols.

For description, see entry 205. Arr. chron. by date tried and numer. by case no. Indexed alph. by first letter of defendant's surname and chron. thereunder. Hdw. on pr. fms. Aver. 200 pp. 16 x 11 x 3. J. p.'s off., Avera, Ga.

XVIII. CONSTABLES

Constables are the process servers and arresting officers of justice of the peace courts, and existence of the office was recognized by Georgia's first constitution,(1) but selection of these officials and assignment of their duties were left to later legislative acts.(2) The judiciary act of 1797 authorized the justices of the inferior court to appoint two constables for each captain's (militia) district.(3) There are still two constables in each of the twelve militia districts of Jefferson County,(4) although in certain other counties in which municipal courts have been given jurisdiction, justice of the peace courts have been abolished.

All persons are eligible to the office of constable who are entitled, in the county in which the district is situated, to vote for members of the legislature, and who have been in the district three months next preceding the election.(5) They are elected by the voters of each district,(6) and are required to take and subscribe an oath for the due performance of their official duties,(7) and also the oath to support and defend the Constitutions of the United States and of the State of Georgia.(8)

Every constable must give a bond payable to the ordinary, and approved by him, with two good sureties resident in the county, in the sum of $500. This bond is recorded and filed by the ordinary. In districts outside of incorporated towns and cities the bond required is $200.(9) The term of office for constables is four years,(10) and their compensation is governed by specific fees.(11)

These officers are removable from office on the same grounds and by the same proceedings as are clerks of superior courts, and also upon conviction for malpractice in office.(12) Vacancies in the office may occur from these causes: When there is a failure to elect and qualify; when there is a death,

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1) Ga. Const. 1777, art. XL.
2) Ga. Code of 1933, #24-817; Act 1811, Cobb, p. 645; 1829, Cobb, p. 213; Ga. Acts 1914, p. 43.
3) Act 1797, Watkins, p. 637.
4) Ga. Code of 1933, #24-401; Act 1829, Cobb, p. 213.
5) Ga. Code of 1933, #24-402, #24-803.
6) Ga. Code of 1933, #24-401; Act 1829, Cobb, p. 213; Ga. Acts 1914, p. 43.
7) Ga. Code of 1933, #24-804.
8) Ga. Code of 1933, #1-603, #24-804, #89-302.
9) Ga. Code of 1933, #24-811; Act 1811, Cobb, p. 206; 1816, Cobb, p. 204; Ga. Acts 1890-91, vol. I, p. 62.
10) Ga. Code of 1933, #24-801; Ga. Acts 1869, p. 22.
11) Ga. Code of 1933, #84-220; Ga. Acts 1877, p. 84; 1878-79, p. 191; 1882-83, p. 110; 1887, pp. 84, 85; 1906, p. 45; 1909, p. 182; 1912, p. 74; 1918, pp. 124-127; 1919, p. 101.
12) Ga. Code of 1933, #24-806; Act 1811, Cobb, p. 201.

resignation, or removal of a constable; when the district is without a constable on account of sickness, temporary absence, or any other cause. In the event of a vacancy, the justice of the peace of the district may appoint a constable.(1)

It is the duty of constables: To attend all terms of the justices' courts in their respective districts; to attend all terms of the superior courts of their respective counties, when summoned by the sheriff; to give receipts for notes or other liquidated demands placed in their hands for collection; to pay over money promptly as collected to the party entitled thereto, and in case of conflicting claims to any money, to report the same to the next justice's court of the district where they are amenable; to execute and return all warrants, summonses, executions and other processes to them directed by any lawful authority; to perform such other duties as are or may be required of them by law, or which necessarily appertain to their offices.(2)

A further contingent duty of constables is to open and close elections in cases where a sheriff cannot be obtained to perform such duties.(3) In all cases where a levy is made on property which is claimed by a third person, and good and sufficient security is tendered by the party claiming it, the constable takes security for double the amount of the debt, for delivery of the property so levied on.(4) It is also made the constables' duty, when arresting a person charged with a capital offense, to secure as much of the property of the person so charged as will defray the expenses incident to prosecution.(5)

Constables may be ruled by their respective justices' courts and compelled to pay over money received or collected by them in their official capacity, under the same rules and regulations as are pursued in the superior courts in relation to officers of said superior courts.(6)

The bonds and oaths of these officers are filed with the ordinary, who must record them; the ordinary then issues to the constables a certificate of these facts, which certificate answers as a constable's commission.(7)

No records are kept by constables, such summonses and other processes as are served by them being returned with their entries thereon, to the justice court issuing them.

XIX. COUNTY ATTORNEY

Counties are corporate bodies, from the beginning have been vested with

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1) Ga. Code of 1933, #24-806; Ga. Acts 1889, p. 48.
2) Ga. Code of 1933, #24-817; Act 1811, Cobb, p. 645.
3) Act 1813, Lamar, p. 268.
4) Ga. Code of 1933, #39-802, #39-804; Ga. Acts 1811, pp. 141, 142; Act 1841, Cobb, p. 536; Ga. Acts 1872, pp. 40, 41.
5) Ga. Acts 1811, pp. 141, 142.
6) Ga. Code of 1933, #24-814; Act 1820, Cobb, p. 649.
7) Ga. Code of 1933, #24-811, #24-812; Act 1818, Cobb, p. 206; 1816, Cobb, p. 204; Ga. Acts 1890-91, vol. I, p. 62.

power to sue and be sued,(1) and, in the normal prosecution of county affairs, have often required the services of an attorney. In addition to the specific jurisdiction and powers granted officials in charge of administering county affairs, they have been authorized to engage necessary employees, and have been vested with such other powers as are indispensable to their jurisdiction. County governing authorities have, therefore, inferred that they were vested with the right to employ attorneys when necessary.

Legal counsel has been employed in the various counties, first by the inferior court, which administered county affairs, secondly, by the ordinary, when power over county affairs was transferred to that officer, and, lastly, by the boards of commissioners of roads and revenue. Although an act of 1922, which provided machinery for the establishment of county manager forms of government, specifically provided for employment of county attorneys, the act was not adopted in Jefferson County.(2) The first instance of employment by the county commissioners of Jefferson County of a county attorney is noted in the board's minutes for 1914.(3)

Qualifications, term of office, compensation, and duties of the county attorney are, in Jefferson County, left to the discretion of the board of county commissioners. The attorney serves under the direction and at the pleasure of the board, usually for a term corresponding to that of the board members. The last two appointments of a county attorney in Jefferson have been for terms of four years.(4)

Compensation of the Jefferson County attorney has varied from specific sums for special services in 1914 to $100 per month in 1921.(5) In 1929 it was reduced to $25 per month.(6) This is the present salary of the county attorney.(7)

It is the duty of the county attorney to advise the commissioners on legal problems that arise and to represent the county in litigation in which it becomes involved. Disputes as to pro rata payments on intercounty bridges, damage to private property, claims against the county, legality of contracts and other matters have been handled by attorneys employed in the name of the county.

This office is not required to keep any records.

XX. CORONER

The office of coroner was recognized as existing by the Constitution of 1777, but the manner of his selection and assignment of duties were left to

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1) Ga. Const. 1877, art. XI, sec. I, par. I.
2) Ga. Code of 1933, #23-917; Ga. Acts 1922, p. 89.
3) Minutes of Jefferson Commissioners Court, vol. 14, 1897-1921, p. 391, see entry 1.
4) Ibid., vol. 15, 1921--, pp. 409, 424.
5) Ibid., vol. 14, p. 578.
6) Ibid., vol. 15, p. 272.
7) Ibid., vol. 15, p. 424.

the General Assembly.(1) The election by the justices of the inferior court and the justices of the peace, or a majority of them, of a coroner for each county was provided for in 1799.(2) At the next session of the legislature the election of coroners, along with other county officers, was placed in the hands of the voters of the counties qualified to vote for members of the General Assembly.(3) The office of coroner has been filled regularly since the county's organization in 1796.(4)

The qualifications for coroner are that he shall have been for two years a resident of the county and a qualified voter therein.(5) In addition to the oath required of all civil officers, the coroner must swear to serve well and truly the State, and faithfully and truly execute and return all writs and precepts placed in his charge, according to the best of his knowledge, skill and judgment; that he will in no case knowingly use or exercise his office illegally, corruptly, or unjustly, and that he will not under any pretense take, accept, or enjoy any fee or reward pertaining to his office other than such as are allowed by law; but that he will, in all things touching the duties of his office, demean himself honestly, fairly and impartially.(6)

The coroner must give a bond and surety in the sum of $500.(7) His term of office is four years,(8) and his compensation is based on a schedule of fees,(9) The coroner may be removed for malpractice in office;(10) and vacancies in this office are filled by appointment by the ordinary.(11)

The coroner may empanel and summon a jury of six persons to serve and find on matters of fact in cases of inquest;(12) and the coroner may issue subpoenas compelling the attendance of witnesses at inquests.(13) When the coroner is absent, or will not, or cannot hold an inquest, a justice of the peace may act in his place.(14)

It is the duty of the coroner to take inquests of all violent, sudden, or casual deaths, when there are no eyewitnesses to the killing or cause of death, and such death occurs under suspicious circumstances;(15) he may disinter bodies already buried, if he deems it necessary;(16) and may have the

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1) Ga. Const. 1777, art. XL.
2) Ga. Acts 1799, Jan. An. Sess., pp. 119-122.
3) Ga. Acts 1799, Nov. Ex. Sess., pp. 7, 8.
4) Act 1796, Marbury and Crawford, pp. 169-171.
5) Ga. Code of 1933, #2-8301; Ga. Acts 1914, p. 43, ratified Nov. 3, 1914.
6) Ga. Code of 1933, #21-103; Ga. Acts 1823, pp. 153-158; Cobb, p. 536.
7) Ga. Code of 1933, #21-104; Act 1823, Cobb, p. 539.
8) Ga. Code of 1933, #21-101; Ga. Acts 1914, p. 43.
9) Ga. Code of 1933, #21-105; Ga. Acts 1878-79, p. 73.
10) Ga. Code of 1933, #21-101; Ga. Acts 1914, p. 43.
11) Ga. Code of 1933, #21-102; #23-701, par. 5.
12) Ga. Code of 1933, #21-209; Act 1823, Cobb, p. 538; Ga. Acts 1884-85, p. 92; 1893, p. 116.
13) Ga. Code of 1933, #21-207; Act 1823, Cobb, p. 539.
14) Ga. Code of 1933, #21-204.
15) Ga. Code of 1933, #21-202; Act 1823, Cobb, p. 537; Ga. Acts 1893, p. 116; 1901, p. 44.
16) Ga. Code of 1933, #21-205.

viscera and contents of the stomach examined, if the verdict of the jury suggests that the death was caused by poison.(1) When the body of the dead person lies in a place unsuitable for the inquest, the coroner may remove it to a more convenient place.(2)

The coroner may issue warrants for the arrest of persons suspected in cases of homicide.(3) All orders, decrees, attachments for contempt, and final process issued against the sheriff must be directed to the coroner for execution.(4) The substance of this provision, included in early English statutes, was also a part of the Georgia judiciary act of 1799. Inferentially, he is the only official in the county empowered to arrest the sheriff, and when the sheriff is disqualified, or refuses to act, the coroner may discharge the principal duties of that office.(5)

The coroner commits to writing the substance of the testimony delivered at an inquest, and returns all the papers and proceedings touching the inquisition to the superior court of the county in which it is taken, held next after the inquest.(6)

Inquests

227. INQUESTS, 1933--. Est. 500 papers in 1 f.d.
Original inquest papers, showing name of person responsible for death, name of deceased, date and cause of death, if ascertainable; record of results of autopsy, if performed; names of jurors and their verdicts. Arr. chron. No index. Hdw. on pr. fms. 11 x 5 x 14. Sup. ct. cl.'s va.

XXI. SHERIFF

Existence of the office of sheriff was recognized by the State's first constitution, although there were no specific provisions governing such an official's selection or powers and duties.(7)

The office was specifically established by the Constitution of 1798, which directed the General Assembly to provide the manner of selection.(8) An act of November 1799 provided for his election by the voters of the county.(9)

Qualifications for the office are residence in the county for two years

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1) Ga. Code of 1933, §§21-214; Act 1850, Cobb, p. 540; Ga. Acts 1880-81, p. 59.
2) Ga. Code of 1933, §§21-206; Act 1850, Cobb, p. 540; Ga. Acts 1862-63, p. 166.
3) Ga. Code of 1933, §§21-208; Act 1823, Cobb, p. 539.
4) Ga. Code of 1933, §§39-114, §§81-219; Act 1812, Cobb, p. 578; 1839, Cobb, p. 473; 1847, Cobb, p. 517.
5) Ga. Code of 1933, §§21-106, §§39-114; Act 1847, Cobb, p. 517.
6) Ga. Code of 1933, §§21-215; Act 1823, Cobb, p. 539.
7) Ga. Const. 1777, art. XL.
8) Ga. Const. 1798, art. III, sec. XI.
9) Ga. Acts 1799, Nov. Ex. Sess., pp. 7, 8; Cobb, p. 198.

and eligibility to vote therein. He is elected by the people of the county for a term of four years.(1) The sheriff takes an oath to execute and make true returns on all writs, warrants, precepts, and processes directed to him, and to perform without malice or partiality the duties of his office, taking only his lawful fees.(2) The sheriff was formerly required to give a bond, with at least two sureties, in the sum of $10,000, conditioned for the faithful performance of his duties as sheriff, by himself, his deputies, and his jailers, and in the manner required by law.(3) This bond was reduced in Jefferson County to $5,000 in 1937.(4)

The compensation of the sheriff of Jefferson County is based on a schedule of fees.(5)

Provision was made in 1799 for the removal of the sheriff by the judge of the superior court for failure to make proper returns of writs, executions and other processes, and for failure to pay over moneys received on such executions, which law is still in effect.(6) The legislature, however, subsequently extended the power of superior court judges to include removal of sheriffs for any sufficient cause, after a trial by jury.(7) Vacancies in this office are filled by appointment by the ordinary, pending an election. In case the ordinary fails to make such appointment, the coroner acts as sheriff.(8)

The duties of the sheriff include the execution and return of all valid processes and orders of the courts and officers of competent authority, with diligence, when delivered to him for that purpose; the attendance by himself or his deputies of all sessions of the superior court, and of the court of ordinary when required to do so by the ordinary; attendance at the place of holding elections from the time the polls open until they close; the publication of sales, citations, and other proceedings as required by law; the keeping of a file of all newspapers in which his official advertisements appear, similar to the file kept by clerks of the superior court; the keeping of an execution docket in which is entered a full description of all executions delivered to him, the date of delivery and his acts and doings thereon. He must have the executions ready for use in any court in the county, and must keep a book in which is entered a record of all sales made by process of court, or by agreement of parties under the sanction of the court, and an accurate description of the property and processes under which it is sold.(9)

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1) Ga. Code of 1933, #2-8301; Ga. Acts 1914, p. 43, ratified Nov. 3, 1914.
2) Ga. Code of 1933, #24-2804; Act 1799, Cobb, p. 574.
3) Ga. Code of 1933, #24-2805; Act 1799, Cobb, p. 575; Ga. Acts 1866, p. 17.
4) Ga. Acts 1937, p. 1355.
5) Ga. Code of 1933, #24-2823; Act 1792, Cobb, p. 350; 1840, Cobb, p. 362; Ga. Acts 1851-52, p. 20; 1857, p. 52; 1866, p. 24; 1880-81, pp. 90, 91; 1894, p. 48; 1898, pp. 58, 62; 1906, p. 119; 1918, p. 226; 1919, p. 364.
6) Ga. Code of 1933, #24-213; Act 1799, Cobb, p. 577.
7) Ga. Code of 1933, #24-2814.
8) Ga. Code of 1933, #24-2803; Act 1826, Cobb, p. 213.
9) Ga. Code of 1933, #24-2813; Act 1799, Cobb, p. 574; 1810, Cobb, p. 577; 1818, Cobb, p. 858; 1820, Cobb, p. 480; 1823, Cobb, p. 512; Ga. Acts 1853-54, p. 28.

Sheriff (228-231)

Executions and Sales; Tax Records

The sheriff must keep a bench warrant docket in which are recorded all bench warrants delivered to him, together with time of delivery, time executed, if executed, and, if not, the reasons for failure to execute. Failure to comply with this act renders the sheriff liable to contempt of court.(1) The sheriff may receive bail, fix the amount, and approve security of persons arrested under such bench warrants except in cases that are bailable only before some particular officer.(2)

When the books kept by the sheriff are filled they must be deposited in the office of the clerk of the superior court, to be kept as his other books of record.(3)

Executions and Sales

228. EXECUTION DOCKET, 1869--. 4 vols.
Docket of executions delivered to sheriff for collection, showing names of plaintiff, defendant, and attorneys, court from which received, date of judgment, date fieri facias issued, when returnable, amount of principal, interest, and costs, date of levy, volume and page of sale book, and remarks. Arr. chron. by date issued. Indexed alph. by first letter of plaintiff's and defendant's surnames and chron. thereunder. Hdw. Aver. 206 pp. 16 x 12 x 2. 1 vol., 1869-78, sup. ct. cl.'s va.; 2 vols., 1875-1912, comm.' off.; 1 vol., 1911--, sheriff's off.

229. FI. FA. (Fieri Facias) DOCKET (Stubs), 1885--. 1 vol.
Stubs of fieri facias issued on civil judgments, showing case number, amount of principal, interest and costs, names of attorneys and defendant, date fieri facias issued, term and name of court, and disposition of case. Arr. chron. by date issued. Indexed alph. by first letter of defendant's surname and chron. thereunder. Hdw. 200 pp. 16 x 12 x 1½. Sheriff's off.

230. SHERIFF'S SALE BOOK, 1892--. 3 vols. Title varies: Sheriff's Record, 1915-30, 1 vol.
Record of sales of property levied upon by virtue of executions issued, showing names of plaintiff, defendant, and attorneys, description of property, purchase price, name of purchaser, date of sale, and court costs. Arr. chron. by date of sale. Indexed alph. by first letter of plaintiff's and defendant's surnames and chron. thereunder. Hdw. on pr. fms. Aver. 450 pp. 16 x 11 x 3. Sheriff's off.

Tax Records

231. GENERAL EXECUTION DOCKET, TAX FI. FAS. (Fieri Facias), 1933--. 1 vol. Last entry 1938.
Docket of executions issued against delinquent taxpayers, showing name of delinquent, amount of execution, years delinquent, date issued, and date settled. Arr. chron. by date issued. No index. Hdw. and typed under pr. hds. 300 pp. 17 x 12 x 2. Sup. ct. cl.'s va.

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1) Ga. Code of 1933, #24-3352.
2) Ga. Code of 1933, #27-801.
3) Ga. Code of 1933, #24-2820.

232. FI. FA. (Fieri Facias) RECORD, 1930--. 1 vol.
Stubs of tax fieri facias issued, showing name of delinquent taxpayer, militia district, date, serial number, years covered by taxes, and amount and kinds of taxes due. Arr. alph. by first letter of delinquent taxpayer's surname and chron. thereunder. No index. Hdw. 500 pp. 17 x 12 x 3. Sheriff's off.

233. FI. FAS. (Fieri Facias) CANCELLED, 1850-1930. Est. 500 papers in 1 f.d.
Cancelled fieri facias that have never been called for by owners after having been settled to the satisfaction of court, showing name, date, and amount. Arr. chron. by date cancelled. No index. Hdw. and hdw. on pr. fms. 11 x 5 x 14. Sup. ct. cl.'s va.

Criminal Records

234. JAIL RECORD, 1887-1914, 1916--. 3 vols. Title varies: Jail Docket, 1887-1914, 1916-36, 2 vols.
Shows name, age, sex, color, and physical description of prisoner, offense charged, sentence of court, dates of commitment and discharge. Arr. chron. by date confined. 1887-1914, 1 vol., no index; 1916--, indexed alph. by first letter of prisoner's surname and chron. thereunder. Hdw. to 1936; hdw. on pr. fms. thereafter. Aver. 410 pp. 16 x 12 x 2½. 1 vol., 1887-1914, comms'. off.; 2 vols., 1916--, sheriff's off.

XXII. TAX RECEIVER

At the time of the organization of Jefferson County in 1796, the county tax receiver was appointed by the inferior court.(1) However, the first reference to a tax receiver in this county is contained in the minutes of the inferior court on March 7, 1798.(2)

A tax receiver, to be elected annually by the voters, was provided for each county in 1810.(3) In 1872 the term of office was extended to two years and in 1914 to four years, the method of selection remaining the same.(4)

Tax receivers are commissioned and qualified as clerks of superior courts. (5) The receiver is required to take an oath, in addition to the oath taken by all civil officers, faithfully to perform the duties of receiver of tax returns, to receive returns only on oath or affirmation, carefully to examine each, and to the best of his ability carry out all the requirements made upon him by law. He shall at the same time give bond and security in a sum equal to one-fourth of the amount of the State tax supposed to be due from the county for the year in which he shall give bond; provided, however, that no tax

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1) Act 1796, Watkins, p. 614.
2) Inferior Court Minutes, vol. 1, 1796-1800, p. 60 entry 83.
3) Ga. Acts 1810, pp. 132, 133; Act 1810, Cobb, p. 200.
4) Ga. Code of 1933, #92-4601; Ga. Acts 1872, pp. 80-82; 1894, p. 40; 1914, p. 43.
5) Ga. Code of 1933, #92-4601; Ga. Acts 1872, pp. 80-82; 1894, p. 40; 1914, p. 47.

receiver shall be required to give a bond exceeding $10,000; the amount of said bond to be filled in by the Comptroller General before being sent out to the several counties.(1)

Compensation of the tax receiver in Jefferson County is based on a graduated schedule of fees, ranging from six percent of the first thousand dollars of State and county taxes received, down to one and one-quarter percent for sums exceeding $36,000.(2) A new schedule of commissions of tax receivers was authorized by the legislature in 1938, providing for a maximum of six percent for $3,000 and ranging downward to one and one-half percent for sums in excess of $54,000.(3)

The tax receiver may be removed for malpractice in office.(4) Early provision for filling vacancies in the office of tax receiver was made by authorizing the justices of the inferior court to call an election for that purpose, and to appoint, in the meantime, a person to fill the office temporarily.(5) The duty formerly devolving upon the inferior court in this connection now rests upon the ordinary of the county.(6)

It is the duty of the tax receiver to receive all tax returns within the time and in the manner prescribed by law, which he files and preserves; to make out and perfect three digests in writing, and to deposit them properly; to give 10 days' notice in writing of the several times and places at which he will attend in the several militia districts of the county, for the purpose of receiving tax returns; to attend at such places at least three times during the period allowed for making returns; to post and maintain a notice showing the day or days on which he will be at the county seat for such purpose; to receive tax returns at any time when a taxpayer applies to give in his returns; to embrace in his digest to the Comptroller General, the ordinary or other authority in charge of county affairs, and the tax collector, respectively, a list of all defaulters and the amount of their taxes and the double taxes assessed against them, and of all property assessed by him which has not been returned, or other special action had in conformity to the laws; to publish at the door of the courthouse for 30 days lists of all the defaulters and the amount of their double taxes; to enter upon the digests deposited with the ordinary or other authority in charge of county affairs (county commissioners), the county taxes levied according to law, and the rate percent as fixed by the ordinary or such other authority; to conform to such rules and to obey such orders as may be given by the Comptroller General.(7) In 1873 it was required of the tax receiver the he obtain a statement from every person engaged in agriculture of the number of acres planted that. year to each of the farm crops.(8)

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Homesteads were exempted in 1938 up to $2,000 in value from ad valorem taxation, except special assessments and taxation for bonded indebtedness, but the General Assembly was empowered to lower the exemption to $1,250 if necessary.(1) At the same time, personal property was exempted up to $300 in value from ad valorem taxation.(2) The law requires the filing with the tax receiver of written applications for both exemptions and it is the duty of the tax receiver to administer oaths to applicants, preserve the applications, and determine the eligibility of the applicant to claim exemption.(3)

Returns

235. (TAX RETURNS), 1924, 1926, 1928--. 48 vols.
Original returns of real and personal property for taxation, showing name and address of taxpayer, description, location, and value of property, date returned, and amount of State, county, and poll taxes. Arr. alph. by name of taxpayer. No index. Hdw. on pr. fms. Aver. 700 pp. 15 x 18 x 5. Tax rec.'s off.

XXIII. BOARD OF TAX ASSESSORS

County boards of tax assessors were created in 1913 to assess property for taxation at a fair valuation.(4) Prior to 1852 the duties of tax assessor had fallen inferentially on the receiver of tax returns. In 1852 the General Assembly vested authority in the tax receiver to assess all real and personal estate not returned, or not assessed at full market value by the person making the return.(5) In 1874 the tax receiver was required to lay his returns before the grand jury annually, and if undervaluation of property was found, the grand jury was authorized to assess the property at its correct market value.(6)

The opportunity for fraud in the valuation of property and an urgent need for fairer and fuller listing of property returned for taxation had been recognized by the General Assembly as early as 1909, when a resolution was passed citing the need of change in the law.(7) "It is generally recognized and agreed," the resolution pointed out, "that there is no more urgent need of legislation in this state than of that which shall provide for a fuller and fairer listing of taxable property and for a more equable distribution of the burdens of taxation upon property of every kind and for more uniform valuations of property...."

The board of tax assessors consists of three members, who are required to be freeholders and residents of Jefferson County, and are appointed by the board of county commissioners.(8) The assessors are required to take an oath

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1) Ga. Acts 1937, pp. 1122-1124; 1937-38, Ex. Sess., pp. 145-150.
2) Ga. Acts 1937, pp. 38, 39; 1937-38, Ex. Sess., pp. 176-179.
3) Ga. Acts 1937-38, Ex. Sess., pp. 146, 147, 178, 179.
4) Ga. Acts 1913, pp. 123-134.
5) Ga. Acts 1851-52, p. 290.
6) Ga. Acts 1874, p. 108.
7) Ga. Acts 1909, pp. 1566, 1567.
8) Ga. Code of 1933, #92-6903; Ga. Acts 1913, pp. 123-125.

before the judge or the clerk of the superior court to perform faithfully and impartially the duties imposed upon them by this law. In addition, they take the oath required of all civil officers.(1) Their term of office is six years.(2) Compensation of the board of assessors is fixed by the county commissioners, but is not in any case less than $3 for each day they actually serve.(3) Upon petition of 10 or more freeholders of the county to the judge of the superior court, setting forth that any member of the board of assessors is disqualified or is not impartially discharging his duties, the judge is required to cite the member complained of to appear before him. The time of hearing must be fixed not less than 20 days nor more than 40 days from the presentation of the petition. The judge hears the assessor and renders judgment, either dismissing the petition or removing the offending member from office and declaring a vacancy.(4) Vacancies are filled by appointment by the board of county commissioners.(5)

The county board of tax assessors elects one of their number as chairman and fixes his term. The board may employ a competent person to serve as secretary.(6)

It is the duty of the board to examine all the returns of both real and personal property of each taxpayer, and, if in the opinion of the board, any taxpayer has omitted from his returns any property that should be returned, or has failed to return any of his property at a just and fair valuation, the board corrects such returns and assesses and fixes a just and fair valuation on the property.(7) The board has authority to employ an agent to seek out all unreturned property in the county and bring it to the attention of the board.(8) This section was amended in 1937 by adding the provision that such agent also seek out all unreturned taxable stocks and bonds.(9) In all cases where an assessment is made or a return is changed by authority of the assessors, without personal notice to the taxpayer, the assessors must post before the courthouse door a notice of such change of assessment.(10)

If a taxpayer is dissatisfied with the action of the board, he may ask for a hearing before a board of arbitrators of three members, one named by the property owner, another by the assessors, and the third chosen by these two members. Their decision is final.(11)

It is the duty of the board of assessors to investigate and determine the value of any property upon which all taxes due the State or county have

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1) Ga. Code of 1933, #92-6906; Ga. Acts 1913, pp. 123, 125.
2) Ga. Code of 1933, #92-6904; Ga. Acts 1913, pp. 123, 124.
3) Ga. Code of 1933, #92-6908; Ga. Acts 1913, pp. 123-125.
4) Ga. Code of 1933, #92-6909; Ga. Acts 1913, pp. 125, 126.
5) Ga. Code of 1933, #92-6904; Ga. Acts 1913, pp. 123, 124.
6) Ga. Code of 1933, #92-6910; Ga. Acts 1913, pp. 123, 126.
7) Ga. Code of 1933, #92-6911; Ga. Acts 1913, pp. 123-127.
8) Ga. Code of 1933, #92-6910.
9) Ga. Acts 1937, p. 518.
10) Ga. Acts 1937, pp. 519, 520.
11) Ga. Code of 1933, #92-6912; Ga. Acts 1913, pp. 123, 127; 1918, pp. 230, 231; 1931, pp. 7, 35; Ogletree et al v. Woodward, chairman, et al, 105 S.E. 243; 150 Ga. 691-698 (1920); Vestel v. Edwards et al, 85 S.E. 187; 143 Ga. 368-376 (1916); 254 U.S., pp. 64-70.

not been paid. In such cases the board is required to assess against the owner, if known, and against the property, if the owner is unknown, the full amount of taxes which have accrued and are unpaid at any time within the statute of limitations.(1)

The board of assessors is empowered to subpoena witnesses and may require the production by any person of all his books, papers and documents pertinent to the liability to taxation of any class of property. The board had authority to cite persons to appear before the ordinary, and that official formerly could impose a fine of $100 or imprisonment for not more than ten days for failure to comply with this provision.(2) The latter part of this section was amended in 1937 to provide that if any witness subpoenaed by the board of tax assessors fails or refuses to appear, or fails or refuses to answer questions, or to produce books, records, papers or documents required to be produced by an order of the board, except upon a legal excuse, such person is guilty of a contempt, and is cited by the board to appear before the superior court judge, who has the same power to punish such person as in cases of contempt committed in the presence of his court.(3)

County boards of tax assessors are final judges as to the eligibility and value of property in applications for homestead exemptions.(4) Their authority is also final on appeals from ruling of tax receiver on personal property exemptions, with the right of applicant to appeal from the decision of the board to the superior court.(5)

The secretary of the board is required to keep a record of the proceedings of the board.(6)

XXIV. TAX COLLECTOR

The first reference to a tax collector for the county of Jefferson is contained in the minutes of the inferior court of March 7, 1798, when the court appointed a collector of taxes for the year 1798.(7) This appointment was made pursuant to an act of February 22, 1796, which authorized the inferior court of the respective counties of the State to appoint tax collectors and take bonds for the faithful performance of the duties required of them.(8)

The election annually by the voters of each county of one tax collector was authorized by an act of 1810.(9) The term of office was increased to two years in 1872,(10) and an amendment to the Constitution of 1877, proposed in

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1) Ga. Acts 1937, pp. 517-524.
2) Ga. Code of 1933, #92-6914; Ga. Acts 1913, pp. 123, 128.
3) Ga. Acts 1937, pp. 522, 523.
4) Ga. Acts 1937-38, Ex. Sess., p. 147.
5) Ibid.
6) Ga. Acts 1913, p. 126.
7) Inferior Court Minutes, vol. 1, 1796-1800, p. 60, see entry 83.
8) Act 1796, Watkins, p. 614.
9) Ga. Acts 1810, pp. 132, 133; Act 1810, Cobb, p. 200.
10) Ga. Acts 1872, pp. 80-82.

1914 and ratified and made effective January I, 1917, established the term of office at four years.(1)

The tax collector must be a resident for two years of the county in which he is elected.(2) He is required to take an oath, in addition to the oath taken by all civil officers, to discharge faithfully the duties required of him by law as tax collector, and to search out and make a true return of all defaulters, polls, professions, and all taxable property not found on the tax receiver's digest, or not returned according to law, and to pay over all taxes collected by him, as required by law.(3)

Tax collectors are required to give bond and security for 40 percent of the State tax supposed to be due from the county for the year for which the officer is required to give bond, the amount of the bond to be filled in by the Comptroller General before being sent out to the county from the executive office; and shall give another bond with sufficient security, payable to the county commissioners, conditioned for the faithful performance of his duties as tax collector for the collection of the county tax, in a sum to be fixed by said commissioners; provided, however, that in no case shall the bond required on behalf of the county exceed $25,000.(4).

Compensation of the tax collector in Jefferson County is based on a graduated schedule of fees, ranging from six percent of the first thousand dollars of State and county taxes collected, down to one and one-fourth percent for sums exceeding $36,000.(5) A new schedule of commissions for tax collectors was authorized by the legislature in 1938, providing for a maximum of six percent for $3,000 and ranging downward to one and one-half percent for sums in excess of $54,000.(6)

The tax collector may be removed for malpractice in office.(7) Early provision for filling vacancies in the office of tax collector was made by authorizing the justices of the inferior court to call an election for that purpose, and to appoint, in the meantime, a person to fill the office temporarily.(8) The duty formerly devolving upon the inferior court in this instance now rests upon the ordinary of the county.(9)

It is the duty of the tax collector: to collect and pay over to the State and county treasurers their proportionate share of the taxes collected; (10) to search out and ascertain all polls and professions and all taxable property not returned to the receiver or not found in his digest;(11) to enter

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1) Ga. Code of 1933, #2-8301; Ga. Acts 1914, p. 43.
2) Ibid
3) Ga. Code of 1933, #92-4702.
4) Ga. Code of 1933, #92-4801; Ga. Acts 1863-64, p. 124; 1933, p. 47.
5) Ga. Code of 1933, #92-5301; Ga. Acts 1878-79, p. 25; 1918, pp. 110, 111.
6) Ga. Acts 1937-38, Ex. Sess., pp. 297, 298.
7) Ga. Code of 1933, #2-8301, #92-4907, #92-7101.
8) Ga. Acts 1826, pp. 120, 121.
9) Ga. Code of 1933, #92-4701, #24-2704, #24-2707.
10) Act 1804, Cobb, p. 1046; 1812, Cobb, p. 1058.
11) Ga. Acts 1857, p. 131; 1858, p. 104.

the names of defaulters in a book kept for that purpose and to assess and collect a double tax thereon, and to deposit said book with the Comptroller General and a copy with the ordinary (or other authority over county affairs) before the final settlement;(1) to have his insolvent list allowed in the manner provided by law; to give 10 days' notice in writing of the several times and places at which he will attend in the militia districts of the county for the purpose of collecting taxes, and to attend at such places at least three times during the period allowed for paying taxes; to publish his insolvent list at the courthouse door for 30 days; to pay the receiver his commissions, upon the production of the Comptrollller General the names of persons or firms paying the special taxes levied;(2) to issue executions against all defaulters and insolvents who are residents of his county;(3) to keep a permanent qualification or voters' book and make up the registration lists, as provided by law.(4)

The tax collector is also required: to keep a detailed record of all receipts and disbursements in a cash book;(5) to keep a record of interest collected from delinquents and defaulters;(6) to keep stub books of tax receipts; (7) to keep a tax execution docket, and on December 20 of each year issue fieri facias against delinquent taxpayers and enter their names on the docket; (8) to prepare two digests, one for the State Revenue Department and one for his office, of all special or occupational taxes;(9) to make out a report to the Comptroller General and to the ordinary, or other authority in charge of county affairs, on December 20 of each year, showing the amount of State and county taxes unpaid on the tax digest, and report every 30 days thereafter until final settlement, showing taxes collected and interest thereon;(10) to keep a permanent qualification or voters' book, or instead of a voters' book he may keep such record on a card system;(11) to make a list of persons disqualified from voting by reason of nonpayment of taxes.(12)

The records of the tax collector are kept in his office unless otherwise indicated in the entries.

Tax Digests

236. TAX DIGEST, 1917, 1926--. 10 vols. (dated).
Digest of tax returns on real and personal property, showing name of owner,

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1) Ga. Acts 1862-63, p. 57; 1857, p. 131.
2) Ga. Acts 1878-79, p. 120.
3) Ga. Acts 1875, p. 120.
4) Ga. Code of 1933, #92-4901.
5) Ga. Code of 1933, #92-4902, #92-4903; Ga. Acts 1910, p. 121.
6) Ga. Code of 1933, #92-5003.
7) Ga. Code of 1933, #92-5101; Ga. Acts 1884-85, p. 66.
8) Ga. Code of 1933, #92-5102; Ga. Acts 1884-85, p. 66.
9) Ga. Code of 1933, #92-5201; Ga. Acts 1924, pp. 183, 184.
10) Ga. Code of 1933, #92-5002; Ga. Acts 1917, p. 197.
11) Ga. Code of 1933, #34-101, #34-102, #34-201; Ga. Acts 1894, pp. 116, 117; 1908, p. 58; 1913, p. 115.
12) Ga. Code of 1933, #34-203; Ga. Acts 1899, p. 21; 1908, p. 58; Ga. Const. 1877, art. II, sec. I, par. III.

location, description and valuation of property, with notations whether taxes paid or payment enforced by execution. Later volumes also show on the front page a list of Confederate soldiers and soldiers' widows, living in Jefferson County as of the first day of each year, giving names and addresses of veterans, company, regiment, date and place enlisted, and date and place of discharge. Names of white taxpayers in front and colored in back of volume. Arr. alph. by name of taxpayer. No index. Hdw. under pr. hds. Aver. 185 pp. 15½ x 13 x 2½.
For duplicates, see entry 8.

237. SCHOOL TAX DIGEST, 1928--. 4 vols. Last entry 1931.
Digest of returns for school taxes, showing name and address of taxpayer, district number, location, description, and valuation of property, and amount of assessment for school purposes. Vols. divided into sections by militia district, each section arr. alph. by first letter of taxpayer's surname and chron. thereunder. No index. Hdw. under pr. hds. Aver. 48 pp. 15 x 15 x ½.
For duplicates, see entry 258.

Tax Receipts

238. (TAX RECEIPTS), 1930--. 10 vols. (dated) and est. 5,000 papers in 2 desk drawers.
Stubs of tax receipts, showing receipt number, name of taxpayer, year, amount and king of property returned, amount of State, county, professional, and poll tax, total amount, and date paid. Arr. chron. by date paid and numer. by receipt no. No index. Hdw. on pr. fms. Vols. aver. 615 pp. 17 x 14 x 3; drawers 3 x 24 x 24.

239. SPECIAL TAX RECEIPTS, 1933--. 5 vols.
Stubs of receipts for special taxes, showing serial number, date, place of business, and amount of tax. Arr. chron. by date of receipt and numer. by serial number. No index. Hdw. on pr. fms. Aver. 50 pp. 4½ x 12 x 1.
1 vol., 1938--, ord.'s va.

240. REGISTER OF SPECIAL TAX, 1936--. 1 vol.
Register of persons and firms subject to special tax, showing registration number, name of owner of business, and date of registration. Arr. alph. by first letter of owner's surname and chron. thereunder. No index. Hdw. on pr. fms. 150 pp. 7 x 5 x ½. Ord.'s va.

Cash Books

241. CASH BOOKS, 1910-20, 1929--. 15 vols.
Record of taxes collected, showing date, receipt number, amount of State, county, poll, and school taxes, interest, and total amount of all taxes. Vol. divided into sections by militia districts, each section arr. alph. by first letter of taxpayer's surname and chron. thereunder. No index. Hdw. under pr. hds. Aver. 200 pp. 23 x 18 x 1½. 6 vols., 1910-20, comms'. off.

Tax Execution Dockets and Fieri Facias

242. TAX COLLECTOR'S EXECUTION DOCKET, 1892-93, 1901-16, 1926--. 15 vols.
Docket shows name of delinquent taxpayer, years in default, amount of

execution, date issued, to whom delivered, and date collected or otherwise disposed of. Vol. divided into sections by militia districts, each section arr. alph. by first letter of defaulter's surname and chron. thereunder. No index. Hdw. on pr. fms. Aver. 235 pp. 16 x 12 x 2. 3 vols., 1892-93, 1901-16, comms'. off.

243. TAX FI. FAS. (Fieri Facias), 1933--. Est. 1,000 papers in 2 f.d. Stubs of fieri facias, showing name of delinquent taxpayer, militia district, kind of tax, fieri facias number and date issued, amount due, costs, interest, fees, and date of settlement. Arr. numer. by district no. No index. Hdw. on pr. fms. 7 x 4 x 13.

Voters and Elections
(See also entries 72, 73, 137-139, 250)

244. REGISTERED VOTERS BOOK, 1908. 9 vols. (labeling varies). List of registered voters in each militia district, showing name, color, age, residence, and occupation of voter, and remarks. Arr. numer. by militia district no., alph. thereunder by name of voter. No index. Hdw. on pr. fms. Aver. 25 pp. 13 x 7 x ½. J. p.'s off., C. C.

245. VOTER'S BOOK - DIST. G. M. (District Georgia Militia), JEFFERSON COUNTY, 1904, 1907. 3 vols.
Oaths of voters, showing name, age, color, residence, district, occupation, and date of oath. Vols. divided into sections by militia district, each section arr. alph. by first letter of voter's surname and chron. thereunder. No index. Hdw. on pr. fms. Aver. 96 pp. 9 x 7 x ½. J. p.'s off., C. C.

246. DISQUALIFIED VOTERS (White), 1898-1900. 3 vols. (dated). List of persons ineligible to vote because of nonpayment of taxes, showing name and residence of voter, date, amount of tax due, and remarks. Arr. alph. by first letter of voter's surname and chron. thereunder. No index. Hdw. on pr. fms. Aver. 53 pp. 14 x 8 x ½. J. p.'s off., C.C.

Miscellaneous

247. TAX RELEASE BLANKS, 1931--. 2 vols. Last entry 1935. Record of taxes prorated and released from lien of fieri facias, showing name of taxpayer, date and number of fieri facias, description and valuation of property, amount assessed, and amount of taxes paid. Arr. chron. No index. Hdw. on pr. fms. Aver. 85 pp. 14 x 7½ x 1.

XXV. TREASURER

The clerk of the inferior court served in the capacity of county treasurer when Jefferson County was created in 1796.(1) In 1825 an act directed the justices of the inferior court to appoint some suitable person as county treasurer.(2) Since 1865 county treasurers have been elected by the voters

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1) Act 1796, Prince to 1837, pp. 167-171.
2) Ga. Acts 1825, pp. 67-69.

of the several counties.(1)

A constitutional amendment ratified by the people on November 3, 1914, authorized the General Assembly to abolish the office of treasurer in any county of the State,(2) and in 1915 this office was vacated in Jefferson County and authority given the county commissioners to appoint a bank or other institution to act as "receiver of funds."(3) An amending act the following year required the bank or other institution acting as treasurer to give bond of $10,000.(4) Twelve years after the office of treasurer was abolished in this county, an act of August 19, 1927, reestablished the office, effective January 1, 1929, and provided that its duties be the same as prescribed by the general laws of the State.(5)

The rules of eligibility governing the selection of all other county officers apply alike to the county treasurer, viz: he must be a qualified voter in and resident of the county for two years prior to election; and no other county officer can also be treasurer.(6) He is required to take an oath faithfully to collect and account for all money or other effects due the county, and otherwise discharge the duties required of him by law.(7) He gives bond in a sum approved by the county commissioners,(8) and his term of office is four years.(9)

As compensation for his services, the treasurer received two and one-half percent commission on all county funds received by him and a like commission for paying out these funds, up to $10,000, and one and one-fourth percent commission for receiving and a similar percentage for paying out all county funds in excess of $10,000.(10) The act of 1927 reviving the office after its abolition in Jefferson County, however, fixed the salary of the treasurer at $100 per month.(11) He can be removed on the same grounds and in the same manner as superior court clerks,(12) and vacancies in his office are filled in the same manner as in the case of other county officers.(13)

It is the duty of the county treasurer to collect all moneys due the county; to examine the minutes and execution dockets of the various courts of the county, and to demand and receive all moneys appearing to be due thereon, and to institute proceedings against the defaulters; to obtain and

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1) Ga. Code of 1933, #23-1001; Act 1825, Cobb, p. 211; Ga. Acts 1865, Ex. Sess., p. 49; 1872, p. 82.
2) Ga. Code of 1933, #2-8401; Ga. Acts 1914, p. 43.
3) Ga. Acts 1915, p. 273.
4) Ga. Acts 1916, p. 458.
5) Ga. Acts 1927, pp. 616, 617.
6) Ga. Code of 1933, #23-1002, #2-8301; Ga. Acts 1914, p. 43, ratified Nov. 3, 1914.
7) Ga. Code of 1933, #23-1004.
8) Ga. Code of 1933, #23-1005; Ga. Acts 1889, p. 51; 1918, pp. 109, 110.
9) Ga. Code of 1933, #23-1001; Act 1825, Cobb, p. 211; Ga. Acts 1827, p. 82; Ga. Const. 1868, art. XI, sec. II, par. I.
10) Ga. Code of 1933, #23-1013.
11) Ga. Acts 1927, pp. 616, 617.
12) Ga. Code of 1933, #23-1026; Act 1821, Cobb, p. 211.
13) Ga. Code of 1933, #23-1027, #23-701, par. 5.

file away receipts on all orders when paid; to keep a well bound-book in which he must enter all receipts with information as to when received, from whom and on what account; and a record of all moneys paid out, when paid, to whom, and on what account; to record a full description of all county orders, or other orders of indebtedness and to record a copy of the orders of the taxing authorities levying county taxes; to file with the ordinary (county commissioners) on the second Monday in January, annually, a full statement of his accounts, accompanied by his vouchers for the preceding year; and to publish at the courthouse door and in a public newspaper, a copy of his annual statements.(1) All books, records, vouchers, and other files relating to his office are supposed to be deposited by him in the office of the ordinary, where they become a part of the latter official's record.(2)

All of the treasurer's records, however, are kept in his office.

Receipts and Expenditures

248. TREASURER'S CASH BOOK AND JOURNAL, 1933--. 1 vol.
Records of receipts and disbursements, showing date, amount, and name of office, court, or other source from which revenue received; and date, certificate number, warrant number, name of payee, and amounts disbursed. Arr. chron. by date received or disbursed. No index. Hdw. 112 pp. 24 x 18 x 1½.

249. LEDGER, 1908-16, 1921-24, 1934--. 3 vols.
Record of all moneys disbursed, showing warrant number, name of payee, date issued, for what purpose, and fund from which drawn. Arr. chron. by date disbursed. No index. Hdw. Aver. 382 pp. 16 x 11 x 2.

250. STUBS TO CHECKS, 1934--. 2 vols.
Stubs of checks issued in payment of county obligations, showing date, serial number, name of official, purpose, and amount paid. Arr. chron. by date issued and numer. by serial no. No index. Hdw. on pr. fms. Aver. 100 pp. 13 x 10 x 1.

County Bonds

251. BOND COUPONS, 1904--. 2 vols. Last entry 1932.
Cancelled coupons on courthouse and jail bonds, showing serial number, face value, date of maturity, rate of interest, and date cancelled. Arr. chron. by date cancelled. No index. Hdw. on pr. fms. Aver. 200 pp. 13 x 11½ x 1½.

Audits

252. JEFFERSON COUNTY GEORGIA AUDIT, 1936. 1 pamphlet. 1921-- also in Minutes of Jefferson Commissioners Court, entry 1.
Audit of records of treasurer, county commissioners, and Jefferson County sinking fund commission, showing receipts, disbursements, number of warrants paid, deposits, interest, and balance on hand. Arr. chron. No index. Typed. 7 pp. 11½ x 9 x ½.

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1) Ga. Code of 1933, #23-1015; Ga. Acts 1825, pp. 67-69, Cobb, p. 211; Ga. Acts 1838, p. 82, Cobb p. 216; Ga. Acts 1859, p. 25.
2) Ga. Code of 1933, #23-1021

(Next entry 253, p. 178)

XXVI. REGISTRARS

County registrars were provided for by the General Assembly in 1894. Three are to be chosen in each county.(1) They are required to be "upright and intelligent citizens of the county" and from more than one political interest or party.(2)

They are appointed by the superior court judge and required to take an oath before some official qualified to administer it to discharge their duties impartially.(3) Their terms of office are two years and until their successors are qualified, and a record of such appointments is entered on the minutes of the superior court.(4)

Registrars are paid $2 for each day of actual service, but the county commissioners may change this rate of compensation,(5) and the superior court judge is vested with the authority to remove them at his discretion, with or without cause.(6) In the event the provision that the registrars be appointed from more than one political interest or party has not been complied with, one registrar must be removed and a successor named from another political interest or party.(7) Vacancies on the board are filled by appointment by the superior court judge, and if, in the opinion of the judge, the registrars cannot prepare the registered voters list on or before June 1, he can appoint one or more assistant boards of registrars.(8)

It is the duty of the registrars to prepare on or before June 1 of each election year,(9) a list of registered voters arranged in alphabetical order by names of voters, by militia districts or city wards, and showing name, age, occupation, residence, and color of the voter.(10) The registrars begin the preparation of this list on April 20 of each year in which a general election is held (biennially) from the voters list prepared and furnished by the tax collector, removing the names of persons on the disqualified lists of the tax collector, ordinary, and superior court clerk.(11) Persons may be disqualified from voting by reason of nonpayment of taxes, by reason of idiocy, insanity, or conviction of crime whose penalty is disfranchisement, unless such convict has been pardoned and the right of suffrage restored to him.(12)

Any citizen whose name does not appear on the registered voters list may make application to the registrars, and upon showing satisfactory qualifications, may cause his name to be placed thereon.(13) The registered voters

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1) Ga. Code of 1933, #34-301; Ga. Acts 1894, pp. 115-118.
2) Ibid.
3) Ibid.
4) Ibid.
5) Ga. Code of 1933, #34-1001; Ga. Acts 1894, p. 121; 1899, p. 21.
6) Ga. Code of 1933, #34-301; Ga. Acts 1894, pp. 115-118.
7) Ga. Code of 1933, #34-302; Ga. Acts 1894, pp. 115-118.
8) Ga. Code of 1933, #34-403; Ga. Acts 1908, p. 59; 1924, p. 47.
9) Ga. Code of 1933, #34-403; Ga. Acts 1908, p. 58; 1924, p. 47.
10) Ga. Code of 1933, #34-401; Ga. Acts 1894, p. 118; 1908, p. 58.
11) Ibid.
12) Ga. Code of 1933, #34-203; Ga. Acts 1899, p. 21; 1908, p. 58; Ga. Code of 1933, #2-603; Ga. Const. 1877, art. II, sec. I.
13) Ga. Code of 1933, #34-601; Ga. Acts 1894, p. 119.

list is open to the public and any citizen resident in the county may contest the right of registration of any person whose name appears thereon.(1) The registrars have the power to require, on one day's notice, the production of original papers or books pertinent to the disqualification of any voter. They have the power to summon and swear witnesses, also on one day's notice, all such summonses to be served by the county sheriff, his deputy, or any constable.(2)

The registrars are required to file the registered voters list within five days of its completion with the superior court clerk, no person being eligible to vote whose name does not appear thereon;(3) and they are further required to place in the possession of the election managers at each voting precinct one or more copies of the list of registered voters in that militia district, or city ward, when or before the polls open.(4)

Voters
(See also entries 72, 73, 137-139, 244-246)

253. (VOTERS LISTS), 1895-1915, 1935--. 52 lists.
Lists of qualified and disqualified voters, showing militia district, name, address, age, color, sex, and occupation of voter, and date of list. Arr. alph. by name of voter. No index. Typed. Aver. 67 pp. 14 x 9 x $\frac{1}{2}$. Ord.'s va.

XXVII. BOARD OF EDUCATION

Louisville Academy, forerunner of the educational system in Jefferson County, was established by a legislative act of 1796, and five commissioners were appointed.(5) Additional commissioners were appointed for this institution in 1827.(6)

The first move toward a uniform number of school officials in each county was in 1823 when the General Assembly provided for the distribution of the poor school fund of each county by three trustees chosen by the inferior court.(7) The uniform school system as established by general legislation applies in Jefferson County, as there are no local acts affecting the county's school system. In 1839 a legislative enactment became effective providing for five school commissioners in each division (county), to be known as "Commissioners of the Common School."(8)

With the creation in 1852 of the office of ordinary in each county, this officer, in addition to his other duties, was made ex officio school commissioner, bringing the school administrative officers in each school division

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1) Ga. Code of 1933, #34-605; Ga. Acts 1908, p. 58.
2) Ga. Code of 1933, #34-602; Ga. Acts 1894, p. 119.
3) Ga. Code of 1933, #34-404; Ga. Acts 1908, pp. 58-60.
4) Ga. Code of 1933, #34-701; Ga. Acts 1894, p. 120.
5) Act 1796, Watkins, p. 615; Marbury and Crawford, pp. 567, 568.
6) Act 1827, Dawson, p. 46.
7) Ga. Acts 1823, pp. 3-5.
8) Ga. Acts 1837, pp. 94-99.

to a total of six.(1) County boards of education were created by the legislature in 1859 and the board membership was set at seven by provision of the act that the five justices of the inferior court and the ordinary were members of the board and vested with authority to appoint an additional member.(2) Uniformity of number of board members in the various counties was, in effect, eliminated by the General Assembly in 1866 when it provided that grand juries elect a commissioner of schools in each division and that he lay out school districts from each of which were elected three commissioners who, with the division commissioner, directed the county educational program.(3) The structural organization was changed again by the legislature in 1870 to provide for county boards of education consisting of one person from each militia district.(4) Uniformity of number was restored in 1871 by an act which empowered each county grand jury to elect five freeholders to serve as the county board of education.(5) This is the law at present in force.(6)

No provision was made as to qualifications for county school administrative officers until 1838, when the legislature empowered the inferior court justices to appoint "fit and proper persons" as commissioners.(7) An act of 1859 provided that the justices of the inferior court and the ordinary, who were members of the county school board by virtue of their offices, appoint another member, "taking into consideration his proficiency in the elementary branches upon which teachers were to be examined,"(8) and it was required in 1871 that members of county boards of education be "freeholders" and citizens of the counties for which chosen.(9) The present qualifications for county board of education membership are good moral character, "at least a fair knowledge of the elementary branches of an English education," and a favorable attitude toward the common school system. It is provided that members of the board shall not be chosen from the grand jury making the selection, and that more than one board member shall not be chosen from the same militia district.(10)

The early trustees of the schools and academies were chosen by the members of the General Assembly.(11) It was not until 1839, with the act creating county school commissioners, that provision was made for election of these commissioners by the qualified voters of the county.(12) The legislature stipulated in 1859 that six of the seven member county boards of education serve by virtue of their election as justices of the inferior court and ordinary respectively, and that the seventh member be appointed by them.(13) In

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1) Ga. Acts 1851-52, p. 2.
2) Ga. Acts 1859, p. 29.
3) Ga. Acts 1866, pp. 58-65.
4) Ga. Acts 1870, pp. 49-60.
5) Ga. Acts 1871-72, pp. 279-283.
6) Ga. Code of 1933, #32-902; Ga. Acts 1919, pp. 320-349.
7) Ga. Acts 1838, pp. 96, 97.
8) Ga. Acts 1859, p. 29.
9) Ga. Acts 1871-72, p. 279.
10) Ga. Code of 1933, #32-903; Ga. Acts 1919, p. 321.
11) Act 1796, Watkins, p. 615; Act 1827, Dawson, p. 46.
12) Ga. Acts 1837, pp. 94-99.
13) Ga. Acts 1859, p. 29.

1866 it was provided that the district commissioner of schools be elected by the grand jury, and that three trustees be elected from each school district by the voters of that district.(1) The law was again changed in 1870 and one board member was elected from each militia district by the voters of that district.(2) The present system of selection of board members by the grand jury was instituted in 1871.(3)

The county commissioners of education, as set up by an act of 1837, were required to take an oath before any judge of the superior court, justice of the inferior court or justice of the peace in the county in which they resided faithfully to perform their duties.(4) An act of 1859 provided that the ordinary, as treasurer of the county board of education, give bond and good security to be determined by the board.(5) The county commissioner of education was required in 1866 to take an oath before the ordinary or other official empowered to administer oaths, faithfully and impartially to discharge the duties of his office. It was provided that the oath be filed in the office of the superior court clerk.(6) County superintendents of schools at present take the same oath required of other officers of the State,(7) and must give bond payable to the county board of education, the amount to be decided by the board, and the bond to be filed with the ordinary.(8)

The original trustees served for life and their boards were self-perpetuating,(9) but in 1837 annual election of the commissioners in each school division became the law.(10) With the provision in 1852 for service of the ordinary as a member of the school board, his term ran concurrently with that of his elective office,(11) and, similarly, the justices of the inferior court in 1859 began service as members of the school board concurrently with their terms of justiceship.(12) No provision was made by the act of 1866 for the tenure of office of the school commissioner, but the district trustees held office for two years each.(13) In 1870 the members of the board were chosen for terms of two years each,(14) but in 1871, terms of board members were fixed at four years each,(15) and this is the term now provided.(16)

The trustees of the various early schools and academies received no compensation,(17) and the legislature specifically set forth in 1837 that school

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1) Ga. Acts 1866, pp. 58-65.
2) Ga. Acts 1870, pp. 49-60.
3) Ga. Acts 1871-72, pp. 279-283; Ga. Code of 1933, #32-902; Ga. Acts 1919, p. 320.
4) Ga. Acts 1837, p. 98.
5) Ga. Acts 1859, p. 30.
6) Ga. Acts 1866, p. 61.
7) Ga. Code of 1933, #32-1007; Ga. Acts 1919, p. 351.
8) Ga. Code of 1933, #32-1005; Ga. Acts 1919, p. 350; 1925, p. 250.
9) Act 1796, Watkins, p. 615; Act 1827, Dawson, p. 46.
10) Ga. Acts 1837, pp. 94-99.
11) Ga. Acts 1851-52, p. 2.
12) Ga. Acts 1859, p. 20.
13) Ga. Acts 1866, p. 60.
14) Ga. Acts 1870, p. 52.
15) Ga. Acts 1871-72, p. 279.
16) Ga. Code of 1933, #32-902; Ga. Acts 1919, p. 320.
17) Act 1796, Watkins, p. 615; Act 1827, Dawson, p. 46.

commissioners and trustees were to receive no compensation for their services.(1) The first provision for compensation was made by the General Assembly in 1866 and authorized a salary of $1 per day for the county school commissioner.(2) This amount was raised to $3 per day in 1870, and it was again specifically stipulated that trustees were to receive no compensation.(3) With the institution of the current procedure in 1871, the General Assembly empowered the grand jury to establish per diem pay for members of the board, not to exceed $2.(4) This is the current rate of pay for members of the county board of education.(5)

The early acts relating to education made no provision for removal of trustees, but empowered the boards to fill their own vacancies,(6) and an act of 1837 likewise empowered the board of commissioners to fill its own vacancies, but established no means of removing board members.(7) In 1866 the inferior court was empowered to fill any vacancy in the office of school commissioner, and vacancies in the board of trustees were filled by the remaining trustees and the county school commissioner, new members being appointed from the same districts in which the vacancies occurred.(8) Power temporarily to fill vacancies in the county board of education was vested in 1872 in the judge of the superior court, with such appointments to remain in effect until the next session of the grand jury, when the vacancy was to be filled by the grand jury.(9) The present law in force provides for the removal of any member of a county board of education by the judge of the superior court on the address of two-thirds of the members of the grand jury, for inefficiency, incapacity, general neglect of duty, or malfeasance or corruption in office, and the superior court judge is empowered to fill board vacancies until the next session of the grand jury, at which time the grand jury fills the vacancy.(10)

The executive officer of the county educational bodies was first provided for in 1839 when the inferior court justices and the ordinary, as members of the board, appointed the seventh member with consideration of "his proficiency in the elementary branches upon which teachers were to be examined."(11) In 1870 the board of education was empowered to elect a secretary who served as county school commissioner,(12) but in 1871 the board was empowered to elect a secretary from among its own number or from the citizens of the county, and this officer was county commissioner of education.(13) The present law in force provides for a county school superintendent who is elected

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1) Ga. Acts 1837, p. 96.
2) Ga. Acts 1866, p. 61.
3) Ga. Acts 1870, pp. 56, 58.
4) Ga. Acts 1871-72, p. 280.
5) Ga. Code of 1933, #32-904; Ga. Acts 1919, p. 321.
6) Act 1796, Watkins, p. 615; Act 1827, Dawson, p. 46.
7) Ga. Acts 1837, pp. 94-99.
8) Ga. Acts 1866, p. 63.
9) Ga. Acts 1871-72, pp. 279, 280.
10) Ga. Code of 1933, #32-905; Ga. Acts 1919, p. 322.
11) Ga. Acts 1839, p. 29.
12) Ga. Acts 1870, pp. 49-60.
13) Ga. Acts 1871-72, pp. 279-283.

by the people and who performs all clerical duties formerly required of the county school commissioner.(1)

The boards of trustees of the early academies were bodies politic and corporate, empowered to establish and execute such bylaws as they deemed necessary for management of the academies. They were vested with wide powers, although these powers were limited to the particular academy over which they held trusteeship.(2)

These trustees were empowered to purchase, receive, and retain lands, rents, tenements, goods, chattels, and to sell or otherwise dispose of same for the benefit of the institutions intrusted to their care, and to accept and spend donations or grants from any source or from the State.(3) They were not, however, empowered to levy taxes for support of the academies, and it was not until 1852 that such authority was vested in the ordinary, who was, as ex officio member of the school board, authorized to levy a tax for educating the poor.(4) In 1870 the county boards of education were empowered to raise funds "by a tax levied upon the taxable property of said district, and by assessment on the labor of the qualified voters of same, as may be determined by the county boards of education."(5) This power was limited, however, in 1872 to recommendation by the board to the grand jury of the amount needed in addition to that provided by the State for the carrying on of county schools for at least six months, and the grand jury was empowered to approve such estimate and authorize the ordinary or county commissioner to levy a county tax sufficient to raise the required sum.(6) It was made the duty of the county school superintendent in 1919 to transmit to the State School Superintendent an itemized list of moneys owed by the county school board and the State Treasurer was authorized to then draw a draft in favor of the county school superintendent who disbursed the sum. The county boards were empowered to borrow sufficient funds, and no more, to pay for the operation of the public schools of their counties, provided that no county board was empowered to borrow a greater sum than that to which the county was entitled from the public school fund.(7) This is the law now in force.(8)

The county school board may receive appeals from teachers suspended by the county school superintendent for nonperformance of duty, incompetency, immorality, or other good and sufficient causes, but either the teachers or the superintendent may appeal from the board's decision to the State Superintendent of Schools or to the State school board.(9) The county school board has power to remove the superintendent of schools,(10) and regulates the

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1) Ga. Code of 1933, #32-1002; Ga. Acts 1887, p. 68; 1909, p. 154; 1914, p. 47; 1919, p. 349; 1931, p. 124; Ga. Code of 1933, #32-1004; Ga. Acts 1919, p. 350.
2) Act 1796, Watkins, p. 615; Act 1827, Dawson, p. 46.
3) Ibid.
4) Ga. Acts 1851-52, pp. 1-4.
5) Ga. Acts 1870, p. 57.
6) Ga. Acts 1871-72, p. 282.
7) Ga. Acts 1919, p. 328.
8) Ga. Code of 1933, #32-921.
9) Ga. Code of 1933, #32-1010; Ga. Acts 1919, p. 352.
10) Ga. Code of 1933, #32-912.

school terms.(1)

Each county board is required to make up annually a budget of estimated receipts and proposed expenditures for the next year,(2) and, when approved by the State board, a copy is filed in the local board office, another with the State Superintendent of Schools, and a third with the State Department of Audits and Accounts.(3) It is also the duty of the county and city boards of education to cause an enumeration to be made every five years of the children between the ages of six and eighteen years of age,(4) and to receive from teachers a full and complete report of the number of pupils admitted to the school during said term, distinguishing between males and females, white and colored, with the names thereof.(5) The board may make regulations, if it deems them necessary, for the vaccination of pupils, and forbid those pupils who do not comply with such regulations admission to the schools.(6)

Minutes

254. RECORD (Minutes), 1871--. 7 vols. Title varies: Cash Book, 1913-23, 1 vol.; Cash, 1923-30, 1 vol. Untitled 1871-1912, 1937--, 4 vols.

Minutes of proceedings and business transacted at meetings of Jefferson County board of education, showing dates of meetings, members present, petitions and applications considered and disposition thereof. Arr. chron. by date of meeting. No index. Hdw. Aver. 210 pp. 12½ x 8 x 2. Supt.'s off.

XXVIII. SUPERINTENDENT OF SCHOOLS

The county ordinary, as ex officio member of the county school commission, was, in 1852, made the administrative officer of the commission.(7) Prior to that time, administration of county schools had been vested in the county school commissioners as a whole. The law was changed in 1859 to place the direction of county educational affairs under the judiciary. This act provided that the ordinary and the justices of the inferior court were to serve as members of the county board of education, and also that they name another person to the board, taking into consideration his proficiency in the elementary branches upon which teachers were to be examined.(8) In 1866 the General Assembly authorized grand juries to elect a commissioner of schools as executive officer of each county school board,(9) and three years later the General Assembly again changed the law to provide for a county board of education which elected a president and a secretary, the

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1) Ga. Code of 1933, #32-909; Ga. Acts 1919, p. 322.
2) Ga. Code of 1933, #32-945.
3) Ga. Code of 1933, #32-945, #32-947; Ga. Acts 1925, p. 136; 1937, pp. 888, 889.
4) Ga. Code of 1933, #32-1601; Ga. Acts 1919, p. 318.
5) Ga. Code of 1933, #32-914; Ga. Acts 1919, p. 325.
6) Ga. Code of 1933, #32-911; Ga. Acts 1880-81, p. 97; 1919, p. 325.
7) Ga. Acts 1851-52, pp. 1-4.
8) Ga. Acts 1859, pp. 29-31.
9) Ga. Acts 1866, p. 59.

latter officer serving as county school commissioner.(1) This officer continued to be known as commissioner of schools until 1911, when his title was changed to that of superintendent.(2)

The superintendent of schools is elected for a term of four years by the voters of the county,(3) and to be eligible, he must be of good moral character, have had at least three years of practical teaching experience, hold a professional high school four year certificate based on a minimum of a bachelor's degree, including 18 semester hours of approved professional education, or in lieu thereof shall have held the office of county superintendent of schools for a period of one or more years.(4)

The superintendent is required to take the same oath as is required of other State officers.(5) He gives a bond to the county school board in an amount determined by the board, and this bond is filed with the ordinary, a copy is recorded on the ordinary's records, and the latter official sends a certified copy to the State Superintendent of Schools, who records and files it at the State Board of Education.(6)

The county school superintendent receives a minimum of $450 per annum salary and $150 per annum traveling expenses from the State, payable monthly, and additional compensation from the county as determined by the county board of education.(7)

Removal of a county school superintendent can be effected by a majority vote of the county board of education, for inefficiency, incapacity, neglect of duty, or malfeasance or corruption in office, but a superintendent so removed can appeal from the board's decision to the State Superintendent of Schools and from his decision to the State Board of Education.(8)

Vacancies in the office of county school superintendent are filled by election by the county board of education for the unexpired term.(9)

The superintendent is the chief administrative officer of the county school system and is the medium of communication between the State Superintendent of Schools and subordinate school officials. As agent of the county board he procures county school supplies, audits all school accounts before application is made to the county board for payment; enforces rules, regulations and instructions of the State Superintendent and of the county board; visits all schools receiving State aid at least every 60 days, and superintends examination of teachers in the county.(10) He makes a report of school

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1) Ga. Acts 1870, pp. 49-60.
2) Ga. Acts 1911, p. 101.
3) Ga. Code of 1933, #32-1002; Ga. Acts 1887, p. 68; 1919, p. 349; 1931, p. 124.
4) Ga. Acts 1939, pp. 196-198.
5) Ga. Code of 1933, #32-1007; Ga. Acts 1919, p. 351.
6) Ga. Code of 1933, #32-1005; Ga. Acts 1919, p. 350; 1925, p. 250.
7) Ga. Code of 1933, #32-1006; Ga. Acts 1919, p. 350.
8) Ga. Code of 1933, #32-1008; Ga. Acts 1919, p. 350.
9) Ga. Code of 1933, #32-1003; Ga. Acts 1919, p. 350.
10) Ga. Code of 1933, #32-1001 to #32-1010, Ga. Acts 1919, pp. 347-352.

operations for the preceding year to the grand jury at the first term of the superior court following the fiscal school year.(1) He is authorized to suspend teachers under his jurisdiction for cause.(2)

Teachers are required to make reports to the superintendent at the end of each term, in which are shown the total number of pupils, subjects taught, and average attendance. These reports distinguish between male and female, and white and colored pupils.(3) The superintendent is required to provide the board with an annual budget of estimated receipts from all sources, and their proposed expenditures for the next year.(4)

The office of the superintendent of Jefferson County schools is on the first floor of the courthouse and all records are kept in this office.

Financial Records

255. BUDGET, 1930--. Est. 40 papers in 1 folder.
Estimated receipts and proposed expenditures for the ensuing school year, approved by members of the board of education. Arr. chron. No index. Typed on pr. fms. $11\frac{1}{2}$ x $9\frac{1}{2}$ x $\frac{1}{2}$.

256. LEDGER, 1934--. 2 vols.
Record of expenses of board, principally salaries of white and colored teachers, and profit and loss accounts. Record of summer school courses taken by colored teachers, showing name of teacher, school attended, and subjects studied. Arr. chron. No index. Hdw. Aver. 89 pp. 14 x 7 x 1.

257. STATEMENTS, 1929--. 1 vol.
Itemized statement of accounts due by the board, showing date, name of payee, details of service rendered, summary; approved by the board and certified by school superintendent. Arr. chron. No index. Hdw. on pr. fms. 250 pp. 14 x 7 x 3.

258. (SCHOOL TAX DIGEST), 1921--. 36 vols. (labeling varies). Last entry 1931.
Duplicates of digest of returns for school taxes, showing information as in entry 237.

259. TAX FI. FAS. (Fieri Facias), 1933. 1 vol.
Consolidated list of uncollected tax fieri facias, showing school district number, amount of poll, State, county, and school taxes, and total amount due in each militia district. Arr. numer. by fi. fa. no. No index. Typed 42 pp. 11 x 10 x $\frac{1}{2}$.

260. CHECKS, 1931--. Est. 2,000 papers in 6 bdles.
Cancelled checks and bank statements of moneys disbursed, showing serial number, name of payee, purpose, date and amount of payment. Arr. chron. by date

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1) Ga. Acts 1939, pp. 198, 199.
2) Ga. Code of 1933, #32-1010; Ga. Acts 1919, p. 352.
3) Ga. Code of 1933, #32-914; Ga. Acts 1919, p. 325.
4) Ga. Code of 1933, #32-945; Ga. Acts 1925, p. 135.

of payment and numer. by serial no. No index. Hdw. on pr. fms. Aver. 8½ x 3 x 2.

261. FIRST NATIONAL BANK (Stubs), 1927-34, 1937--. 1 vol. and est. 2,000 stubs in 1 pigeonhole.
Stubs of checks issued to pay expenses, showing serial number, date, name of payee, purpose, and amount. Arr. chron. by date of payment and numer. by serial no. No index. Hdw. on pr. fms. Vol., 65 pp. 13 x 10 x 1; pigeonhole, 4 x 5 x 10.

262. REPORT OF EXAMINATION OF LOCAL SCHOOL DISTRICT, 1934--. 3 vols.
Reports of superintendent and of auditor on records of county school system. Arr. chron. No index. Typed. Aver. 91 pp. 11½ x 9 x 1.

Teachers

263. (TEACHERS' LETTERS OF APPLICATION), 1923--. 1923-- in (Correspondence), entry 268; 1928-- also in Letters, entry 269.
Letters of application for teaching positions in the county schools, showing name and qualifications of applicant, and date of application.

Pupils

264. REPORTS, 1921--. Est. 9,000 cards in 17 f.d.
Monthly enrollment and attendance reports from each school in county, showing names of teacher and pupils, address, grade, attendance and scholastic record. 1921-32, 16 f.d., arr. alph. by name of school; 1932--, arr. chron. No index. Hdw. on pr. cards. 10 x 11 x 20.

265. (ENROLLMENT ATTENDANCE), 1937-38. 1 pamphlet.
Average monthly attendance for each grade of all schools in county, showing name of school, and average number of pupils attending each grade each month. Arr. alph. by name of school. No index. Hdw. 75 pp. 11 x 8½ x ½.

266. CENSUS, 1923, 1933. Est. 1,100 papers in 1 bdle. and 1 f.d.
Title varies: District Consolidation Sheet, 1923, 1 bdle.
Census of white and colored children between the ages of 6 and 18 years in each militia district of county, showing name and number of school district, name of enumerator, name, address, and birth date of each child, and date of census. Arr. numer. by district and alph. thereunder by name of child. No index. Hdw. on pr. fms. Bdle. 14 x 11 x 4; f.d. 13 x 14 x 24.

Miscellaneous

267. MISCELLANEOUS RECORDS, 1883-1925, 1927-30, 1933--. Est. 10,000 papers in 16 f.d. and 3 table drawers.
Cancelled checks and bank statements, monthly and annual reports of teachers, quarterly statements to superintendent of schools, vouchers, letters, and receipts. Arr. chron. No index. Hdw. and typed. 16 f.d. 11 x 5 x 14; 3 table drawers, aver. 3½ x 24 x 26.

Correspondence

268. (CORRESPONDENCE), 1923--. Est. 4,000 papers in 14 f.d.

Miscellaneous correspondence of superintendent of schools, showing names of correspondents and dates of letters. Also contains: (Teachers' Letters of Application), entry 263; (Minutes, County Board of Health), 1929--, entry 270. Arr. alph. by first letter of correspondent's surname and chron. thereunder. No index. Hdw. and typed. 14 x 4 x 14.

269. LETTERS, 1928--. Est. 2,000 papers in 2 f.d.
Contains:

i. Miscellaneous correspondence, showing date, subject matter of letters, name and address of correspondent.
ii. Inventories and lists of books used by the department, showing date, name of school, and enumeration of books.
iii. Copies of annual reports to State Department of Education and the county grand jury, giving a detailed account of school operations, accomplishments, and the cost thereof, for the preceding year.

Also contains: (Teachers' Letters of Application), entry 263. Arr. chron. by date filed. No index. Hdw. and typed. 13 x 12 x 24.

XXIX. BOARD OF HEALTH

A board of health, composed of three members, was provided for each county in 1914 by a legislative act reorganizing the State and county health departments.(1) It was not until 1929, however, that such a department of health was organized in Jefferson County.(2) This board has continued to operate until the present.(3)

Efforts to promote the health of citizens through locally enforced regulations became the concern of the General Assembly early in Georgia's history. Although the first of these regulations was applied to coastal counties,(4) in 1836, the justices of the inferior courts and the corporate authorities of cities were authorized, in the event of outbreak of infectious diseases, to provide suitable temporary hospitals for the afflicted, and to furnish patients with subsistence, medicines, and nurses.(5)

A county board of physicians, forerunner of the board of health, was organized in Jefferson County on May 9, 1876, in conformity with an act of the legislature of that year for the protection of life and health.(6) However, the first regular minutes of a board of health in Jefferson County do not begin until 1929.(7)

Two of the Jefferson County board of health members serve by virtue of

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1) Ga. Acts 1914, pp. 124-134.
2) Minutes, County Board of Health, 1929--, entry 270.
3) Minutes of Jefferson Commissioners Court, vol. 15, 1921--, pp. 422, 438, 439, entry 1.
4) Act 1793, Prince to 1837, p. 272.
5) Act 1836, Prince to 1837, p. 237.
6) Minutes of Jefferson Commissioners Court, vol. 13, 1873-97, p. 173, entry 1; Ga. Acts 1875, pp. 32-36.
7) See entry 270.

their offices. These are the county superintendent of schools and the chairman of the board of county commissioners. The other member is a reputable physician, elected by the grand jury for a term of four years.(1)

Compensation for members of the board is fixed by the act at $2 a day while actually engaged in their duties as board members. Board vacancies are filled by the grand jury, and members so elected hold office until their successors are elected and qualified.(2)

A sanitary engineer was employed by the board on January 18, 1939. His salary is $2,100 per year.(3)

The board is required to hold regular sessions on the first Thursdays of January, April, July, and October, and it may hold extra sessions when necessary.(4) The board has authority over all matters relating to health and sanitation in the county. It is empowered to declare and enforce quarantine, (5) and has authority to adopt and maintain rules and regulations, not inconsistent with law, as are deemed necessary to protect the health of the people.(6)

Regulations adopted by the board must be advertised in the newspaper of the county in which the sheriff's notices appear.(7)

Minutes of the Jefferson County board of health are kept by the superintendent of schools in his office.

Minutes

270. (MINUTES, COUNTY BOARD OF HEALTH), 1929--. In (Correspondence), entry 268.
Some loose minutes and correspondence together with orders and petitions pertaining to board of health, showing date of meeting, business transacted, petitions considered, and disposition thereof.

XXX. DISTRICT COMMISSIONER OF HEALTH

In 1914 the General Assembly passed extensive legislation reorganizing and further defining the duties and jurisdiction of the county and State health departments.(8) Each county constitutes a sanitary district, except that two or more counties, each having a population of less than 37,000 inhabitants, may combine to form one sanitary district; provided the total population of the counties so combined does not exceed 75,000 inhabitants. Jefferson County,

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1) Ga. Code of 1933, #88-201; Ga. Acts 1914, p. 125.
2) Ga. Acts 1914, pp. 125, 126.
3) Minutes of Jefferson Commissioners Court, vol. 15, 1921--, p. 439, see entry 1.
4) Ga. Code of 1933, #88-202.
5) Ga. Code of 1933, #88-201; Ga. Acts 1914, pp. 124, 125.
6) Ga. Code of 1933, #88-203; Ga. Acts 1901, p. 61.
7) Ga. Code of 1933, #88-205; Ga. Acts 1901, p. 61.
8) Ga. Acts 1914, p. 124 et seq.

in which this act became operative in 1929, alone comprises one sanitary district.

The district commissioner of health is appointed by the county board of health from an eligible list furnished by the director of the State Board of Health. Persons whose names are on this list have passed examinations given by the State Board of Health in hygiene, sanitation, and State health laws. No person can take such examinations except able-bodied and temperate licensed physicians of good moral character who are residents of the State. The district commissioner serves for four years. He can be removed by the Director of the State Board of Health for incompetency, wilful neglect of duty, immorality, or the commission of a crime involving moral turpitude, but a district commissioner so suspended has the right of appeal to the State board, whose decision is final.(1)

Vacancies in the office are filled by the county board of health,(2) and the board may employ as many deputy commissioners of health and visiting nurses as it deems necessary to serve the best interests of the county.(3)

The salary of the commissioner of health is $3,600 per year and that of his nurse assistant, $1,800. Each of these officers is required to furnish an automobile without expense to the county.(4)

It is the duty of the district commissioner of health: to be vigilant in the work of disease prevention; to enforce all health laws; ordinances, and regulations; to enter upon and inspect private property for possible presence or source of disease, when he considers such action necessary; to establish quarantine; to close schools, churches, theaters, or any place of public assemblage, in order to prevent or stay epidemics; to collect statistics concerning insanity, feeble-mindedness, tuberculosis, and other infectious diseases; to inspect hotels, trains, depots, ships, and all places where food is sold; to inspect and make a sanitary survey at least every six months of all public buildings and institutions in their respective jurisdictions; to inspect and make a sanitary survey, at least once every school year, of the buildings, grounds, and water supply of all schools; to examine the teachers, pupils, and employees of schools for infectious and contagious diseases, and to examine each pupil for defects of eyes, ears, nose, throat, lungs, teeth, and other physical defects. The commissioner is required to deliver, at least once each year, a lecture on general matters of health and sanitation, to the pupils of each school in the county. The commissioner is also required to make a monthly report to the board in narrative or tabulated form of the work done by him, and to keep a permanent record of all work done in a form book prescribed for that purpose.(5)

The State Board of Health has charge of the registration of births and

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1) Ga. Code of 1933, #88-302; #88-303; Ga. Acts 1914, pp. 124-126; 1931, pp. 7, 11; 1933, p. 7.
2) Ga. Code of 1933, #88-304; Ga. Acts 1914, pp. 124-128.
3) Ga. Code of 1933, #88-312; Ga. Acts 1914, pp. 124, 133.
4) Minutes of Jefferson Commissioners Court, vol. 15, 1921--, pp. 422, 438, see entry 1.
5) Ga. Code of 1933, #88-309.

deaths.(1) The State is divided into registration districts. Each city, each incorporated town, and each militia district or part thereof outside a city or town constitutes a district.(2) The city clerks, town clerks, and justices of the peace are the local registrars of their cities, towns, and militia districts respectively, except where another person has been appointed as local registrar by the State Board of Health, which has authority to appoint and remove local registrars as it sees fit.(3) The local registrar is required to make out birth and death certificates in duplicate, send the original to the State Board of Health in Atlanta, and transmit the duplicate to the city or county health officer, if there is such a health officer. If there is no such health officer, the duplicate is sent to the ordinary of the county.(4)

The offices of the commissioner of health are located on the second floor of the Jefferson County courthouse, and all his records are kept in these offices .

Vital Statistics

Births

271. BIRTHS, 1927--. 8 vols. (1-8).
Shows name, address, and occupation of parents, signature of physician or midwife attending, sex, color, and nationality of child, date of birth, and certificate number. Arr. chron. by date of birth and numer. by registration no. For index, see entry 272. Hdw. on pr. fms. Aver. 712 pp. 9 x 7 x 3½.

272. BIRTHS (Index), 1927--. Est. 5,000 papers in 6 f.b.
Card index to Births, entry 271, showing name of infant, date of birth, book in which certificate is recorded, and registration number. Arr. alph. by name of infant. Hdw. on pr. fms. 4 x 6 x 14.

273. BIRTHS (82nd District), 1919--. 1 vol.
Copies of birth certificates, showing name of physician or midwife attending, parents' names and address, sex of baby, color, name, year, month, and day of birth. Arr. chron. by date issued. Indexed alph. by first letter of child's surname and chron. thereunder. Hdw. and typed on pr. fms. 600 pp. 7½ x 9½ x 3½.

Deaths

274. DEATHS, 1927--. 6 vols. (1-6).
Death certificates, showing registration number, name, age, sex, and color of deceased, date and cause of death, name of attending physician, and undertaker. Arr. chron. by date of death and numer. by registration no. For index, see entry 275. Hdw. on pr. fms. Aver. 410 pp. 4½ x 6 x 2½.

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1) Ga. Code of 1933, #88-1101; Ga. Acts 1927, p. 353.
2) Ga. Code of 1933, #88-1103.
3) Ga. Code of 1933, #88-1104.
4) Ga. Code of 1933, #88-1210; Ga. Acts 1927, p. 366.

District Commissioner of Health (275-283)
Sanitation; Reports

275. DEATHS (Index), 1927--. Est. 2,000 cards in 5 f.b.
Card index to Deaths, entry 274, showing name of deceased, date of death, book in which certificate is recorded, and registration number. Arr. alph. by name of deceased. Hdw. on pr. fms. 4 x 6 x 14.

276. DEATHS (82nd District), 1919--. 1 vol.
Copies of death certificates, showing name of person, date of death, attending physician, names of decedent's parents, his address, sex and color, name of informant of death, birthplace, date of birth, undertaker, and burial place. Arr. chron. by date reported. Indexed alph. by first letter of deceased's surname and chron. thereunder. Hdw. and typed on pr. fms. 600 pp. 7½ x 9½ x 3½.

277. OTHER ACTIVITIES, 1938--. Est. 50 cards in 1 pigeonhole.
Registration cards of midwives, showing name, age, sex, color, address, and education of midwife, annual inspection and remarks of health officer, record of cases attended by midwife. Arr. by district and no obvious arr. thereunder. No index. Hdw. on pr. fms. 6 x 4 x 10.

Sanitation

278. (MALARIA DRAINAGE RELEASES), 1939--. Est. 200 papers in 1 f.b.
Releases signed by property owners giving the county authority to enter upon their lands for malaria drainage purposes, showing name of county, file number, name and residence of property owner, and date of release. Arr. chron. by date signed. No index. Hdw. on mimeographed fms. 14 x 4 x 12.

279. MALARIA CONTROL MAP OF JEFFERSON COUNTY GEORGIA, no date shown. 1 map.
Physical map, showing location of malaria breeding places, lands which have been drained, and lands to be drained. Black and white. No scale. 36 x 24.

Reports

280. (MONTHLY REPORTS), 1930--. Est. 500 papers in 1 f.d.
Health commissioner's reports, showing number of persons receiving public health treatment, names of patients, kind and number of treatments given, and dates. Arr. chron. by date of report. No index. Hdw. on pr. fms. 14 x 14 x 24.

281. (WEEKLY AND MONTHLY REPORTS), 1935--. Est. 800 papers in 1 f.b.
Cases visited by health nurse in the county, showing name of patient, ailment, and treatment; and tabulation of various diseases treated. Arr. chron. by date of report. No index. Hdw. on pr. fms. 9 x 9 x 18.

282. (REPORTS), 1932--. Est. 600 papers in 1 f.d.
Reports of health commissioner to the county board of education of public health work done in the schools. Arr. chron. by date of report. No index. Hdw. on pr. fms. 14 x 14 x 24.

283. MONTHLY MIDWIVES CLUB MEETINGS, 1934--. Est. 300 papers in 1 f.b.
Reports of monthly and quarterly class meetings of midwives' clubs, showing names and addresses of midwives, name of nurse supervisor, and dates of meetings. Arr. chron. by date of meeting. No index. Hdw. 9 x 9 x 14½.

District Commissioner of Health (284-292)
Correspondence; Medical Examinations

Correspondence

284. LETTERS, 1931--. Est. 500 papers in 1 f.b.
Correspondence of county health commissioner relative to county health matters. Arr. chron. by date written. No index. Hdw. and typed. 12 x 3 x 12.

Medical Examinations

285. (IMMUNIZATION, SCHOOL PUPILS), 1935--. Est. 1,000 cards in 1 pigeonhole and 4 shelves.
Diphtheria, typhoid, and smallpox immunization cards of white and colored children, showing name, sex, age, and color of patient, names of parents or guardian, militia district, and date. Arr. by schools and alph. thereunder by first letter of child's surname and chron. thereunder. No index. Typed on pr. fms. Pigeonhole 6 x 4 x 10; shelves 16 x 6 x 6.

286. (DIPHTHERIA CASES), 1936-37. 1 vol.
Record of diphtheria treatment given in school year, showing date, name, address, age, sex and color of child, school, and results. Arr. by school and alph. thereunder by name of pupil. No index. Hdw. 150 pp. 14 x 8 x 1.

287. IMMUNIZATION (Adults), 1937-38. Est. 150 cards in 1 box.
Adult typhoid and smallpox immunization cards, showing name, address, age, race, and sex of patient, date and results of immunization. Arr. alph. by town. No index. Hdw. on pr. fms. 11 x 8 x 5.

288. TUBERCULOSIS CONTROL, 1931--. Est. 900 cards in 1 pigeonhole and 1 bdle.
Diagnostic charts of chest examinations made by the county health commissioner, showing name, address, color, sex, age, marital status, and occupation of patient, history of case, tests made and results, care advised. Arr. alph. by name of patient. No index. Typed. Pigeonhole 6 x 4 x 10; bdle. $3\frac{1}{2}$ x $4\frac{1}{2}$ x 7.

289. INDEX TO TUBERCULOSIS (Suspected Cases), 1935--. Est. 150 cards in 1 box.
Card files of suspected tuberculosis cases, showing name, address, age, sex, and color of patient, date of examination and remarks by health officer. Arr. alph. by name of patient. Hdw. on pr. fms. 6 x 4 x 3.

290. INDEX TO TUBERCULOSIS (Contact Cases), 1935--. Est. 150 cards in 1 box.
Card file of persons who have actually been in contact with tuberculosis, showing name, address, age, sex, and color of patient, date of examination and remarks. Arr. alph. by name of person. Hdw. on pr. fms. 6 x 4 x 3.

291. ACTIVE CURRENT FILE, 1934--. Est. 500 papers in 1 f.b.
Case histories of persons receiving public health treatment, showing name, color, age, and sex of patient, diagnosis, physician's name, and order for treatment by health nurse. Arr. numer. by militia dist. and alph. thereunder by name of patient. No index. Hdw. on pr. fms. 7 x 10 x $11\frac{1}{2}$.

292. COMMUNICABLE DISEASE CONTROL, 1938--. Est. 150 cards in 1 pigeonhole.
Record of cases treated by county department of health, showing name, address,

and color of patient, and family history, type of disease, date and method of treatment. Arr. alph. by name of patient. No index. Hdw. on pr. fms. 6 x 4 x 10.

293. VENEREAL DISEASES, 1938--. Est. 100 cards in 1 pigeonhole.
Shows case number, name, address, age, sex, and color, occupation and marital status of patient, case history, dates of treatments, and results. Arr. alph. by name of patient. No index. Hdw. on pr. fms. 6 x 4 x 10.

294. MATERNITY SERVICE, 1937--. Est. 50 cards in 1 pigeonhole.
Shows name, address, age, color of patient and date admitted to clinic, case history and general remarks. Arr. alph. by name of patient. No index. Hdw. on pr. fms. 6 x 4 x 10.

295. DISMISSED CASES, 1936--. Est. 500 papers in 1 f.b.
Maternity cases attended and dismissed by health nurse in each militia district, showing name of patient, dates treated, and length of treatment. No obvious arr. No index. Hdw. on pr. fms. 7 x 10 x 11½.

296. INFANT AND PRESCHOOL HYGIENE, 1938--. Est. 100 cards in 1 pigeonhole.
Shows name, age, color, address, sex, names of parents, health record, nurse's observation, date of entrance, weight and clinical notes. Arr. alph. by name of infant. No index. Hdw. on pr. fms. 6 x 4 x 10.

297. SCHOOL HYGIENE, 1938--. Est. 200 cards in 1 pigeonhole.
Shows name, address, age, color, sex, and names of parents, family history and health record, case history, treatment and results, remarks by health officer. Arr. alph. by name of patient. No index. Hdw. on pr. fms. 6 x 4 x 10.

298. MORBIDITY SERVICE, 1938--. Est. 50 cards in 1 pigeonhole.
Record of cases treated by clinic, covering patients with various diseases, who did not return for further treatment, showing name, age, sex, color, address, and case history, date case received, diagnosis, treatment, and remarks. Arr. alph. by name of patient. No index. Hdw. on pr. fms. 6 x 4 x 10.

XXXI. COUNTY PHYSICIAN

Although the act creating Jefferson County's first board of commissioners in 1873 gave that body authority and control over health matters, penal institutions, and the county poor,(1) the first reference to a county physician in this county is contained in the minutes of the board of county commissioners July 5, 1875, and it is assumed that the office was created at that time.(2)

The original reference provided that a "contract be made for medical attention for the chaingang." No physician or compensation was named.(3) On

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1) Ga. Acts 1873, p. 248; 1871-72, pp. 225, 226.
2) Minutes of Jefferson Commissioners Court, vol. 13, 1873-97, p. 158, entry 1.
3) Ibid.

January 1, 1884, a bid of $88.50 per year was accepted for medical attention, including medicine, for the jail,(1) and on November 9, 1886, "the clerk was instructed to advertise for bids for medical services at pauper farm and jail for the year 1887."(2)

The practice of contracting with physicians for service to the county's wards continued until 1925, when the last entry for that year gives the information that $62.50 per month was paid for medical attention for the Jefferson County chain gang, "according to the requirements of the prison commission of Georgia."(3)

In September 1931, a county physician was appointed at a salary of $50 per month, and he has continued to serve in this position until the present time.(4)

The county physician is selected by the board of commissioners of roads and revenue and holds office at the pleasure of the board. He works only part of the time for the county.

His principal duty is to attend and treat the inmates of the penal institutions of the county, and treat county indigent cases.

He is not required to keep any records.

XXXII. DEPARTMENT OF PUBLIC WELFARE

The Jefferson County department of public welfare was established by authority of an act approved February 26, 1937, which provided for the creation of such departments in each county of the State.(5) The board was named on June 2, 1937.(6)

The early administration of public welfare matters in Jefferson County was vested in the inferior court,(7) and later in the ordinary, who supervised the care of paupers,(8) and was authorized to provide suitable quarters for the care of the poor.(9) He was authorized to levy a tax for the purchase of a pauper farm on which all able-bodied paupers could be required to work.(10) He could establish workshops, schools, and churches on the farm at his discretion.(11)

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1) Minutes of Jefferson Commissioners Court, vol. 13, 1873-97, p. 158, entry 1.
2) Ibid., p. 303.
3) Ibid., vol. 15, 1921--, p. 44.
4) Ibid., p. 318.
5) Ga. Acts 1937, pp. 355-370.
6) Minutes of Jefferson Commissioners Court, vol. 15, 1921--, p. 413, entry 1.
7) Ga. Acts 1811, pp. 101, 102.
8) Ga. Code of 1933, #23-2101; Act 1792, Cobb, p. 346; 1818, Cobb, p. 347.
9) Ga. Code of 1933, #23-2102.
10) Ga. Code of 1933, #23-2103, #23-2104; Ga. Acts 1865-66, p. 230.
11) Ga. Code of 1933, #23-2106; Ga. Acts 1865-66, p. 230.

Department of Public Welfare (Next entry 299, p. 197)

The board of county commissioners of roads and revenue, with its creation in 1873, assumed jurisdiction over public welfare, and numerous entries in the commissioners' minutes from that date until 1938 relate to welfare measures. In accordance with a recommendation of the grand jury, the commissioners decided on November 24, 1881, to establish a pauper farm.(1) A resolution was passed on November 22, 1926, by the board, to abolish the farm,(2) but its use was continued at least until January 1930, as evidenced by passage of an order providing a salary of $75 per month for the superintendent of the pauper farm, who was charged with the additional duty of supervising the county convict camp.(3)

Former Confederate soldiers were made subject to assistance under the terms of an act of 1893, which authorized the county to use a portion of the poor school fund to provide clothing and food to these veterans, without compelling them to become inmates of the county poor farm. The payment of cash to former soldiers was prohibited.(4)

An act of 1919 provided State advisory aid to county eleemosynary institutions and made them subject to State inspection. Officials of the county institutions were required to allow the State board or its agents to inspect the records, departments, and inmates of the institutions. Plans for new eleemosynary institutions, before being adopted, were required to be submitted to the State board for suggestions and recommendations.(5)

In 1931 this advisory jurisdiction was vested in the Board of Control of Eleemosynary Institutions, the successor to the State Board of Public Welfare, and the duties of several other State boards administering to eleemosynary institutions were consolidated in the Board of Control.(6) This board was abolished by the act of 1937 creating the State Department of Public Welfare.

The county department of public welfare consists of a county board, a county director of public welfare, and such additional employees as may be necessary.(7)

The county board of public welfare consists of five members, appointed by the board of county commissioners, with the approval of the State department. None of the appointees can hold any elective public office.(8)

They take the oath of office prescribed for public officers of the State, and in addition, each must swear that he is not the holder of any public money due the State and unaccounted for, that he is not the holder of any public

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1) Minutes of Jefferson Commissioners Court, vol. 13, 1873-97, p. 234, entry 1.
2) Ibid., vol. 15, 1921--, p. 258.
3) Ibid., p. 296.
4) Ga. Code of 1933, #23-2401, #23-2403; Ga. Acts 1893, p. 118.
5) Ga. Acts 1919, pp. 222-228.
6) Ga. Acts 1931, pp. 15-20
7) Ga. Acts 1937, pp. 355-370.
8) Ibid.

office of trust, and that he will support and defend the Constitution of the United States.(1)

Board members are appointed for a term of three years. They are reimbursed for actual expenses incurred in the performance of their duties, but receive no other compensation under the State act.(2) However, the board members in Jefferson County were paid $2 for each meeting attended from July 1937 through February 1938.(3)

Vacancies on the board are filled by the county commissioners with the approval of the State department.(4)

The county director of public welfare is appointed by the county welfare board and must meet the requirements prescribed by the State department. He is required to give bond for the faithful performance of his duties and the accounting of all moneys coming into his hands in his official capacity,(5) and takes the same oath as is required of members of the county welfare board.(6) He serves at the pleasure of the county welfare board and his compensation is fixed by the board in accordance with a salary schedule prescribed by the State department.(7)

The county director is the executive officer of the board and its secretary. He is required to prepare and submit to the county board for its approval, an annual budget of funds necessary for the operation of the county welfare department, and must prepare annually a complete report of the operations, expenditures, and administration of the county department.(8)

The county department of public welfare administers all forms of public assistance in the county including home relief, care of those in need, aid to and treatment of dependent, neglected, and handicapped children, assistance to the aged, blind, deaf, and crippled, and such other welfare activities as are delegated by the State department.(9)

The county department investigates and passes on all applications for admission to and discharge from county institutions which provide care and treatment for indigents. The duties of the ordinary prescribed in chapter 78 of the Georgia Code of 1933, in regard to pensions to Confederate veterans were transferred to this department.(10)

The offices of the department of public welfare and of the director are in a small building situated on the courthouse grounds. All records of the department are kept in this office.

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1) Ga. Code of 1933, #89-302.
2) Ga. Acts 1937, pp. 355-370.
3) Minutes of Jefferson Commissioners Court, vol. 15, 1921--, p. 426, see entry 1.
4) Ga. Acts 1937, pp. 355-370.
5) Ibid.
6) Ga. Code of 1933, #89-302.
7) Ga. Acts 1937, pp. 355-370.
8) Ibid.
9) Ibid.
10) Ibid.

Department of Public Welfare (299-303)
Cases; Applications; Investigations

Cases

299. ACTIVE CASE RECORD (White and Colored), 1937--. Est. 5,000 cards in 3 f.d. (labeled by contained letters of alph.).
Active, closed, and cases being investigated of persons receiving or applying for public assistance. There are some 140 form cards used by the department of public welfare and only the most frequently used are listed in this entry. Contains: Application for general public assistance; application for old age assistance; application for public assistance to dependent children; application for public assistance to needy blind; application rejected; applicants' identification card; case control card; case history, certification and signature record, aid to blind; certification and signature record, dependent children; certification and signature record, old age assistance; certification of check receipt, dependent children; certification of check receipt, needy blind; certification of check receipt, old age assistance; correspondence; data on insurance; family status review; form department of welfare number 112, family record face sheet; former employers' letters of recommendation; financial record; material relief record; narrative and Works Progress Administration interview record; non-service case; social service index; surplus commodity division. Also contains: Service Request, entry 303. Arr. alph. by name of applicant. For index, see entry 300. Hdw. and typed on pr. fms. 11 x 14 x 24.

300. INDEX CARDS, 1937--. Est. 1,900 cards in 1 f.b.
Index to Active Case Record (White and Colored), entry 299, showing name and address of applicant, case number, county, color, sex, names of other members of family with birth date; cross reference to other members of family, date of application and name of worker. Arr. alph. by name of applicant. Typed on pr. fms. 7 x 4½ x 13.

Applications

301. C.C.C. (Civilian Conservation Corps) RECORD, 1936--. Est. 500 papers in 2 f.d.
Active, pending and closed applications for enrollment in Civilian Conservation Corps, showing date, name, address, age, birthplace, marital status, and education of applicant, name of allottee and relationship to applicant, and signature of applicant. Arr. alph. by name of applicant. No index. Typed on pr. fms. 15 x 10 x 16.

302. RECORD CARDS, 1936--. Est. 400 cards in 2 f.b. (dated).
Record of Civilian Conservation Corps applications accepted, showing serial number, name and age of applicant, name of recruiting station, location of camp, allottee's name and address, and relationship to applicant. Arr. alph. by name of applicant. No index. Typed on pr. fms. 6 x 4 x 10.

Investigations

303. SERVICE REQUEST, 1937--. Est. 2,000 papers in 1 f.d. 1937-- also in Active Case Record (White and Colored), entry 299.
Duplicate forms requesting special service, showing case number, name and address of applicant, and wife's maiden name, date of request, case status, names, race, sex, age, and relationship to applicant of members of family,

and general explanatory notes by worker. Arr. alph. by name of applicant. No index. Typed on pr. fms. 11 x 14 x 24.

304. (NOTICE OF CASE CHANGE), 1937--. Est. 250 papers in 1 bdle. Copies of notices, showing date effective, name and address of applicant, previous address, date filed, case and identification numbers, and signature of worker. Arr. chron. by date of notice. No index. Typed on pr. fms. 6 x 4 x 2.

305. (CERTIFICATION OF ELIGIBILITY), 1936--. Est. 900 papers in 3 bdles. (dated).
Certification of eligibility for work on Work Projects Administration projects, showing case and identification numbers, case name, name, address, sex, and color of applicant, district number, primary classification, relationship to head of family. Arr. chron. by date certified. No index. Typed on pr. fms. Aver. 8 x 5 x $1\frac{1}{2}$.

306. (CANCELLATION OF ELIGIBILITY), 1936--. Est. 600 papers in 2 bdles. (dated).
Shows case and identification numbers, name, address, sex, and color of applicant, reason for cancellation, and date effective, and signature of certifying officer. Arr. chron. by date cancelled. No index. Typed on pr. fms. Aver. 3 x 4 x 7.

307. C. C. C. (Civilian Conservation Corps) DISCHARGE RECORD, 1936--. Est. 300 papers in 2 f.d. (dated).
Shows name of enrollee, company number and location of camp, date, age, color, home address, name and address of allottee, monthly allotment, and reason for discharge. Arr. alph. by name of enrollee. No index. Typed on pr. fms. 15 x 10 x 16.

Special Assistance

308. FORMS (Certificate Control, DPW Form 322), 1937--. 1 vol.
Certificate control of old age assistance, aid to needy blind, and aid to dependent children cases, showing county, type of assistance, date, name of applicant, line and certificate numbers, number of recipients, whether new case, reopened, closed, or suspended, amount of increase or decrease of awards, and net control. Arr. numer. by certificate no. No index. Hdw. under pr. hds. 27 pp. $12\frac{1}{2}$ x 10 x $\frac{1}{2}$.

309. RECORD OF AWARDS AND MODIFICATIONS, 1937--. Est. 260 papers in 1 box.
Record of certificates of awards of general public assistance, showing certificate and application numbers, name, address, color, and sex of applicant, date and amount of award. Arr. alph. by name of applicant. No index. Typed on pr. fms. $5\frac{1}{2}$ x 3 x $8\frac{1}{2}$.

310. NOTICE OF TERMINATION OF EMPLOYMENT, 1938--. Est. 360 papers in 1 bdle.
Shows identification and case numbers, name, address, sex, and race of employee, type of occupation and location of project, reason for release and

date effective. Arr. chron. by date issued. No index. Typed on pr fms. 6 x 4 x 2½.

311. (NOTICE TO REPORT TO WORK ON PROJECT), 1937--. Est. 725 papers in 3 bdles. (dated).
Shows name, address, sex, and race of employee, identification and case numbers, whether certified or non-certified, from what project transferred, date, time, and place to report, project number, type of occupation, and date of pay, signatures of project foreman and placement officer. Arr. alph. by first letter of applicant's surname and chron. thereunder. No index. Typed on pr. fms. Aver. 6 x 4 x 2.

Financial Records

312. FORMS (Financial Records and Minutes), 1937--. Est. 500 cards in 1 f.d.
Contains the following types of financial records: Allotment register; certification of payment schedule by county director; individual time and distribution report; monthly report of cash receipts and disbursements; statement of county administrative expenses; minutes of meetings of welfare board, showing business transacted and petitions considered, date and disposition thereof. Arr. by type of record and chron. thereunder by date filed. No index. Typed on pr. fms. and under pr. hds. 12 x 10½ x 24.

313. FORMS (Register of Cash Receipts and Disbursements), 1937--, 1 vol.
Record of receipts from State, county and municipalities in the county for administrative expenses, showing date, source, and amount; disbursements show date and amount, on what bank drawn, for what purpose, and to whom expended. Arr. chron. No index. Hdw. under pr. hds. 62 pp. 18½ x 14½ x 1.

XXXIII. SUPERINTENDENT OF ROADS

A superintendent of roads was appointed in Jefferson County on February 16, 1884,(1) under authority of the amended road law of 1883. This act provided for the appointment in each county, upon recommendation of two-thirds of one grand jury, of a superintendent of roads by the board of county commissioners of roads and revenue.(2)

Through various changes in the road laws, the office has continued to function since that time, with the exception of a lapse from 1893, when the superintendent was dispensed with,(3) to 1907, when such an official was again appointed by the county commissioners.(4) In 1938 this Jefferson County official was also named deputy county warden,(5) and in 1939, county convict warden.(6)

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1) Minutes of Jefferson Commissioners Court, vol. 13, 1873-97, p. 260, entry 1.
2) Ga. Acts 1882-83, pp. 140-145.
3) Minutes of Jefferson Commissioners Court, vol. 13, p. 381.
4) Ibid., vol. 14, 1897-1921, p. 207.
5) Ibid., vol. 15, 1921--, pp. 421, 424.
6) Ibid., p. 439.

Superintendent of Roads (Next entry 314, p. 201)

Under an act of 1883, the superintendent was required to give bond for the faithful performance of his duties,(1) the term of office was set at four years,(2) and his compensation was fixed at $600 per annum by the board of county commissioners.(3)

When the office was revised January 2, 1907, after a lapse of 14 years, the compensation was fixed at $83.33 per month.(4) Although various officials held the office subsequently, no further record was found until the appointment of a superintendent in 1929 at $150 per month.(5) The compensation was fixed at $100 a month in 1938, and the superintendent was furnished, in addition, with a house and farm.(6)

In 1891 the General Assembly enacted a general road law which superseded the act of 1883 and vested in the officer or board in charge of county affairs, power and authority over the working, repairing, laying out, and changing or discontinuing of public roads. In Jefferson County, this authority was the board of county commissioners of roads and revenue. They were authorized to appoint a superintendent of public roads, and all necessary overseers, guards and other officers.(7)

This general road law vested the superintendent of roads with authority to control and direct the working and repairing of the county roads by all male inhabitants between the ages of 21 and 50 years who were not expressly exempted by law. Persons subject to road duty were permitted to pay a commutation tax of not more than 50¢ per diem for the number of days' work required, and could not be required to work more than ten days in any one year. (8) The law making persons liable to road duty was repealed in 1935.(9)

When the office of superintendent was abolished in Jefferson County in 1893, the board of county commissioners ordered that "five gangs of not less than twelve hands to the squad be put upon the roads at once in charge of competent overseers."(10) This was a reversion to the old road working system, which the act of 1883 authorized in the event of dissatisfaction by any county with the "new" law.

The present superintendent of roads directs and has control of convicts and their camps, and supervises the work on the roads of Jefferson County not under the immediate supervision of the State Highway Department.

The records kept by this officer are located at the public works camp, in the superintendent's office.

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1) Ga. Acts 1882-83, pp. 140-145.
2) Ibid.
3) Ibid.; Minutes of Jefferson Commissioners Court, vol. 13, 1873-97, p. 260, see entry 1.
4) Minutes of Jefferson Commissioners Court, vol. 14, 1897-1921, p. 207.
5) Ibid., vol. 15, 1921--, p. 272.
6) Ibid., pp. 421, 424.
7) Ga. Code of 1933, #95-801; Ga. Acts 1890-91, vol. I, pp. 135-138.
8) Ga. Code of 1933, #95-802; Ga. Acts 1890-91, vol. I, pp. 135-138; 1910, p. 54.
9) Ga. Acts 1935, pp. 159, 160.
10) Minutes of Jefferson Commissioners Court, vol. 13, p. 381.

Penal Institutions

314. LEDGER (Georgia Felony Penitentiary Reports), 1937--. 1 vol. Record of monthly reports of felonies made to State Board of Penal Correction, showing name of convict, marital status, color, age, crime committed, county from which sent, date received, date discharged, and remarks. Arr. chron. by date of report. No index. Hdw. 136 pp. 15 x 12 x 1.

315. LEDGER (Misdemeanor Convict Record), 1935--. 1 vol. Record of monthly reports of misdemeanor cases in county camp made to State Board of Penal Correction, showing name of prisoner, county from which sent, age, color, sex, crime committed, date received, date discharged, term, also whether died, escaped, recaptured, or pardoned, and conduct. Arr. chron. by date of report. No index. Hdw. 172 pp. 15 x 12 x 1.

XXXIV. ROAD COMMISSIONERS

The General Assembly provided in 1818 for the establishment of road commissioners in each county of the State.(1)

Three road commissioners, appointed by the officials in charge of county affairs, (in Jefferson County the county commissioners), serve in each district for terms of two years each.(2) These districts were originally created under authority of an act of 1792, which also provided that road commissioners be appointed by the inferior court.(3)

Road commissioners are required to accept appointment, unless excused by the county commissioners for providential cause only, provided that those who have served two consecutive terms may decline appointment for a third term.(4) No compensation is provided, but they can be fined or imprisoned and removed from office by the county commissioners for neglect of duty.(5) The road commissioners, while in office, are exempt from jury, patrol, militia, and other road duty.(6)

All males between the ages of 16 and 50 in a road district, except ministers, cripples and those who have lost an arm or a leg, were until 1935 subject to work on the public roads,(7) but road hands could not be forced to work more than five days consecutively nor more than fifteen days in twelve months.(8)

Duties of road commissioners include appointment of one or more persons in their respective districts as overseers of roads; apportionment of roads and hands and the furnishing of overseers with lists of roads and hands under

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1) Ga. Code of 1933, #95-301; Act 1818, Cobb, p. 947.
2) Ga. Code of 1933, #95-301, #95-302; Act 1818, Cobb, p. 947.
3) Act 1792, Watkins, p. 500.
4) Ga. Code of 1933, #95-303; Act 1818, Cobb, p. 947; Ga. Acts 1878-79, p. 67.
5) Ga. Code of 1933, #95-310, #95-311; Ga. Acts 1884-85, pp. 136, 137.
6) Ga. Code of 1933, #95-305.
7) Ga. Code of 1933, #95-401; Act 1818, Cobb, p. 947; Ga. Acts 1865-66, pp. 23, 78; 1870, p. 399; 1871-72, p. 19; 1876, p. 20; 1935, pp. 159, 160.
8) Ga. Code of 1933, #95-404; Act 1818, Cobb, p. 947.

their respective charge; the hearing and determining of all cases of default or other violation of the road laws within their jurisdiction (if not indictable only) at a court to be held by them; the issuance of executions or other processes against the convicted; the expenditure of moneys coming into their hands from defaulting road hands and from fines imposed on overseers, and the service upon road defaulters of notice of time and place of trials for default; to pay to the county treasurer that portion of fine money belonging to the county; to report annually to the county commissioners the condition of the public roads and bridges in their respective districts, the state of finances and what executions are outstanding and unpaid; to inspect the public roads, bridges and ferries within their districts and note if direction boards are put up as required by law; to exercise general supervision over their respective overseers, to fine them for neglect of duty and to see that persons are indicted for offenses set forth in the road laws; and to administer all oaths connected with the road laws. The system whereby the male inhabitants were liable to work on the roads of their district was abolished in 1935.(1)

Road commissioners, when sitting as a court, were empowered to levy fines not to exceed $5 or to imprison not to exceed five hours for contempt, and constables were compelled to enforce the orders of the court.(2)

The commissioners were required to keep a book in which to enter: the hands in their districts, the assignment of hands; a list of defaulters, persons fined, amounts of fines, amounts paid, what disposition is made of the money, and what executions were issued and remained unpaid.(3)

Roads

316. REGISTER (Road Workers), 1889, 1899-1902. 5 vols. (dated). Register of persons subject to road duty in each militia district, showing name, address, color, and age of worker, date of notification, number of days worked or amount of commutation tax paid, and remarks. Vols. divided into sections by road districts, each section arr. alph. by first letter of road hand's surname. No index. Hdw. Aver. 100 pp. 11 x 7 x 1. 1 vol., 1889, comms'. va.; 4 vols., 1899-1902, ord.'s va.

XXXV. COUNTY SURVEYOR

In 1783 the General Assembly provided that "there must be one surveyor in each county," and this provision has been preserved through the various digests and codes of law to this date.(4)

The county surveyor, originally elected in Jefferson County by the inferior court justices,(5) was chosen from January 1799 to December 1799 by the justices of the peace and the inferior court,(6) and since then has been

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1) Ga. Code of 1933, #95-307; Act 1818, Cobb, pp. 947, 948; Ga. Acts 1880-81, p. 146; 1935, pp. 159, 160.
2) Ga. Code of 1933, #95-308; Ga. Acts 1882-83, p. 79.
3) Ga. Code of 1933, #95-307, par. 6.
4) Ga. Code of 1933, #23-1105; Act 1783, Cobb, p. 665; 1784, Cobb, p. 670.
5) Act 1790, Watkins, pp. 422-425.
6) Ga. Acts 1799, Jan. An. Sess., pp. 119-122.

elected by the people and holds his office for a term of four years.(1) He must possess those qualifications required of all county officers, i.e., he must have been a bona fide resident of the county for two years, be a qualified voter, and not otherwise disqualified from holding office.(2) In addition to the oath required of all county officers to "support and defend the constitution,"(3) he must also take an oath to discharge the duties of the office of surveyor to the best of his skill and knowledge, and not to admeasure, survey or lay out any land without first obtaining a warrant for that purpose.(4) He is required to give a bond in the sum of $1,000,(5) which must be approved by the ordinary and filed in his office.(6)

As compensation for his services in assisting in the establishment of lines in processioning proceedings, the county surveyor receives the sum of $5 per day.(7) When employed by county commissioners to assist in laying out new roads he receives the sum of $2 per day.(8) For all other services he receives fees as prescribed by law.(9)

In addition to the causes which apply to all county officers, the county surveyor may be removed by the ordinary for want of capacity.(10) If there is a vacancy in the office, the ordinary may appoint a successor to serve until the vacancy is filled according to law,(11) and in the event there is no county surveyor, any competent person who is a citizen of the county may perform his duties upon being sworn to do so skillfully, faithfully and impartially.(12)

It is the duty of the county surveyor to carry out the orders of any official who may be legally entitled to command him; to admeasure and lay off dower; to partition lands; to make resurveys; to administer all oaths required by law in such cases; to survey county and district lines and any other lines in which his county may be interested when ordered to do so by the ordinary to execute all surveys required by the rule or order of any court of competent jurisdiction.(13) It is also his duty to assist the county processioners in arriving at true lines, to trace out and plainly mark the same and make a plat thereof.(14) When employed by the county commissioners to do so, he is required to assist in the laying out of new roads.(15)

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1) Ga. Code of 1933, #23-1101; Ga. Acts 1799, Nov. Sess., pp. 7, 8; Act 1799, Cobb, p. 198.
2) Ga. Code of 1933, #2-8301, #89-101; Act 1787, Cobb, p. 366; 1823, Cobb, p. 209; Ga. Acts 1914, p. 43.
3) Ga. Code of 1933, #89-302.
4) Ga. Code of 1933, #23-1104.
5) Ga. Code of 1933, #23-1104; Act 1847, Cobb, p. 217.
6) Ga. Code of 1933, #89-405.
7) Ga. Code of 1933, #85-1610; Act 1818, Cobb, p. 719; Ga. Acts 1912, p. 70.
8) Ga. Code of 1933, #95-206; Ga. Acts 1901, p. 79.
9) Ga. Code of 1933, #23-1109; Act 1792, Cobb, p. 350; Ga. Acts 1870, p. 68.
10) Ga. Code of 1933, #23-1117.
11) Ga. Code of 1933, #23-1102.
12) Ga. Code of 1933, #23-1113; Ga. Acts 1882-83, pp. 104, 105.
13) Ga. Code of 1933, #23-1108; Act 1783, Cobb, p. 668; 1785, Cobb, p. 672; 1838, Cobb, p. 215.
14) Ga. Code of 1933, #85-1606.
15) Ga. Code of 1933, #95-206; Ga. Acts 1901, p. 79.

The county surveyor may keep his office at his place of abode, if in the county.(1) He is required to keep in a well-bound book plats and minutes of all surveys made by him.(2)

Plats

317. SURVEYS BY COUNTY SURVEYOR, 1907-15. 1 vol.
Plats of all property surveyed by county surveyor, showing date of survey, names of surveyor and chainbearers, scale to which drawn and name of property owner. Arr. chron. by date of survey. No index. Handdrawn. 150 pp. 15 x 10 x 1. Ord.'s va.

XXXVI. COUNTY AGRICULTURAL AGENT

The Smith-Lever act of 1914 vested authority in the Federal government to institute a program in cooperation with State agricultural colleges for the improvement of farm production methods and farm living conditions. Semi-annual grants of funds to cooperating States were provided.(3)

The Georgia General Assembly, in a resolution approved August 14, 1914, assented to the Act of Congress, and authorized the University of Georgia trustees to receive the grants of money appropriated under the act for the use of the State College of Agriculture and to organize and conduct agricultural extension work.(4)

Qualifications for appointment as county agricultural agent, established by the agricultural extension service, are that he must be at least 21 years old, the holder of a B.S. degree in agriculture from a standard, recognized agricultural college, that he must have been reared on a farm, or have had at least two years' farming experience since graduation, and that he possess a high degree of honesty and integrity. No person is appointed as county agent in his home county.(5)

A "farm demonstrator" (agricultural agent) was employed in Jefferson County as early as 1918, under an agreement with the extension division of the State College of Agriculture, in cooperation with the United States Department of Agriculture.(6)

It was not until 1922, however, that the General Assembly specifically authorized county officials to employ and pay county agents under the extension program. This authority was vested that year in the county boards of education,(7) and the following year also in the county commissioners or other taxing authority.(8)

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1) Ga. Code of 1933, #23-1107; Act 1785, Cobb, p. 672; 1838, Cobb, p. 215.
2) Ga. Code of 1933, #23-1108.
3) Barnes Federal Code, #8413, #8414; 38 Stat. L. 373.
4) Ga. Acts 1914, p. 1243.
5) Statement of Director, Cooperative Extension Work in Agriculture and Home Economics, State of Georgia, September 21, 1939.
6) Minutes of Jefferson Commissioners Court, vol. 14, p. 486, see entry 1.
7) Ga. Acts 1922, pp. 81, 82.
8) Ga. Code of 1933, #32-944; Ga. Acts 1923, p. 88.

County Agricultural Agent (Next entry 318, p. 206)

The county commissioners adopted resolutions in March 1925 for the appointment of an advisory board to cooperate with the county agricultural agent in his efforts to promote the agricultural interests of the county. This board was to consist of representatives from the board of county commissioners, the county board of education, and the several civic organizations of the county.(1)

On December 6, 1933, the necessity for a representative in Jefferson County to handle Federal loans and rentals was recognized by the commissioners, and an emergency agricultural assistant was chosen for such time as the board deemed necessary for the best interests of the cotton growers and the taxpayers. His salary was $75 per month.(2)

Although the Georgia acts of 1922 and 1923 provide for selection of the county agent by the board of education, or county commissioners or taxing authority, the agricultural extension service actually provides the agent and supervises his work, the county authorities signing a memorandum of agreement for his employment.(3)

The agent serves for a term mutually agreeable to the county authorities and the extension service, and which is stipulated in the memorandum agreement.(4)

No provision is made for his removal, but vacancies are filled by appointment of the agricultural extension service, the county authorities agreeing to such appointment.(5)

The compensation of county agricultural agents is determined by the district supervisor in charge and the county cooperating authorities jointly. It is the practice of the agricultural extension service to establish a minimum appropriation from the county which will be acceptable, although the county has the option of paying as much more as it sees fit, and the extension service determines its share of the agent's salary by allocation of its budget.(6) The agent appointed in 1918 received a salary of $66 per month, (7) and the present holder of the office receives $100 per month.(8)

In the memorandum of agreement, the county authorities agree to provide the agent with an office, necessary equipment for effective work, and a fixed monthly sum for travel expenses.(9)

It is the duty of the county agricultural agent to instruct the farmers of his county in approved and advanced methods of farming as recommended by

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1) Minutes of Jefferson Commissioners Court, vol. 15, 1921--, p. 52, entry 1.
2) Ibid., p. 361.
3) County Memorandum Agreement stipulation.
4) Ibid.
5) Ibid.
6) Statement of Director, Cooperative Extension Work in Agriculture and Home Economics, State of Georgia, September 21, 1939.
7) Minutes of Jefferson Commissioners Court, vol. 14, 1897-1921, p. 486.
8) Ibid., vol. 15, p. 439.
9) County Memorandum Agreement stipulation.

the agricultural extension service; to visit the farms in his county, making recommendations for improved practices; to cooperate in advancing erosion control projects, and to cooperate with the United States Department of Agriculture in carrying out the various agricultural and soil conservation programs that have been inaugurated since 1933 by the Federal government.(1)

The county agricultural agent supervises and keeps records of 4-H Club activities, the total acreage under cultivation, the cotton and corn acreage, and the Federal acreage allotments for cotton.(2)

The office of the Jefferson County agricultural agent is in the post office building on North Broad Street and all records are kept at this office.

Federal Government Activities

318. (CROP REDUCTION PROGRAM), 1933--. Est. 25,000 papers in 12 f.d. and 29 bdles.
Miscellaneous records in crop reduction program, including duplicate copies of work sheets and compliance contracts, receipts for parity payments, record of non-signers, and general correspondence of county agent. Arr. chron. No index. Hdw. and typed. 12 f.d. 11 x 14 x 24; 29 bdles. aver. 11 x 9 x 3.

319. COTTON FORM #1-A, 1934--. Est. 2,000 papers in 14 folders (1-14). Last entry 1935.
Record of cotton acreage reduction, showing name and address of producer, contract serial number, location of farm, certification of contract, and summary report of county agent. Arr. numer. by serial no. No index. Hdw. on pr. fms. 11 x 8 x 1½.

320. LIVESTOCK REPORT, 1936. 12 vols. (labeling varies).
Reports of livestock on farms under time payment loans through county agricultural agent, showing date, name of farm operator, kind of stock, and militia district. Arr. chron. by date of report. Indexed alph. by first letter of farm operator's surname and chron. thereunder. Hdw. on pr. fms. Aver. 107 pp. 11 x 9 x 1.

4-H Clubs

321. 4-H CLUB MEMBERSHIPS, 1936. Est. 100 papers in 1 bdle.
Applications for memberships in 4-H Clubs, showing date, name and address of applicant, names of parents or guardian, and project to be carried out. Arr. chron. by date of application. No index. Hdw. 7 x 3 x 1.

Miscellaneous

322. TIME SHEETS, 1935. Est. 100 papers in 1 bdle.
Copies of time sheets, showing names of all employees in county agent's office, title, period of service, rate of pay, and amount paid. Arr. chron. No index. Hdw. on pr. fms. 11 x 9 x 1.

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1) Statement of Director, Cooperative Extension Work in Agriculture and Home Economics, State of Georgia, September 21, 1939.
2) Ibid.

XXXVII. COUNTY HOME DEMONSTRATION AGENT

The Federal Government was authorized in 1914 under the terms of the Smith-Lever act to institute a program in cooperation with State agricultural colleges for the betterment of farm living conditions. To this end, semi-annual grants of money to cooperating States were provided.(1)

In a resolution approved August 14 of that year, the Georgia General Assembly assented to the Act of Congress, and authorized the trustees of the University of Georgia to receive Federal grants for the use of the State College of Agriculture in organizing and conducting agricultural extension work.(2)

However, a home demonstration agent was first employed in Jefferson County in 1919, under an agreement between the county authorities and the extension division of the State College of Agriculture, in cooperation with the United States Department of Agriculture.(3) This office was discontinued at the end of 1921,(4) and no further reference to the office can be found in the minutes of the county commissioners.

In 1922 the General Assembly specifically authorized county officials to employ and pay home demonstration agents under the extension program, vesting such authority in the county boards of education,(5) and the following year also in the county commissioners or other taxing authority.(6)

Qualifications for appointment as home demonstration agent, established by the agricultural extension service, are that she must be at least 21 years of age, the holder of a B.S. degree in home economics from a standard, recognized college; that she must have been reared on a farm, or have had at least two years' experience in home economics since graduation, and possess a high degree of honesty and integrity. No person is appointed as home demonstration agent in her home county.(7)

The Georgia acts of 1922 and 1923 provide for selection of the home demonstration agent by the board of education, county commissioners or other taxing authority, but, in practice, the agricultural extension service actually provides the agent and supervises her work, the county authorities signing a memorandum of agreement for her employment.(8)

The home demonstration agent serves for a term mutually agreeable to the county authorities and the a gricultural extension service, and the length of this term is stipulated in the memorandum agreement.(9)

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1) Barnes Federal Code, #8413, #8414; 38 Stat. L. 373.
2) Ga. Acts 1914, p. 1243.
3) Minutes of Jefferson Commissioners Court, vol. 14, 1897-1921, p. 520, see entry 1.
4) Ibid., vol. 15, 1921--, p. 5.
5) Ga. Acts 1922, pp. 81, 82.
6) Ga. Code of 1933, #32-944; Ga. Acts 1923, p. 88.
7) Statement of Director, Cooperative Extension Work in Agriculture and Home Economics, State of Georgia, September 21, 1939.
8) County Memorandum Agreement stipulation.
9) Ibid.

County Home Demonstration Agent

No provision exists for her removal, but vacancies are filled by appointment by the agricultural extension service, the county authorities agreeing to such appointment.(1)

The compensation of the home demonstration agent is determined by the district supervisor in charge and the county cooperating authorities jointly. It is the practice of the agricultural extension service to establish a minimum acceptable appropriation for the county, although the county has the option of paying as much as it sees fit, and the extension service determines its share of the agent's salary by available funds.(2)

The county authorities agree to provide the agent with an office, necessary equipment, and to provide her with a fixed monthly sum for travel expense.(3)

It is the duty of the home demonstration agent to conduct classes in home economics, to direct canning projects, and to supervise and present educational entertainments.

No records of this official were located.

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1) County Memorandum Agreement stipulation.
2) Statement of Director, Cooperative Extension Work in Agriculture and Home Economics, State of Georgia, September 21, 1939.
3) County Memorandum Agreement stipulation.

BIBLIOGRAPHY

I. Documentary Sources

1. Manuscript and Archival Material

Note: The records of Jefferson County, used extensively in this inventory, are not listed in this bibliography. When a county record is cited, reference is made to the appropriate entry, showing the title, location, and other information about the record.

Gamble, Roger L., Manuscript letter of, April 15, 1816, Department of Archives and History, Atlanta.

Watts, Edward, Manuscript letter of, January 20, 1794, Department of Archives and History, Atlanta.

Wilcox, John, Manuscript letter of, November 1, 1792, Department of Archives and History, Atlanta, filed under Capital-Capital Commissioners.

2. United States Government Publications

Biographical Directory of the American Congress, 1774-1927, Washington: Government Printing Office, 1928.

Biennial Census of Manufactures, 1937.

Census of Agriculture, 1935.

Census of the United States, Ninth, 1870, Statistics of the Population, Volume I.

Census of the United States, Tenth, 1880, Statistics of the Population.

Census of the United States, Eleventh, 1890, Compendium, Population, Volume I.

Census of the United States, Twelfth, 1900, Population, Volume I.

Census of the United States, Thirteenth, 1910, Population, Volume II.

Census of the United States, Fourteenth, 1920, Population, Volume III.

Census of the United States, Fifteenth, 1930, Population, Volume I.

Soil Survey of Jefferson County, Georgia, by R. T. Avon Burke, S. W. Phillips, J. W. Moon, R. Wildermuth, and A. L. Gray, Series 1930, Number 29.

Statutes at Large of the United States of America, The; From March, 1913, to March, 1915, Concurrent Resolutions of the Two Houses of Congress, and Recent Treaties, Conventions, and Executive Proclamations, Volume XXXVIII, 1915.

Bibliography
Documentary Sources

3. State of Georgia Publications

Acts and Resolutions of the General Assembly of the State of Georgia... (title varies in early volumes), 1799-1939.

Colonial Records of the State of Georgia, The, Allen D. Candler, compiler, 24 vols. in 27, Atlanta: Geo. W. Harrison; The Franklin-Turner Company; and Chas. P. Byrd, 1904-1915.
Note: The volumes run from I through XXV. Volume XX has not been published.

Confederate Records of the State of Georgia, The, Allen D. Candler, compiler, 5 vols., Atlanta, Ga.: Chas. P. Byrd, 1909-1911.
Note: The volumes run from I through VI. Volume V has not been published.

Constitutions of the State of Georgia (cited as Ga. Const.), of 1777, 1789, 1798, 1861, 1865, 1868, 1877.

Department of Education, 66th and 67th Annual Reports.

Rules of the Superior Courts of Georgia, Established by the Judges in Convention at Atlanta, December 4, 1936, Atlanta: The Harrison Company, c. 1937.

4. Legal Codes, Compilations, Digests, and Reports

Barnes, Uriah, et al., editors, Federal Code: Containing All Federal Statutes of General and Public Nature Now in Force, Charleston, W. Va.: Virginian Law Book Co., 1919.

Clayton, Augustin Smith, A Compilation of the Laws of the State of Georgia, Passed by the Legislature Since the Political Year 1800, to the Year 1810, Inclusive. Containing All the Laws, whether in force or not, passed within those periods, arranged in a chronological order, with comprehensive references to those laws or parts of laws, that are amended, suspended or repealed. Together With an Appendix, comprising such concurred and approved Resolutions, as are of general operative nature, and as relate to the duty of officers, the relief of individuals, and the settlement of boundary between counties, and this State with North Carolina. Concluding with a copius Index to the whole, Augusta: Adams & Duyckinck, 1812.

Cobb, Thomas R. R., A Digest of the Statute Laws of the State of Georgia, in Force Prior to the Session of the General Assembly of 1851, with Explanatory Notes and References; and Also, with Notes, Giving the Exposition of the Statutes, by the Supreme Court of the State; Together with An Appendix, Containing the Constitution of the United States; The Constitution of the State of Georgia; The Statute of Frauds and Perjuries; The Habeas Corpus Act; The Judiciary Act of 1799; and The Local Acts Applicable to Each County, Athens, Ga.: Christy, Kelsea & Burke, 1851.

Bibliography
Documentary Sources

Code of Georgia of 1933, The, Adopted March 24, 1933, Effective January 1, 1935, Prepared under the Direction of the Code Commission by Orville A. Park, Harry S. Strozier, Harry B. Skillman, and Henry H. Cobb, Atlanta: The Harrison Company, 1935, (Cited as Ga. Code of 1933).

Corpus Juris, Being A Complete and Systematic Statement of the Whole Body of the Law As Embodied In and Developed by All Reported Decisions, Volume XXXV, New York: American Law Book Co., 1914.

Dawson, William C., A Compilation of the Laws of the State of Georgia, passed by the General Assembly, since the year 1819 to 1829, inclusive comprising all the Laws passed within those periods, arranged under titles, with marginal notes of reference to the Laws or parts of Laws which are amended or repealed. To which are added, such concurred and approved Resolutions as are either of general, local, or private nature. Concluded with a full and ample index to the Laws, and a separate one to the Resolutions, Milledgeville: Grantland & Orme, 1831.

Lamar, Lucius Q. C., A Compilation of the Laws of the State of Georgia, Passed by the Legislature Since the Year 1810 to the Year 1819, Inclusive. Comprising All the Laws Passed within Those Periods, Arranged under Appropriate Heads, with Notes of Reference to Those Laws, or Parts of Laws, Which Are Amended or Repealed. To Which Are Added, Such Concurred and Approved Resolutions, As Are Either of General, Local, or Private Moment. Concluding with A Copius Index to the Laws, and A Separate One to the Resolutions, Augusta: T. S. Hannon, 1821.

Marbury, Horatio, and William H. Crawford, Digest of the Laws of the State of Georgia, from its settlement as a British Province, in 1755 to the Session of the General Assembly in 1800, inclusive. Comprehending all the laws passed within the above periods, and now in force, alphabetically arranged under their respective Titles: Also the State Constitutions of 1777 and 1789, with the additions and amendments in 1795 and the Constitution of 1798. To which is added, with an Appendix comprising The Declaration of American Independence; the Articles of Confederation and perpetual Union; the Federal Constitution, with the amendments thereto; all the Treaties between the United States and foreign nations; the treaties between the United States and the different tribes of Indians; and those between the State of Georgia and the Southern and Western Indians. With a copius Index to the whole. Compiled, arranged and digested from the original Records, and under the special authority of the State, Savannah: Seymour, Woolhopter & Stebbins, 1802.

Prince, Oliver H., A Digest of the Laws of the State of Georgia: Containing all Statutes, and the Substance of all Resolutions of a general and public nature, now in force, which have been passed in this State previous to the Session of the General Assembly of Dec. 1837. With occasional explanatory notes, and connecting references. To which is added an appendix, containing the Constitution of the

Bibliography
Documentary Sources

United States; the Constitution of the State of Georgia as amended; the Statute of Frauds and Perjuries; the Habeas Corpus Act, &c. Also a synopsis of the Local Acts, arranged to each county, and classed under appropriate heads. With a copius index, Second Edition, Athens: Oliver H. Prince, 1837.

Reports of Cases Decided in the Court of Appeals of the State of Georgia..., 60 vols., 1907-1939. (Cited as Ga. App.)

Reports of Cases Decided in the Supreme Court of the State of Georgia... (title varies in early volumes), 188 vols., 1846-1939.

Southeastern Reporter, Cases Argued and Determined in the Courts of Georgia, South Carolina, North Carolina, Virginia, and West Virginia (title varies), First Series, 200 vols.; Second Series, 6 vols., St. Paul, Minn.: West Publishing Co., 1887-1940.

United States Code Annotated. The Code of the Laws of the United States in Force December 7, 1925, as Enacted by Congress June 28 and Approved June 30, 1936, Annotated from All the Cases Construing These Laws..., Title 28, #71-100, St. Paul, Minn.: West Publishing Company; Northport, N. Y.: Edward Thompson Company, 1927.

Watkins, Robert and George, A Digest of the Laws of the State of Georgia from Its First Establishment as a British Province Down to the Year 1798, Inclusive, and the Principal Acts of 1799; in Which Is comprehended the declaration of Independence; the State Constitutions of 1777 and 1789, with the alterations and amendments in 1794 (sic). Also the Constitution of 1798. It contains As well all the Laws in force, as those which are deemed useful and necessary, or which are explanatory of existing Laws, together, with the Titles of All the Obsolete and Other Acts. And Concludes With an Appendix containing the original Charters and other Documents, ascertaining and defining the Limits and Boundary of the State; all the Treaties with the southern tribes of Indians; the articles of Confederation and perpetual union; the Constitution of the United States, and a few Acts of Congress. Together with a copius Index to the whole, Philadelphia: R. Aitken, 1800.

5. Miscellaneous

Asbury, Francis, The Journal of the Rev. Francis Asbury, Bishop of the Methodist Episcopal Church, from August 7, 1771, to December 7, 1815, 3 vols., New York: N. Bangs and T. Mason, 1821.

De Brahm, John Gerar William, History of the Province of Georgia: with Maps of Original Surveys, Wormsloe, 1849.

Dow, Lorenzo, History of Cosmopolite; or the Four Volumes of Lorenzo's Journal Concentrated in one; containing his experience & travels, from Childhood to 1814, being upwards of thirty-six years, New York: John C. Totten, 1814.

Bibliography
Secondary Sources

Howe, M. A. DeWolfe, editor, Marching with Sherman: Passages from the Letters and Campaign Diaries of Henry Hitchcock, Major and Assistant Adjutant, General of Volunteers, November 1864-May 1865, New Haven: Yale University Press, 1927.

Melish, John, Travels through the United States of America, in the years 1806 & 1807, and 1809, 1810, & 1811; including an account of passages betwixt America and Britain, and travels through various parts of Britain, Ireland, & Canada. Illustrated by eight maps. With Corrections and Improvements, to 1815, and a new set of Coloured Maps, 2 vols., Philadelphia: John Melish, 1815.

Phillips, Ulrich B., editor, Plantation and Frontier (Volumes I and II of A Documentary History of American Industrial Society, John R. Commons, et al., editors), 2 vols., Cleveland: The Arthur H. Clark Co., 1910.

The State Gazette, and Louisville Journal, September 3, 1799; December 4, 1799.

II. Secondary Sources

Bromage, Arthur W., American County Government, New York: Sears Publishing Company, c. 1933.

Coulter, E. Merton, A Short History of Georgia, Chapel Hill: The University of North Carolina Press, 1933.

Derry, Joseph T., Georgia, Volume VI of Confederate Military History, Clement A. Evans, editor, 12 vols., Atlanta, Ga.: Confederate Publishing Company, 1899.

Dictionary of American Biography, 20 vols. and index, Allen Johnson and Dumas Malone, editors, New York: Charles Scribner's Sons, 1929-1937.

Flippin, Percy Scott, Herschel V. Johnson of Georgia, State Rights Unionist, Richmond, Va.: Press of The Dietz Printing Co., 1931.

McMurtrie, Douglas C., Located Georgia Imprints of the Eighteenth Century Not in the De Renne Catalogue, Savannah, Georgia, 1934, reprinted from The Georgia Historical Quarterly for March, 1934.

Phillips, Ulrich Bonnell, Georgia and State Rights. A Study of the Political History of Georgia from the Revolution to the Civil War, with Particular Regard to Federal Relations, Washington: Government Printing Office, 1902. Reprint from: Annual Report of the American Historical Association for 1901. Washington, 1902. Vol. II, pp. 3-224.

Phillips, W. L., "War Between the States," in Mrs. Z. V. Thomas, History of Jefferson County (Macon, Ga., 1927), 99-107.

Bibliography
Secondary Sources

Smith, George Gilman, The Story of Georgia and the Georgia People, 1732 to 1860, Macon, Ga.: George G. Smith, 1900.

Stevens, William Bacon, A History of Georgia, from its First Discovery by Europeans to the Adoption of the Present Constitution in MDCCXCVIII, 2 vols., Savannah: William Thorne Williams, 1847; Philadelphia, E. H. Butler & Co., 1859.

Thomas, Mrs. Z. V., History of Jefferson County, Macon, Ga.: Press of the J. W. Burke Company, 1927.

Thompson, C. Mildred, Reconstruction in Georgia: Economic, Social, Political, 1865-1872 (Columbia University Studies in History, Economics and Public Law, Volume LXIV, Number 1), New York: The Columbia University Press, 1915.

Van Dyne, Frederick, A Treatise on the Law of Naturalization of the United States, Washington: Frederick Van Dyne, 1907.

White, George, Historical Collections of Georgia: Containing the Most Interesting Facts, Traditions, Biographical Sketches, Anecdotes, Etc. Relating to Its History and Antiquities, from Its First Settlement to the Present Time. Compiled from Original Records and Official Documents. Illustrated by Nearly One Hundred Engravings of Public Buildings, Relics of Antiquity, Historic Localities, Natural Scenery, Portraits of Distinguished Men, Etc., Etc., New York: Pudney & Russell, 1854.

White, George, Statistics of the State of Georgia: Including an Account of Its Natural, Civil, and Ecclesiastical History; Together with a Particular Description of Each County, Notices of the Manners and Customs of Its Aboriginal Tribes, and a Correct Map of the State, Savannah: W. Thorne Williams, 1849.

FIRST OFFICIALS OF JEFFERSON COUNTY

Superior Court
William Few, Judge
Chesley Bostick, Jr., Clerk

Solicitor General
Henry George Caldwell

Inferior Court
John Clements, Justice
Douglass Hancock, Justice
John Shellman, Justice
Michael Shelman, Justice
Solomon Wood, Justice
David Jamison, Clerk

Register of Probates
Isaac Coleman

Justices of the Peace
John Bryan
William Cawthorn
Joseph Ferguson
Richard Grey
Joseph Hampton
Douglass Hancock
Charles Harvey
Joseph Jackson
Moses Newton
John Raiford
William Russell
Michael Shelman

Justices of the Peace (continued)
John Taylor
Thacker Vivion
Benjamin Whitaker
James Young

Constables
Ephraim Chance
John Hartsfield
James Harvie
John Mackey
Britain McCullers
Samuel McNeely
John Powell
Pearson Young

Coroner
William Gold

Sheriff
John Paulett

Tax Receiver
William Hardwick

Tax Collector
Douglass Hancock

Surveyor
Richard Grey

Boa

W
J
E

Sup
R
J

Sol
W

Jur
J
M
C
K
W
J

Ord
J

Cou
R

Cit
N
J
Q

Jus
G
J
J
O
C
J
W
K
L
A
W
M
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W
E
A

PRESENT OFFICERS OF JEFFERSON COUNTY

Board of Commissioners of Roads and Revenue
W. E. Josey
John R. Lewis
E. J. Stapleton

Superior Court
R. N. Hardeman, Judge
J. W. Farmer, Clerk

Solicitor General
W. H. Lanier

Jury Commissioners
J. K. Callahan
M. L. Chalker
C. V. Clark
K. M. England
W. C. Evans
John Walden

Ordinary
Jessika A. Wright

County Administrator
R. L. Bethea

City Court of Louisville
Newell J. Smith, Judge
J. W. Farmer, Clerk
Q. L. Bryant, Solicitor

Justices of the Peace
G. W. Adams, ex officio
J. P. Alexander
J. F. Boone, ex officio
O. B. Brown, Sr.
Craig Carswell, ex officio
J. S. Cato, ex officio
W. E. Clark
K. M. England
Leon J. Farmer, ex officio
A. H. Hardin
W. G. Hawkins
Mrs. C. B. Lamb, ex officio
G. E. McCoy, ex officio
R. S. McCleskey
R. N. McDaniel
D. A. McMillan, ex officio
R. W. Mulling, ex officio
W. S. Murphey, ex officio
Emily C. Murphree
A. Frank Stapleton

Justices of the Peace (continued)
W. R. Stavely
L. T. Thigpen, ex officio

Constables (Elected December 1936)
W. O. Avera
A. A. Forehand
Curtis Landrum
J. F. McTier
A. Manning
C. L. Merritt
German Motes
W. James Murphree
R. J. Patterson
Oscar L. Perdue
James Rodgers, Jr.
A. T. Russell
W. H. Spell
John N. Wilkins
B. W. Williams

County Attorney
M. C. Barwick

Coroner
Craig Carswell

Sheriff
James Hubbard

Tax Receiver
Lamar Wren

Tax Collector
T. H. Rivers

Treasurer
G. B. Walden

County Board of Education
W. W. Abbott, Chairman
B. P. Avera
J. C. Kilgore
D. P. Ponder
E. J. Smith

Superindentent of Schools
C. C. McCollum

County Board of Health
Dr. John R. Lewis
Dr. L. V. Bryant
C. C. McCollum

Present Officers of Jefferson County

Commissioner of Health
Dr. S. C. Ketchin

County Physician
Dr. John R. Lewis

County Board of Public Welfare
Wiley Jordan
B. A. Watson
W. J. Clark
Tom Ponder

County Board of Public Welfare (continued)
Sam Welch

Director, Department of Public Welfare
Mrs. Heardie B. Rowell

County Surveyor
E. C. Salter

County Agricultural Agent
J. C. Strong

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PUBLICATIONS OF THE GEORGIA HISTORICAL RECORDS SURVEY

1. Inventory of The County Archives of Georgia, No. 25, Chatham County (Savannah). Savannah, Georgia, 1938.

2. Ibid., No. 81, Jefferson County (Louisville). Atlanta, Georgia, 1940.

3. Ibid., No. 106, Muscogee County (Columbus). Atlanta, Georgia, 1940.

4. Ibid., No. 121, Richmond County (Augusta). Atlanta, Georgia, 1939.

5. Inventory of the Church Archives of Georgia, Hebrew Congregations. Atlanta, Georgia, 1940.

6. Inventory of Federal Archives in the States, Series III (The Treasury Department), No. 10 (Georgia). Atlanta, Georgia, 1939.

7. Ibid., Series V (The Department of Justice), No. 10 (Georgia). Atlanta, Georgia, 1939.

8. Ibid., Series VII (The Department of the Navy), No. 10 (Georgia). Atlanta, Georgia, 1938.