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INVENTORY OF THE COUNTY ARCHIVES OF TENNESSEE

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HAYWOOD COUNTY
BROWNSVILLE

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THE HISTORICAL RECORDS SURVEY
WORKS PROGRESS ADMINISTRATION
1939

INVENTORY OF THE COUNTY ARCHIVES

OF TENNESSEE

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

No. 38 HAYWOOD COUNTY (Brownsville)

* * * * * * *

Nashville, Tennessee
The Historical Records Survey
March 1939

The Historical Records Survey

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Division of Women's and Professional Projects

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FOREWORD

The Inventory of County Archives of Tennessee is one of a number of bibliographies of historical materials prepared throughout the United States by workers on the Historical Records Survey of the Works Progress Administration. The publication herewith presented, an inventory of the archives of Haywood County, is number 38 of the Tennessee series.

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carrying out this objective, the project was organized to compile inventories of historical materials, particularly the unpublished government documents and records which are basic in the administration of local government, and which provide invaluable data for students of political,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

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

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

The Survey was organized and has been directed by Luther H. Evans, and operates as a nation-wide project in the Division of Women's and Professional Projects, of which Mrs. Florence Kerr, Assistant Administrator, is in charge.

F. C. HARRINGTON
Administrator

PREFACE

The Haywood County courthouse was entered by the field workers of the Historical Records Survey on April 10, 1937. The field work was completed in little less than a year. The final recheck was made in September, 1938, and the records listed in this book were those on deposit on September 22, 1938.

On the whole, the Survey found the records of Haywood County to be satisfactorily housed. Although some of the offices need additional storage space for inactive records, the general state of preservation is relatively good and there is no immediate danger of destruction of the records except, of course, for the ever present threat of fire. As courthouses go, the Haywood County courthouse is an old building, but it has been extensively remodeled in recent years and the records are afforded at least an average protection.

All the records in the courthouse were cleaned and arranged by the Survey workers. In addition, a considerable amount of labeling of volumes and file boxes was done.

If this inventory contains errors they are necessarily slight ones, for no efforts were spared to keep them at an irreducible minimum. The Survey is certain that every record in the Haywood County courthouse on last September 22 is listed in this book.

The arrangement of bureaus, offices and entries is a result of a process of trial and error and the pattern followed is one settled upon in earlier publications. The complex nature of some of the county offices, particularly the county court, has made it virtually impossible for an absolute logical system of arrangement to be followed. In general, the arrangement consists of grouping in some logical manner offices and bureaus of a similar nature and with closely related functions. For example, the quarterly county court, the county's governing body, is followed by the county judge, the chief executive officer of the county. Various courts are grouped together. These are followed by such auxiliary agencies as the office of justice of the peace, jury commission, and the various law enforcement offices. Such bureaus as the departments of education and highways have been presented in close proximity.

The user of this inventory is advised to read the introductory sections made up of the Historical Sketch of Haywood County; Governmental Organization and Records System; Housing, Care, and Accessibility of Records; and Abbreviations, Symbols, and Explanatory Notes. The essay sections preceding the bureau entries contain information on the present and historical nature of the bureau, summarize the duties and functions of the bureau or office, and list the records it is required by law to keep.

The legal sections are as of January 1, 1939. The 71st General Assembly was in session while this book was being prepared for publication, but, of course, statutes enacted by this legislature have not been incorporated into the legal sections.

Preface

The inventory of the county archives will, when completed, consist of a set of 95 volumes with a separate number for each county in the state. The number assigned this inventory, 38, merely indicates the alphabetical position of Haywood among the counties of the state.

The Survey was accorded excellent co-operation by the officials of Haywood County. Especially do we wish to thank County Judge T. J. Pearson and Mr. J. R. Moore, County Court Clerk. Judge Pearson and Mr. Moore took an unusual interest in the work and they, with the other county officials, were always willing to share their time with the Survey.

The historical and legal sketches of this inventory were prepared by and under the supervision of Madison Bratton. The forms received from the field were edited by and under the supervision of Miss Mary Alice Burke. The field work was carried on under the general supervision of James E. Davis. Miss Vylva Holland, with the assistance of Mrs. Margaret Abernathy, arranged the material in the book for publication. The preparation of the alphabetical index was supervised by Robert Cassell. John T. Moore was directly in charge of the survey in Haywood County.

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

T. Marshall Jones
State Director
The Historical Records Survey

Nashville
March 25, 1939

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T. Marshall Jones
State Director
The Historical Records Survey

Nashville
March 25, 1939

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(First entry, p. 40)

1. HAYWOOD COUNTY HISTORICAL SKETCH

Haywood County, in the cotton belt of southwestern Tennessee, was organized on March 8, 1824 ("Day Book", p. 1, in "Minute Book", entry 4 in this inventory). The area now comprising Haywood County was once a part of the Chickasaw Country, which, in Tennessee, embraced all the lands between the Tennessee and Mississippi Rivers, or that area making up the old Western District (Samuel Cole Williams, Beginnings of West Tennessee, in the Land of the Chickasaws, 1541-1841, Johnson City, 1930, p. 84). Following the Chickasaw Treaty of 1818, by which the Indians surrendered title to their lands, and the subsequent emigration of settlers and grantees, rapid steps looking to the political organization of the area were taken by the legislature when, in 1819, Hardin and Shelby Counties were erected (P.A. 1819, chs. 6, 146).

Further legislation, in 1821, established Henry, Carroll, Henderson, and Madison Counties, and extended the trusteeship of these counties westward to include areas practically uninhabited, but at the same time set out the boundaries of certain counties which might be created out of the 1821 group (P.A. 1821, ch. 32). Thus the 1823 act which created Haywood County (Pr.A. 1823, ch. 145, sec. 1) merely detached from Madison County an area which had been described two years earlier as "beginning on the south west corner of Madison County; running thence north with the west boundary of the same, twenty-five miles to the north west corner; thence west to the south west corner of the first county west of Carroll County; thence north to the line dividing the 10th and 13th districts; thence west to a point two miles west of the first range line in the 11th district; thence south parallel with said range line to the 5th sectional line in said district; thence east to a point four miles east of the 5th range line in the 10th district; thence north two and a half miles; thence east to the beginning." (P.A. 1821, ch. 32, sec. 6).

The county was named in honor of Judge John Haywood, one of Tennessee's outstanding jurists who is best remembered for his compilations of the statutes (Dumas Malone, ed., Dictionary of American Biography, VIII, New York, 1932, pp. 466, 467).

The county is delimited on the north by Crockett County, on the east by Madison County, on the south by Hardeman and Fayette Counties, and on the west by Tipton and Lauderdale Counties (Pr.A. 1823, chs. 145, 206; L.A. 1835-36, ch. 28, secs. 1, 13; P.A. 1837-38, ch. 256, sec. 1; 1845-46, ch. 25, secs. 1-4; 1851-52, ch. 195, secs. 1-3; 1857-58, ch. 47, sec. 9; 1865-66, 2nd ses., ch. 19, secs. 2, 3; 1867-68, ch. 60, sec. 11; 1869-70, 2nd ses., chs. 12, 30, 89; 1871, ch. 132, secs. 1, 2; Pr.A. 1917, ch. 320, sec. 1; 1931, ch. 549, sec. 1). The most important changes in Haywood County's boundaries came in 1835, when a part of its territory was taken in the formation of Lauderdale County (L.A. 1835-36, ch. 28, secs. 1, 13), and in 1870, when Crockett County was created (P.A. 1869-70, 2nd ses., ch. 89, secs. 1, 2).

With a territory of 508 square miles, the county, in area, ranks thirty-sixth among the counties of the state (Fifteenth Census of the United States, I, Population, pt. ii, Washington, 1932, p. 1033).

Haywood County Historical Sketch (First entry, p. 40)

Haywood County is on the west Tennessee Plateau which slopes imperceptibly toward the Mississippi River. The topography is, in general, rolling, but is also characterized by low ridges and numerous sluggish streams and drainage ditches. The south fork of the Forked Deer River forms most of the northern boundary of the county while the Hatchie River cuts across the southern part of the county from east to west. The altitude of the county varies between 260 feet and 350 feet (C. E. Allred, S. W. Watkins, and G. H. Hatfield, Tennessee, Economic and Social, pt. ii, The Counties, in University of Tennessee Record, VI, No. 3, Knoxville, September, 1929, p. 13; J. B. Killebrew, Introduction to the Resources of Tennessee, Nashville, 1874, pp. 1095, 1098; Kendall E. Born, Summary of the Mineral Resources of Tennessee, Nashville, 1938, p. 9). At its nearest reach, the Mississippi River is twenty-three miles from the western border of the county. Brownsville, the seat of Haywood County, is fifty-eight miles northeast of Memphis and twenty-seven miles west of Jackson. The county is crossed by the Louisville and Nashville Railroad and U. S. Highway 70.

Haywood County, like the rest of West Tennessee, was settled by East and Middle Tennesseans, and by emigrants from the Carolinas, Virginia, Kentucky, and Alabama. Especially did they come from North Carolina, passing on directly through East and Middle Tennessee to the newly opened West after the Chickasaw Treaty of 1818 removed to a large degree the cloud on North Carolina grants. The panic of 1819, felt acutely in North Carolina, was also largely responsible for the rush to the new lands of the West (Williams, Beginnings, pp. 116, 117, 174). As late as 1870, nearly ten per cent of the population of Haywood County was native of North Carolina (Ninth Census of the United States, Statistics of Population, Tables I to VIII, Inclusive, Washington, 1872, p. 371).

The Haywood County enabling act of 1823 directed that the statute become effective on January 1, 1824 (Pr.A. 1823, ch. 145, sec. 4) and "that for the due administration of justice in said county, the courts of Pleas and Quarter Sessions, and circuit courts, shall be holden at the house of Richard Nixon, until otherwise provided for by law" (ibid., sec. 2). The fixing of a permanent seat of justice was left to a commission appointed to select and fix suitable sites in Weakley, Gibson, McNairy, Dyer, Hardeman, Obion, Tipton, and Haywood Counties (Pr.A. 1823, ch. 206).

Accordingly at "a court of pleas and quarter sessions began and holden for the County of Haywood at the house of Richard Nixon on Monday the 8th day of March A. D. 1824...in pursuance of an act of the General Assembly... passed at Murfreesboro on the 3rd day of November 1823, entitled an act to establish Haywood County and of an act pass [ed] on the 24th day of November 1823, entitled an act to fix the time of holding the Circuit and County Courts ... the following persons named Justice of the Peace in a commission from his Excellency William Carroll Governor, ... to wit; Richard Nixon, Lawrence McGuire, Nicholas T. Perkins, Jonathan T. Jacocks, William [Willie] Dood [Dodd], Britain Sanders, David Jeffries, & Blackman Coleman, met ... and took the several oaths prescribed by the constitution and laws of this State" ("Day Book", p. 1, in "Minute Book", entry 4).

Haywood County Historical Sketch (First entry, p. 40)

Colonel Richard Nixon, at whose home the county was organized, was probably Haywood County's first permanent white settler. Nixon, a native of New Hanover County, North Carolina, came to the region of Haywood County in 1821, after blazing his way from Jackson through the cane-brakes, and settled on what became known as Nixon's creek, three miles east of the site of Brownsville. Colonel Nixon likewise was probably the county's first merchant, building his store at Nixon's Landing, on a bluff above the Hatchie River (Williams, Beginnings, 149, 150).

The action of the legislature's commission to select "permanent seats of justice" (Pr.A. 1823, ch. 206) is not clear, but in June 1824 the court of pleas and quarter sessions appointed five of its own members commissioners to superintend the sale of lots and the letting of contracts for public buildings in the town to be laid off as the county seat ("Day Book", pp. 12-17, in "Minute Book", entry 4), and in December appointed commissioners "for laying off the county seat", after it had been reported that the necessary acreage had been bought from Thomas M. Johnson (ibid., p. 30). The sale of town lots netted a sum of $11,000 which was applied to the cost of public buildings (Williams, Beginnings, 150, citing Jackson Gazette, December 18, 1824, March 6, 1825). The court ordered that a temporary courthouse be built, to be twenty-eight feet long, twenty feet broad, and "9 feet pitch." The building was to be of "hewn logs, clapboard roof, and rough plank floor, but to be jointed." It was to have "1 door, 3 windows of 15 lights each with shutters, the door to have a good lock, and the house to be furnished with the necessary benches and tables for the court and jury" ("Day Book", pp. 25-28, in "Minute Book", entry 4). On January 23, 1826, the commissioners accepted the courthouse and the court ordered the payment of $600.00 to one Hiram Bradford for the job ("Minute Book", "1826 to 1830", p. 16, entry 4). Brownsville was officially designated the county seat by legislative action on October 16, 1824, and named in honor of Major-General Jacob Brown, a veteran of the War of 1812 (Pr.A. 1824, ex. ses., ch. 132, sec. 2). The log courthouse was almost immediately replaced, in 1826, when a frame structure was built on the public square. A new courthouse was built in 1832, and part of it still stands, although it was largely rebuilt in 1845 (Goodspeed's History of Tennessee, with Biographical Sketches of Lauderdale, Tipton, Haywood, and Crockett Counties, Nashville and Chicago, 1887, p. 821). The present building underwent extensive repairs in 1928.

Haywood County's first jail, a log affair, sixteen by sixteen, was built in the summer of 1825 at a cost of $185.00 ("Day Book", in "Minute Book", pp. 89, 106, entry 4). Other jails were built in 1832, 1850, and 1872 (Goodspeed's History, p. 821).

The first school in the county was built probably in 1825 by a family of first settlers. Schools were established in Brownsville in 1827. Many of the early schools were "subscription" schools charging $10.00 a year tuition (ibid., pp. 828, 829). Academies furnished the more advanced education. Some of the Haywood County academies were Union Academy (P.A. 1837-38, ch. 269), Brownsville Male Academy (P.A. 1839-40, ch. 102), Brownsville Female Institute (P.A. 1841-42, ch. 142, secs. 1-3), Dancyville Female Academy (P.A. 1849-50, ch. 89), Dancyville Female Institute (P.A. 1851-52, ch. 104, secs. 1-15), Baptist Female College (P.A. 1855-56, ch. 15), Brownsville

Seminary (P.A. 1857-58, ch. 105, sec. 11), Cageville Male and Female Academy (Pr.A. 1869-70, ch. 15), and Wesleyan Female College (Pr.A. 1869-70, 1st ses., ch. 64, secs. 51-57). The academies were gradually replaced by public high schools, as exemplified by the transfer of title from the trustees of the "Old Male Academy" to the Brownsville board of public school directors in 1897 (P.A. 1897, ch. 301, sec. 1).

Religious services, like the first courts, were first held at the home of Colonel Nixon (Williams, Beginnings, 149). One Thomas Davidson, a Methodist circuit rider, is supposed to have established a camp-meeting ground southwest of Brownsville shortly thereafter, and also to have organized a congregation at Brownsville between 1824 and 1828 (Goodspeed's History, p. 829). Reuben Alfin [Alphin], apparently the same who was Haywood County's first constable ("Day Book", p. 99, in "Minute Book", entry 4), was one of the earliest resident ministers. Alphin built a log church at Brownsville sometime after the coming of Davidson. Other early ministers included T. J. Neely, David Weir, Hosea Lanier, and Benjamin G. Alexander (Goodspeed's History, p. 829).

It is, of course, not known how many persons resided in Haywood County when it was organized in 1824. The state's enumeration of free male inhabitants in 1826 listed 265 such persons in Haywood County (Williams, Beginnings, p. 122), and the Federal census of 1830 reported a total of 5,334 persons in the county (Twelfth Census of the United States, I, Population, pt. i, Washington, 1901, p. 39). During the decade of the eighteen-thirties the number rose to 13,870 (ibid.). Of this 1840 total there were 3,998 free white males and 3,577 free white females, or a total of 7,575 white persons residing in the county (Compendium of the Enumeration of the Inhabitants and Statistics of the United States as Obtained ... From the Sixth Census, Washington, 1841, pp. 68, 69). There were, in 1840, thirty-eight "free colored persons" (ibid., p. 69) and 6,257 slaves. Of the slaves, 3,137 were males and 3,120 females (ibid., p. 70). The census of 1840 further reported that 4,778 persons were employed in agriculture, fifty-two in commerce, and 261 in manufacturing and trade. Fifty-seven persons were listed as engineers or as members of the "learned professions". There were four Revolutionary War pensioners. There were four academies and grammar schools with 182 "scholars" and twenty-three primary and common schools with 493 "scholars". White illiteracy claimed 650 persons over twenty years of age (ibid., p. 71). The census of 1840 further estimated the annual cotton crop at 3,175,000 pounds, Haywood being outranked only by Fayette and Hardeman Counties (ibid., p. 252). Capital invested in commerce was placed at $177,000 (ibid., p. 253), the value of manufactured goods at $15,400 (ibid., p. 254). There were six distilleries, producing 4,400 gallons of spirits (ibid., p. 258).

The population of Haywood County increased to 17,259 in the eighteen forties and on the eve of the Civil War stood at 19,232 (Twelfth Census, I, Population, pt. i, p. 39). Of this 1860 total of 19,232 persons, 8,165 were white, forty-one free colored, and 11,026 slave (Ninth Census, Statistics of Population, Tables I to VIII, Inclusive, pp. 62, 63). With due regard for the defectiveness of the Census of 1870, that enumeration reported 25,094 persons in Haywood County, 11,261 white and 13,832 Negro (ibid.,

p. 62). The foreign born population of 1870 numbered 194, the Irish leading with seventy-six, followed by the Germans with fifty-four. Nearly 19,000 persons of the 1870 total gave Tennessee as their native state (ibid., p. 371).

The population of the county reached 26,053 by 1880, fell back to 23,558 by 1890, and again climbed during the nineties, this time to 25,189 (Twelfth Census, I, Population, pt. i, p. 39). Of this 1900 total, 8,109 were white, 17,080 Negro (ibid., p. 257). The population of the county increased slightly to 25,918 during the first decade of the twentieth century, fell back to 25,386 during the second and by 1930 had reached an all-time high of 26,063, exceeding by ten persons the previous record set in 1880 (Fifteenth Census, Population, I, pt. ii, Washington, 1932, p. 1033).

Although repeatedly in the line of march during the Civil War, Haywood County escaped the serious property damage experienced in many parts of the state, largely because no major engagements took place in the county. Haywood County was one of the minority of counties favoring from the first the secession of the state. In the secession convention referendum of February 8, 1861, which was defeated, Haywood County voted in favor of a convention 816 to 544 (J. S. Hurlburt, History of the Rebellion in Bradley County, East Tennessee, Indianapolis, 1866, p. 34, citing Memphis Appeal, June 27, 1861). In the second referendum, June 8, 1861, Haywood County registered its opinion even more emphatically by voting 930 to 139 in favor of separation (ibid., p. 49).

The Haywood Rangers were organized and mustered into service at Jackson, May 23, 1861, several days before the secession of the state. At the end of the enlistment period, in May, 1862, the company was reorganized and mustered into the Confederate Army at Trenton for the duration of the War. The company supposedly was surrendered by Major-General Nathan Bedford Forrest with the rest of his command at Gainesville, Alabama, May 11, 1865. Other organizations recruited in Haywood County included the Haywood Blues, the Haywood Rifle Rangers, the Dancyville Grays, and Captain Lyle's Company (Goodspeed's History, pp. 823, 824).

The history of Brownsville has closely paralleled that of Haywood County. Not only has Brownsville been the county seat almost since the beginning but has been Haywood County's leading commercial and trading emporium, its only community which the United States Census classifies as urban. As already indicated, Brownsville was designated the Haywood County seat by the legislature, October 16, 1824 (Pr.A. 1824, ex. ses., ch. 132, sec. 2). The town was incorporated by legislative action in 1826 (Pr.A 1826, ex. ses., ch. 9, sec. 1). Brownsville's infancy was highlighted by the incarceration there of the infamous John A. Murrell, the "land-pirate", Tennessee's most notorious outlaw (Williams, Beginnings, 247). Perhaps the most important single event, however, during the first decade of Brownsville's history was the arrival, either in 1827 or 1828, of a steamboat, the Red Rover, at a nearby landing on the Hatchie. Excitement ran high. A grand reception, at which the officials were to be feasted and congratulated, was planned by the leaders of the town. A long procession,

bearing banners, marched to the point of landing, where a tremendous crowd had gathered to welcome the great boat. Every tree, sapling, and stake was doing service as a hitching post. At last the boat appeared, approached, and made a landing, when the valves were raised to "let off steam"; whereupon becoming frightened by the sound, both the people and the horses stampeded pell-mell into the woods from the vicinity of the "terrible sound." The horses broke their bridles or halters and raced away for home; and the people ran until exhausted with exertion and fear. The reception was postponed until the following day at which the officials explained to the people that the sound that had so frightened them and their horses was caused by the escaping of steam from the motor apparatus of the boat (J. S. Williams, Old Times in West Tennessee, Memphis, 1873, pp. 256, 257).

A pioneer described the Brownsville of 1825 as "completely in the woods and no shape of a town. Some pole cabins had been erected" (Williams, Beginnings, 151). Reuben Alphin, Brownsville's first resident minister and the county's first constable, probably built the first residence in Brownsville, a log house, in 1825 (Goodspeed's History, p. 826). Hiram Bradford, the builder of the county's first jail and its first cotton gin, was apparently one of Brownsville's first merchants and inn-keepers. Brownsville, in 1833, had a population of approximately 400 persons. Centrally located, the new metropolis prospered. A citizen writing in 1833 stated, "In the town we have six doctors,...; two ministers of the gospel, both Methodists. In the county we have twenty doctors and as many preachers. Almost four-twelfths of the people are Presbyterian, four-twelfths Methodist, two-twelfths Baptist, and two-twelfths nondescript" (Williams, Beginnings, 151). A newspaper, the Phoenix, made its appearance in 1837 (Goodspeed's History, p. 826).

The Census of 1850 listed 971 persons in Brownsville, that of 1860, 1,137, and that of 1870, 2,457. In contrast to the rest of the county, the white population outranked the colored (Ninth Census, Statistics of Population, Tables I to VIII, Inclusive, p. 264). In 1890 there were 2,516 persons residing in Brownsville, and in 1900 the municipality boasted a population of 2,645 (Twelfth Census, I, Population, pt. i, p. 415). The last enumeration, that of 1930, found 3,204 persons living within the corporate limits (Fifteenth Census, Population, III, pt. ii, p. 904). The corporation of Brownsville is regulated by its charter of 1925, as amended, and is legally designated as the "Commission of the City of Brownsville" (Pr.A. 1925, ch. 92). Brownsville is in the approximate center of Haywood County, on the summit of the watershed between the Hatchie and Forked Deer Rivers. Brownsville has two banks and is reputedly the home of the old original Virginia Brunswick Stew.

The one other municipality in the county, the Town of Stanton (Pr.A. 1927, ch. 408; 1937, ch. 265), has a population of about 500. Stanton, twelve miles southwest of Brownsville, was established in 1865 on the land of one Joseph B. Stanton (Goodspeed's History, p. 827). Other communities include Dancyville and Nut Bush. Nut Bush is noted for its ancient cemetery, where both Confederate and Federal soldiers are buried. This cemetery, according to legend, was a meeting place of volunteers during the Civil War

and a rendezvous of the Ku-Klux-Klan during Reconstruction (Nashville Banner, July 5, 1931; States-Graphic, Brownsville, May 7, 1937).

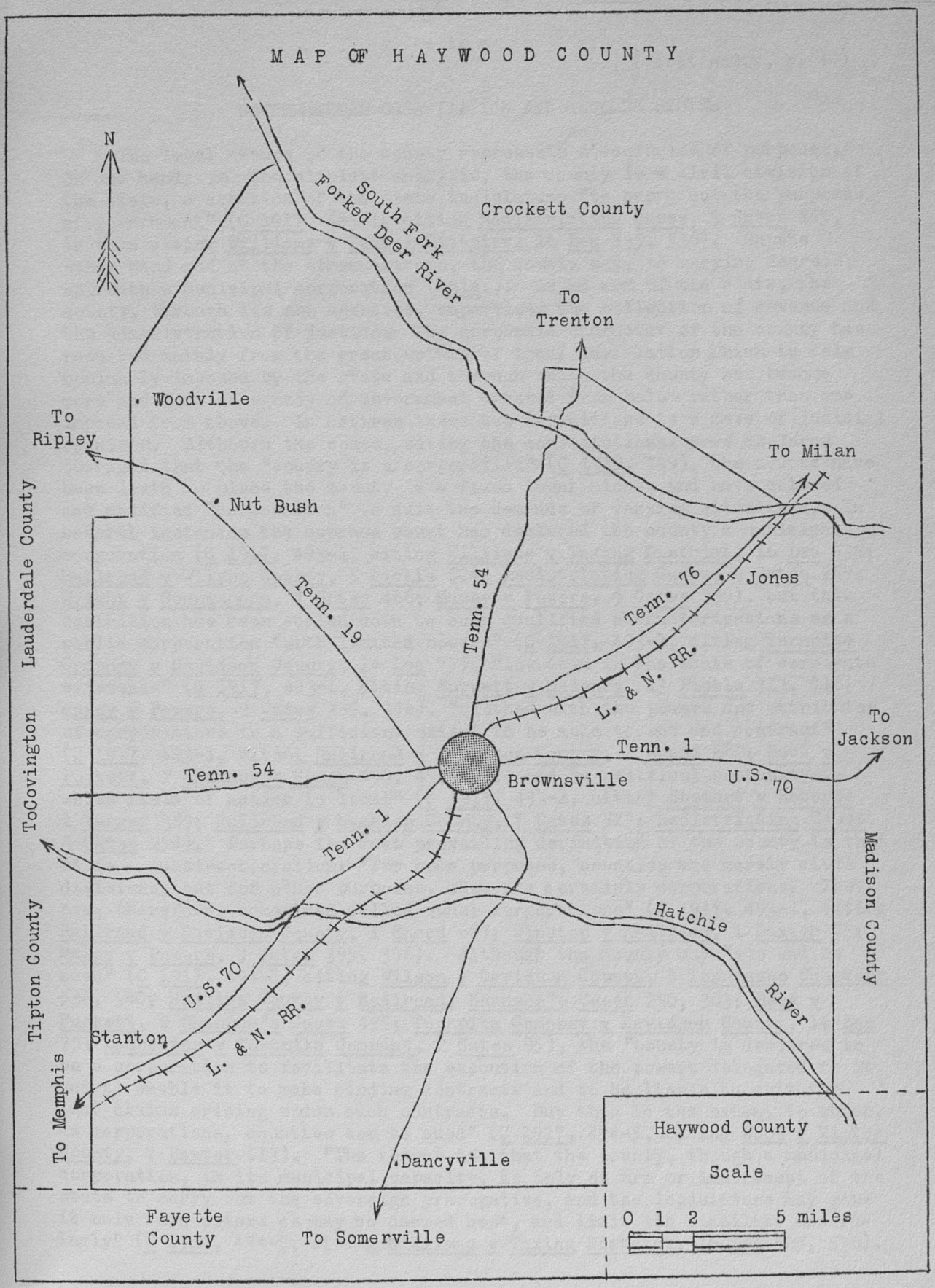
Haywood County today, as during its entire history, is exceedingly close to the land. The soil is made up of sandstone and calcareous rock, sand mixed with clay and loams, and sand. The extensive sand beds form the foundation for a mellow loam suited to the cultivation of cotton (Killebrew, op. cit., pp. 1095, 1096). There are considerable alluvial bottom lands along the Hatchie and Forked Deer Rivers (Haywood County Historical and Statistical Information, Knoxville, 1935). Numerous rivers and streams, a great abundance of underground water, and a long, hot growing season make the county especially suited to the production of the staple crops cotton and corn (ibid.).

Up to 1828 agricultural products consisted of corn, a few small grains, and several species of vegetables. Cotton made its appearance probably in 1828 and in that year Hiram Bradford built the county's first gin, at Brownsville (Goodspeed's History, p. 819). Throughout its history, Haywood County's population has been overwhelmingly rural, its economy predominantly agrarian. In 1840, only 424 persons were living in the county's one municipality. The ratio has shortened somewhat, but even today well over eighty per cent of the population of the county is in rural areas (Ninth Census, Statistics of Population, Tables I to VIII, Inclusive, p. 264; Twelfth Census, I, Population, pt. i, pp. 369, 475; Fifteenth Census, Population, I, pt. ii, p. 899). In 1840 the average cotton crop was estimated at 3,175,000 pounds (Compendium of the Sixth Census, p. 252); in 1938 the yield was approximately 13,000,000 pounds (Covington Leader, November 17, 1938).

Comparative figures for 1930 and 1935 seem to indicate a definite trend back to the farm in Haywood County. From April 1, 1930 to January 1, 1935, the number of farms and farm operators rose from 5,079 to 5,524. During the same period, the total land area in farms increased from 223, 158 acres to 254,181 acres, and the average farm size from 43.9 acres to 47.7 acres. On the other hand, during the same period, the total value of farm land and buildings fell from $9,205,199 to $6,934,706, the average value per acre from $41.25 to $27.28. Of the $6,934,706 total 1935 farm values, $2,300,223 was in the hands of full owners, $533,145 part owners, $71,763 managers, and $4,029,575 tenants. In 1934, tenants harvested 87,514 acres, full owners 22,771, part owners 7,747, and managers 992 (United States Census of Agriculture, 1935, Washington, 1935, p. 8). The overwhelming importance of cotton in Haywood County is further emphasized by the fact that, in 1930, 4,660 farms of the county's total of 5,079 were classified as cotton farms. Of the total 1930 farm acreage of 223,153 acres, cotton claimed 191,627 acres. In terms of 1930 values, cotton farms accounted for $7,680,980 out of a total farm valuation of $9,205,199 (Fifteenth Census, Agriculture, III, pt. ii, p. 604). But in spite of the large number of cotton farms, the 1930 census listed only one farm which produced over $10,000, and only two over $6,000. A vast majority was in the $400-$1000 range (ibid., p. 644). Of the 12,071 persons gainfully employed in 1930,

agriculture claimed 10,060. Out of the 10,060 persons gainfully employed in agriculture, 7,564 were colored (ibid., p. 913).

Thus industry, trade, and commerce have been relatively inconsequential in Haywood County and have been carried on only incidentally. Industrial operations date probably from 1828 when Hiram Bradford's cotton gin opened for business (Goodspeed's History, p. 819). A horse propelled grist mill made its appearance in 1829. A cotton mill, operated by the Brownsville Manufacturing Company, began operations in 1874 (Covington Leader, August 7, 1930). In 1840, only forty persons in Haywood County were employed in what the census termed "commerce", only 100 in "manufacturing" (Compendium of the Sixth Census, pp. 253-261). In 1930, 2,302 of the 12,071 persons gainfully employed were so employed outside of agriculture (Fifteenth Census, Population, III, pt. ii, p. 913).


MAP OF HAYWOOD COUNTY
N
South Fork
Forked Deer River
Crockett County
To
Trenton
Woodville
To
Ripley
To Milan
Nut Bush
Lauderdale County
Tenn. 19
Tenn. 54
Tenn. 76
Jones
L. & N. RR.
To
Jackson
Tenn. 1
Tenn. 54
Brownsville
U.S. 70
ToCovington
Tenn. 1
Madison County
Hatchie
River
Tipton County
U.S. 70
Stanton
L. & N. RR.
To Memphis
Haywood County
Scale
Dancyville
Fayette
County
To Somerville
0 1 2 5 miles

(First entry, p. 40)

GOVERNMENTAL ORGANIZATION AND RECORDS SYSTEM

The legal nature of the county represents a confusion of purposes. On one hand, in the simplest analysis, the county is a civil division of the state, a creation of the state legislature "to carry out the purposes of government" (C 1917, 493-1, citing Redistricting Cases, 3 Cates 255, in turn citing Williams v Taxing District, 16 Lea 535, 536). On the other hand and at the other extreme, the county may, to varying degrees, approach a municipal corporation (ibid.). As an arm of the state, the county, through its own agencies, supervises the collection of revenue and the administration of justice. The corporate character of the county has resulted mainly from the great volume of local legislation which is only nominally imposed by the state and through which the county has become more and more an agency of government created from below rather than one imposed from above. In between these two definitions is a maze of judicial opinions. Although the codes, citing the constitutions, have declared outright that the "county is a corporation" (C 1932, 739), the courts have been loath to place the county in a fixed legal niche, and have colored and modified "corporation" to suit the demands of varying situations. In several instances the supreme court has declared the county a municipal corporation (C 1917, 493-1, citing Williams v Taxing District, 16 Lea 535; Railroad v Wilson County, 5 Pickle 604; Redistricting Cases, 3 Cates 255; Wright v Cunningham, 7 Cates 466; Maxey v Powers, 9 Cates 396), but this definition has been scaled down to such qualified characterizations as a public corporation "with limited powers" (C 1917, 493-1, citing Turnpike Company v Davidson County, 14 Lea 75), "low down in the scale of corporate existence" (C 1917, 493-1, citing Burnett v Maloney, 13 Pickle 713, 716; Maxey v Powers, 9 Cates 395, 396), "clothed with the powers and attributes of corporations to a sufficient extent to be able to act and contract" (C 1917, 493-1, citing Railroad v Davidson County, 1 Sneed 687; Beck v Puckett, 2 Shannon's Cases 490, 497-499), and "a political community... whose field of action is local" (C 1917, 493-1, citing Stewart v Roberts, 1 Yerger 389; Railroad v Hamblen County, 7 Cates 529; Redistricting Cases, 3 Cates 254). Perhaps the most prevailing definition of the county is that it is a quasi-corporation: "For some purposes, counties are merely civil divisions; but for other purposes, they are certainly corporations. They are, therefore, sometimes called quasi corporations" (C 1917, 493-1, citing Railroad v Davidson County, 1 Sneed 687; Winston v Railroad, 1 Baxter 73; Maxey v Powers, 9 Cates 395, 396). Although the county may "sue and be sued" (C 1917, 494-1, citing Wilson v Davidson County, 3 Tennessee Chancery 536, 540; Hawkins County v Railroad, Shannon's Cases 290, 303; Beck v Puckett, 2 Shannon's Cases 495; Turnpike Company v Davidson County, 14 Lea 75; Ledbetter v Turnpike Company, 2 Cates 95), the "county is declared to be a corporation to facilitate the execution of the powers delegated to it, and to enable it to make binding contracts and to be liable to suit for just claims arising under such contracts. But this is the extent to which, as corporations, counties can be sued" (C 1917, 494-5, citing Wood v Tipton County, 7 Baxter 113). "The reason is, that the county, though a municipal corporation, in its municipal capacity, is only an arm or instrument of the state to carry out the sovereign prerogative, and the legislature may give it only such powers as may be deemed best, and limit its liability accordingly" (C 1917, 494-5, citing Williams v Taxing District, 16 Lea 525, 536).

Whatever the legal nature of the county, and while no instrument of government has been under more fire, no instrument is more firmly entrenched, none closer to the citizen. Through the agencies of county government, the average citizen obtains justice, pays most of his taxes, and receives the services of government to which these are applied. Through the county government, the citizen has his birth registered, is educated, is protected in his life and property, has his property transfers legalized, is licensed to marry, is punished for violations of the law, may recover damages to his person, property, or character; may be cared for in old age and sickness, and, if he dies a pauper, decently buried. The importance of the county varies directly with the percentage of its inhabitants living in rural or unincorporated areas, and thus denied the services of well organized municipalities. Well over twenty thousand persons of Haywood County's total of 26,063 live in rural areas (Fifteenth Census of the United States, Population, III, pt. ii, Washington, 1932, p. 893; P.A. 1893, ch. 93, sec. 1; Pr.A. 1927, ch. 408).

The county and, to a lesser degree, its agencies, are indeed deep-seated and the lineage of the county and many of its officers could be traced into antiquity; certainly the county bears a remarkable resemblance to the English shire. The county court of quarter sessions, composed of justices of the peace, which Henry VII made the governing body of the county and also a judicial body, was practically reproduced in North Carolina under the name of court of pleas and quarter sessions which was carried over into Tennessee and thus into Haywood County (Charles C. Crittenden and Dan Lacy, eds., The Historical Records of North Carolina, The County Records, I, Raleigh, 1938, pp. 20, 54-57; P.A. 1794, ch. 1, secs. 39, 47; P.A. 1811, ch. 72, sec. 1; Pr.A. 1823, ch. 145), and has had its powers and duties divided between the present day circuit, chancery, probate, and quarterly county courts (P.A. 1817, ch. 48; 1827, ch. 44; 1835-36, ch. 6; 1837-38, ch. 135, sec. 1; 1855-56, ch. 253, secs. 1, 4; 1857-58, ch. 5; 1875, ch. 70; Pr.A. 1933, ch. 481). The important county offices of sheriff, coroner, constable, justice of the peace, chancellor, and clerk and master are likewise very old.

On the other hand, there have been several fundamental changes and developments in the county organization accomplished by statute since the adoption of the Constitution of 1796; the creation (P.A. 1809, ch. 49) and the growth of the circuit court, culminating in 1836 when it was given exclusive jurisdiction over jury trials (P.A. 1835-36, ch. 6); a corresponding decline in the judicial powers of the county court and court of pleas and quarter sessions, the creation of chancery court in 1827 (P.A. 1827, ch. 79), the creation of the quorum court (P.A. 1827, ch. 44; 1835-36, ch. 6, secs. 2, 3; 1837-38, ch. 135, sec. 1), the emergence of a chief executive officer of the county in the person of the chairman of the county court and, later, the county judge (P.A. 1855-56, ch. 253, secs. 1, 4; 1857-58, ch. 5; Pr.A. 1933, ch. 481); the creation of the probate court held by the chairman or county judge (ibid.; P.A. 1875, ch. 70), the transfer of tax collections from the sheriff to the trustee in 1875 (P.A. 1875, ch. 91, sec. 1), the removal of the control of the election machinery from the sheriff in 1897 and the placing it in the hands of state appointed

commissions (P.A. 1897, ch. 13), and an ever increasing participation by the county in fields of local services, such as education (P.A. 1829, ch. 107; 1837-38, ch. 148; 1870, ch. 110; 1873, ch. 25; 1881, ch. 113; 1907, ch. 236; 1925, ch. 115), roads (P.A. 1804, ch. 1; 1883, ch. 128; 1891, ch. 1; 1901, ch. 136; 1913, 1st ex. ses., ch. 25, sec. 6; 1919, ch. 175, sec. 5; 1921, ch. 134; 1903, ch. 572; 1909, ch. 456; Pr.A. 1911, ch. 168; 1913, ch. 164; 1929, ch. 188; 1933, ch. 480), health (P.A. 1885, ch. 95, sec. 4; 1921, ch. 89; 1933, ch. 140; 1935, ex. ses., ch. 37), and relief (P.A. 1937, ch. 49, secs. 7, 13, 17; 1937, ch. 51, secs. 8, 14, 18; 1937, ch. 50, secs. 7, 10, 14).

Certain other significant developments in the county organization were accomplished by new constitutions. Tennessee has had three constitutions, the one of 1796, under which the state was organized; the one of 1834, a mildly democratic document adopted during the Jackson era; and the present unamended, and virtually unamendable, Constitution of 1870, which represented the reaction against the late Reconstruction administration, and into which the Democrats, having returned to power, wrote their determination not to permit an unhappy recurrence of interference in local affairs and the appointment of obnoxious local officials by the central government at Nashville (P.A. 1865, 1st ses., chs. 4, 6, 15, 16, 21, 24, 32; 1865-66, chs. 16, 33, 40; 1866, ex. ses., ch. 2; 1866-67, 2nd ad. ses., chs. 5, 18, 21, 24, 26, 46; 1867-68, chs. 19, 31, 33, 40, 44, 52, 65, 70; 1868, ex. ses., chs. 2, 3; Frank W. Prescott, "Government and Finances of Hamilton County, Tennessee", in the University of Chattanooga Social Science Studies, I, No. 1, Chattanooga, July, 1934, p. 10).

Perhaps the most important single constitutional development affecting the structural organization of the county government has been the shift from an appointive to an elective basis, first in 1834 and again in 1870. Under the Constitution of 1796, under which Haywood County was organized in 1824 (Pr.A. 1823, ch. 145; "Day Book", p. 1, in "Minute Book", entry 4), justices of the peace were appointed by the legislature (Const. of 1796, art. 5, sec. 12), and the court of pleas and quarter sessions, which was composed of the justices, in turn appointed such important county officers as the sheriff, coroner, county court clerk, trustee, ranger, register, and constables (ibid., art. 6, sec. 1). Other courts appointed their clerks (ibid., art. 5, sec. 10), and judges of law and equity, i. e., the circuit judge and the chancellor, were appointed by the legislature (ibid., sec. 2). The Constitution of 1834, aimed at effecting a measure of decentralization and a more democratic process in local affairs, provided for the election of justices of the peace, the register, the trustee, the county court clerk, the circuit court clerk, constables, and the sheriff by popular vote (Const. of 1834, art. 6, secs. 13, 15; art. 7, sec. 1). This tendency was carried further in 1870 when the chancellor and the circuit and other inferior judges were made elective (Const. of 1870, art. 6, sec. 4). On the other hand, two constitutional officers, the clerk and master and the coroner, are still appointed to office (Const. of 1870, art. 6, sec. 13; art. 7, sec. 1). Another constitutional office, that of the ranger, supposed to be filled by appointment

by the quarterly county court (ibid., art. 7, sec. 1), has become defunct in virtually all counties, including Haywood.

The minimum area of a county has been fixed by constitutional provision, successively at 625 square miles (Const. of 1796, art. 9, sec. 4), 350 square miles (Const. of 1834, art. 10, sec. 4), and 275 square miles (Const. of 1870, art. 10, sec. 4), with numerous exceptions allowed (ibid.). Because of these exceptions, fifteen counties are below the minimum fixed by the Constitution of 1870 (C. E. Allred, S. W. Watkins, and G. H. Hatfield, Tennessee, Economic and Social, pt. ii, The Counties, in University of Tennessee Record, VI, No. 3, Knoxville, September, 1929, p. 20). Efforts to consolidate counties have met with success in only one instance, the annexation of rural and impoverished James County to urban Hamilton County in 1919 (Pr.A. 1919, ch. 695; Chattanooga Times, December 12-17, 1919).

Under the Constitution of 1796, counties were laid off into militia districts, or "captains companies" (Const. of 1796, art. 5, sec. 12; art. 7, sec. 6). Since the adoption of the Constitution of 1834 counties have been divided into civil districts, not to exceed twenty-five for each county. The civil district usually serves merely as election districts for justices of the peace and constables (Const. of 1834, art. 6, sec. 15; Const. of 1870, art. 6, sec. 15), although it may, by local acts, be a school or road administrative division.

Intent on insuring against a re-invasion of the county government by the state administration, the last clause of the Constitution of 1870, brief but tremendously important to the county organization, states, "No county office created by the Legislature shall be filled otherwise than by the people or the (Quarterly) County Court" (Const. of 1870, art. 11, sec. 17).

The growth and development of each county office is discussed in some detail in the individual office essays and the evolutionary development of important governmental function and services merits only brief consideration at this point. While the administration of county government has been accomplished largely by the same devices since the creation of the state in 1796, and while the broad, general picture of the county remains largely unchanged, the growth of population, the failure of many experimental devices of government, a growing demand for services, and a consequent revision of concepts of the duties and functions of the county have brought many and important reconstructions in the functional details of the fabric of the county organization. Many functional phases of county government; namely, administration of estates and other matters of probate, collection of revenue, assessment of property, administration of justice, promotion of education, road building, have undergone rather thorough overhauling from time to time. Registration of property titles and transfers, issuance of licenses, disbursement of revenue, service of process, and the maintenance of peace and order have remained relatively fixed. It is probably incorrect to state that when Haywood County was organized in 1824 the county, as an instrument of government, was designed to fit

the needs of an agrarian community and was adequate for these purposes, for the county, as then constituted, had already proved, and continued to do for some years, that it was unable to meet one of the most pressing demands presented to it, an orderly administration of justice.

The heart of the county organization has always been the county's governing body, or, in other words, the legislative department. The governing body has always been a branch of that larger and elusive body, the county court, composed of all the justices of the peace. The attempts during Reconstruction to abolish the county court and substitute a board of county commissioners were largely ineffective, and the commissions, when established, were short lived (P.A. 1867-68, chs. 19, 30, 58, 65-68; 1868-69, chs. 10, 24, 25; 1869-70, 1st ses., chs. 5, 6, 49, 50). From the creation of the state to the present time, the governing body has frequently been labeled "county court" with disregard for the fact that the county court, generally known as the court of pleas and quarter sessions until 1835, was once much more than a legislative body and that since the creation of the quorum court (P.A. 1827, ch. 44; 1835-36, ch. 6, secs. 2, 3; 1837-38, ch. 135, sec. 1), and even more emphatically since the abolition of the quorum court in 1875 (P.A. 1875, ch. 70), "county court" is a quite unsatisfactory term. When Haywood County was organized in 1824, the legislative department was found in this court of pleas and quarter sessions, meeting in quarterly sessions for such purposes as to examine the trustee's accounts (P.A. 1796, 1st ses., ch. 15, sec. 6), make appointments (P.A. 1796, 2nd ses., ch. 3, sec. 1; 1801, ch. 13, sec. 2; 1804, ex. ses., ch. 12; 1805, ch. 66, sec. 2; 1817, ch. 48, sec. 8), provide for the poor (P.A. 1797, ch. 51; 1831, ch. 89, sec. 1), direct that tax schedules be taken and returned (P.A. 1797, ch. 2, sec. 3; 1801, ch. 13, sec. 2; 1813, ch. 99, sec. 6), levy taxes (P.A. 1807, ch. 7, sec. 1; 1815, ch. 50), establish roads and ferries (P.A. 1821, ch. 4), and examine official bonds (P.A. 1823, ch. 49, secs. 2, 15). Although the court of pleas and quarter sessions had held its legislative sessions on different days from its judicial sessions (P.A. 1817, ch. 48, secs. 4, 8), the creation of the quorum court (P.A. 1827, ch. 44; 1835-36, ch. 6, secs. 2, 3; 1837-38, ch. 135, sec. 1) drew a clearer line of demarcation between the legislative and judicial branches of the county court, and the creation of the probate court, held by county chairman, in 1875 (P.A. 1875, ch. 70) completely divested the county court, as composed of a number of justices of the peace, of judicial powers, leaving the court of justices of the peace, meeting in quarterly session, concerned exclusively with public business. Although the quarterly county court is dependent on the legislature for its powers and while it has no ordinance making powers, it is the governing body in a very real sense when it fixes the tax levies, adopts a budget, and makes appropriations for the ensuing fiscal year (P.A. 1837-38, ch. 135, sec. 2; 1895, ex. ses., ch. 4, sec. 2; 1907, ch. 573, sec. 1; 1909, ch. 419, sec. 2; 1915, ch. 101, sec. 2; 1809, Sept. ses., ch. 49, sec. 15; 1827, ch. 49, sec. 14; 1893, ch. 89, secs. 1, 2; 1833, ch. 92, sec. 16; 1855-56, ch. 145, sec. 1; 1827, ch. 49, sec. 14; 1879, ch. 192; 1913, 1st ex. ses., ch. 27; 1917, ch. 27; 1919, chs. 10, 41; 1925, ch. 28; 1881, ch. 95, sec. 1). The quarterly county court and its predecessor have always, as the governing bodies, exercised wide appointive powers, although the

range of appointments has steadily narrowed (Const. of 1796, art. 6, sec. 1; Const. of 1834, art. 7, sec. 1; Const. of 1870, art. 7, sec. 1; P.A. 1925, ch. 115, sec. 6; 1885, ch. 94, sec. 4; 1891, ch. 123, sec. 4; 1907, ch. 602, secs. 32, 76; 1845-46, ch. 83; 1929, ch. 81, sec. 5; 1841-42, ch. 101). Through local legislation five counties of the state have boards of county commissioners which have more or less effectively replaced the quarterly county court as the governing body. Shelby County's commission, which has worked best, is the oldest (Pr.A. 1911, ch. 137; 1925, ch. 157; 1933, ch. 376; 1935, ch. 408). Moore County's commission dates from 1935 (Pr.A. 1935, ch. 4), and the commissions of Knox, Marion, and Unicoi Counties are products of the 1937 legislature (Pr.A. 1937, ch. 183; 1937, 2nd ex. ses., ch. 4; 1937, 3rd ex. ses., ch. 2).

One of the most significant developments in the county organization has been that of the executive department, identified first in the person of the chairman of the county court, and more recently the county judge, a concept that has developed along parallel lines with the increasing corporate nature of the county. Although the office of chairman, as presiding officer of the court, is as old as the state (P.A. 1796, 1st ses., ch. 15, sec. 5), it has been since 1856 that the judge or chairman, as an administrative and financial agent, has become the most important single officer in the county. The statutes and popular concept have, more and more, endowed him with the attributes of a responsible executive head (P.A. 1855-56, ch. 253; 1879, ch. 162, sec. 2; 1907, ch. 602; Pr.A. 1933, ch. 481).

The issuance of licenses and the collection of the taxes and fees attached, things that make his office the busiest in the courthouse have always been largely in the hands of the county court clerk, and the only changes have been to increase the number of types of licenses (P.A. 1805, ch. 38, sec. 2; 1811, ch. 43; 1813, ch. 99, sec. 4; 1815, ch. 10, sec. 2; 1817, ch. 60, sec. 1; 1817, ch. 61, sec. 5; 1817, ch. 178, sec. 1; 1819, ch. 37; 1819, ch. 51, sec. 1; 1820, ex. ses., ch. 60, sec. 1; 1821, ch. 19; 1822, ex. ses., ch. 6, sec. 1; 1827, ch. 58, sec. 1; 1829-30, ch. 62, sec. 1; 1831, chs. 71, 80; 1835-36, chs. 13, 25; 1837-38, ch. 167; 1849-50, ch. 22, sec. 1; 1851-52, ch. 255; 1851-52, ch. 174, sec. 7; 1853-54, ch. 21, sec. 1; 1853-54, ch. 115, sec. 1; 1865, 1st ses., ch. 29; 1867-68, ch. 24; 1867-68, ch. 79, sec. 5; 1870-71, 2nd ex. ses., ch. 65, secs. 3-5; 1881, ch. 152; 1881, ch. 171, secs. 17-22, 50; 1885, ch. 1, secs. 16-19, 22, 50; 1887, ch. 2, secs. 17, 54; 1889, ch. 178, sec. 2; 1889, ch. 96, secs. 19-24, 56; 1891, ex. ses., ch. 26, sec. 13; 1895, ch. 120, secs. 25-30, 33, 69; 1895, ex. ses., ch. 4, sec. 4; 1897, ch. 1, secs. 24, 57; 1897, ch. 2, sec. 4; 1899, ch. 452, secs. 4, 17; 1899, ch. 435; 1901, ch. 128, sec. 4; 1901, ch. 174, sec. 48; 1903, ch. 258, secs. 30, 43; 1903, ch. 257, secs. 4, 5; 1907, ch. 602, secs. 27, 29; 1909, ch. 131, sec. 4; 1909, ch. 479, secs. 4, 18; 1909, ch. 488, sec. 4; 1909, ch. 519, secs. 30, 38, 39; 1915, ch. 104, sec. 4; 1915, ch. 152, secs. 17, 18; 1917, ch. 70, sec. 1; 1917, ch. 73, sec. 4; 1917, ch. 78, sec. 1; 1919, ch. 149, secs. 15, 19, 20d; 1919, ch. 134, sec. 4; 1919, ch. 182, secs. 1, 2, 8; 1921, ch. 81; 1925, ch. 99, sec. 9; 1929, ch. 14, sec. 1; 1929, ch. 65, sec. 3; 1931, ch. 51, sec. 11; 1931, 2nd ex.

ses., ch. 24, sec. 1; 1931, 2nd ses., ch. 13, art. 1, sec. 1, subsec. 9; 1937, 2nd ex. ses., ch. 17, sec. 5). Professional registrations likewise are made in the county court clerk's office (P.A. 1901, ch. 78; 1905, ch. 111; 1923, ch. 9, sec. 9; 1913, 1st ex. ses., ch. 39, sec. 5; 1919, ch. 38, sec. 2; 1925, ch. 99, secs. 8, 9; 1935, ch. 129, sec. 7; 1905, ch. 255, sec. 5; 1905, ch. 76, secs. 11, 12; 1929, ch. 65, sec. 7).

The most orderly office in all courthouses is that of the register, concerned with the important matter of property titles. Although legislation has widened the scope of writings that may be registered and thereby publicized "to all the world", the registration of property titles and other legal instruments has always been in the hands of the register; there has been little legislative tampering with this office (See "Register", chapter IV, for writings that may or must be recorded).

The story of the taking of the public domain belongs to past generations, but from long before the organization of Haywood County until well into the century, the taking up of the public domain was an extraordinarily vital matter disposed of by the county organization, through the entry-taker who received claims and the surveyor who determined the boundaries of the claims (P.A. 1798-99, ch. 24, sec. 1; 1801, chs. 3, 42; 1823, ch. 49; 1829-30, ch. 85, sec. 2; 1835-36, ch. 2, secs. 4, 6; 1806, ch. 1).

No division of the county organization was so completely overhauled so many times during the formative period as the judiciary, but once fixed the judiciary began to enjoy a life both serene and respectable (For the growth of each of the courts, see "Circuit Court", chapter VI; "Chancery Court", chapter VII; "Probate or Monthly County Court", chapter VIII; and "Justice of the Peace", chapter XI). When the state was organized in 1796, the administration of justice was in the hands of the individual justices of the peace (Territorial Acts 1794, ch. 1, secs. 19, 20, 50; P.A. 1799, ch. 1, sec. 1; 1807, ch. 95, sec. 2; 1809, Sept. ses., ch. 54, sec. 1), and two courts, the courts of pleas and quarter sessions, one in each county (P.A. 1794, ch. 1, sec. 39); and the superior court of law and equity, composed of three circuits (P.A. 1796, ch. 1). In 1809 the superior court was replaced by the circuit court and the supreme court of errors and appeals (P.A. 1809, ch. 49). Several bills were subsequently enacted (P.A. 1813, ch. 72, sec. 4; 1813, ch. 28; 1822, ex. ses., ch. 13), but the organization of Haywood County in 1824 found justice in the hands of the court of pleas and quarter sessions, the circuit court ("Day Book", pp. 7, 8, in "Minute Book", entry 4), and individual justices. The chief difference between the circuit court and the court of pleas and quarter sessions apparently lay in the fact that the circuit court was a court of superior jurisdiction; the horizontal range of jurisdiction of each court was practically limitless; civil and criminal actions, actions at law or in equity were disposed of with equal dispatch; and apparently, from the bulk of legislation regulating the judiciary, without satisfaction. "Courts of equity" made their appearance in Tennessee in 1822 (P.A. 1822, ex. ses., ch. 13) and the chancery court, by name, was created in 1827 (P.A. 1827, ch. 79). The chancery court first convened at Brownsville probably in 1836 (P.A. 1835-36, ch. 4, secs. 2-4). Between 1827 and 1836

Haywood County chancery cases were probably heard at some other county seat. The judicial matters now under the jurisdiction, both exclusive and concurrent, of the probate court held by the county judge--probate of wills, administration and settlement of estates, guardianship, adoption, legitimation, lunacy inquisitions--were originally in the hands of the court of pleas and quarter sessions (Laws of N. C. 1787, ch. 17, sec. 1; 1762, ch. 20, sec. 1; 1741, ch. 14, sec. 11; 1762, ch. 5, sec. 5; P.A. 1797, ch. 41; 1815, ch. 123, sec. 1; 1799, ch. 11, sec. 1; Territorial Acts 1794, ch. 1, secs. 45, 47; P.A. 1827, ch. 61; 1831, ch. 22, sec. 1; Territorial Acts 1794, ch. 5, sec. 2). Shortly after the creation of Haywood County, the judicial powers of the court of pleas and quarter sessions, consisting of all of the justices, were transferred to the quorum court, which was really an agency of the court of pleas and quarter sessions (P.A. 1827, ch. 44; 1835-36, ch. 6, secs. 2, 3; 1837-38, ch. 135, sec. 1). The jurisdiction of the court of pleas and quarter sessions, or its agency, the quorum court, was severely limited by an act of 1836 which gave circuit court jurisdiction over all actions triable by a jury (P.A. 1835-36, ch. 7). Probate and certain other special judicial matters remained in the hands of the quorum court, with one short interval during which the county judge was probate judge (P.A. 1855-56, ch. 253, secs. 1, 4; 1857-58, ch. 5), until 1875 when the quorum court was abolished and its jurisdiction transferred to the chairman of the county court (P.A. 1875, ch. 70). The county judge became probate judge of Haywood County in 1933, when the office of county judge was created and that of chairman abolished (Pr.A. 1933, ch. 481). A few counties--Hickman, Crockett, Hardin--still call their probate courts "quorum courts", but this is merely a local usage.

The heart of the judiciary for over a century has been the circuit court, a court of law with general jurisdiction over civil and criminal actions. After an uncertain beginning (P.A. 1809, ch. 49; 1811, ch. 72; 1813, ch. 28), during which the circuit court, the supreme court of errors and appeals, and the court of pleas and quarter sessions vied for power, the circuit court rapidly grew in influence, the climax coming with the circuit court reorganization act of 1836 (P.A. 1835-36, ch. 7).

The individual justice of the peace, aside from the fact that he was for a long period a member of larger tribunals, has always been an important cog in the judiciary. He has always had jurisdiction in minor civil and criminal actions and has sat as a committing magistrate in serious and in contested criminal actions, with appeals from his court lying in the direction of the court of pleas and quarter sessions and the circuit court (Territorial Acts 1794, ch. 1, secs. 19, 20, 50; P.A. 1799, ch. 1, sec. 1; 1807, ch. 95, sec. 2; 1809, Sept. ses., ch. 54, sec. 1; 1821, ch. 14, sec. 6; 1829-30, ch. 24, sec. 1; 1831, ch. 4, sec. 1; 1831, ch. 59, secs. 1, 2; 1833, ch. 65; 1835-36, ch. 42; 1835-36, ch. 17, secs. 1, 2; 1837-38, ch. 22; 1841-42, ch. 136, sec. 4; 1843-44, ch. 29, sec. 7; 1843-44, ch. 103, sec. 2; 1843-44, ch. 167; 1845-46, chs. 66, 86; 1849-50, ch. 269; 1851-52, chs. 32, 47, 177; 1853-54, ch. 52, sec. 1; 1853-54, ch. 58, secs. 1, 2; 1855-56, ch. 50, sec. 1; 1857-58, ch. 56; 1859-60, ch. 65; 1865-66, 2nd ses., ch. 51; 1875, ch. 11; 1919, ch. 143, sec. 2; 1931, ch. 101, sec. 1).

Governmental Organization and Records System (First entry, p. 40)

In two counties, Davidson, containing the city of Nashville, and Montgomery, justices of the peace have been stripped of their judicial powers and replaced with salaried general sessions judges (Pr.A. 1937, chs. 12, 113).

The juvenile court is of relatively recent origin, and there have been only two important statutes regulating juvenile justice, one of 1891 which allowed the chairman of the county court to dispose of cases concerning unfortunate children (P.A. 1891, ch. 195), and the controlling act of 1911, by which the chairman or county judge was made judge of the juvenile court which must dispose of juvenile offenders (P.A. 1911, ch. 58).

There has been only one fundamental change in method of selecting jurors in Haywood County. Prior to 1923, the jury lists were made by the members of the court of pleas and quarter sessions and the quarterly county court (P.A. 1803, ch. 2; 1809, Sept. ses., ch. 119, sec. 1; 1835-36, ch. 6, sec. 8; 1835-36, ch. 18, sec. 14; 1883, ch. 198, sec. 1), and since 1923 by the jury commission (Pr.A. 1921, ch. 63; 1923, ch. 254).

The assessment of property for purposes of taxation has been the subject of a peculiarly large number of enactments. When Haywood County was organized, the system called for justices of the peace, acting as revenue commissioners, to take lists of taxable property and persons, and return them to the court of pleas and quarter sessions or the clerk (Territorial Acts 1794, ch. 3; 1795, ch. 2; P.A. 1797, ch. 2; 1807, ch. 21, sec. 1; 1815, ch. 159, sec. 4; 1831, ch. 93, sec. 2). This method was replaced by the appointment of county or civil district assessors, and since 1855 assessment of property has been in the hands of tax assessors of various sorts (P.A. 1855-56, ch. 74; 1857-58, ch. 12; 1873, ch. 118; 1877, ch. 73; 1879, ch. 79; 1887, ch. 2; 1889, ch. 96; 1897, ch. 1; 1895, ch. 120; 1899, ch. 435; 1901, ch. 174; 1903, ch. 258), the experiments coming to an apparent end in 1907 with the enactment of the assessment law of that year (P.A. 1907, ch. 602). Review and equalization of assessments has been under the control of various boards since 1883 (P.A. 1883, ch. 105, secs. 36-39; 1887, ch. 2, secs. 26, 27; 1889, ch. 96, sec. 42; 1895, ch. 120, secs. 49-54; 1907, ch. 602, sec. 32).

The collections of property taxes, the chief item in the county's revenue, was entrusted to the sheriff until 1875 (P.A. 1835-36, ch. 15, sec. 1; Territorial Acts 1794, ch. 4, sec. 1; P.A. 1819, chs. 41, 53; 1823, ch. 49, sec. 13). Since 1875, the trustee has been collector of property taxes (P.A. 1875, ch. 91, sec. 1). Other county revenue is "derived from taxes on polls...privilege, litigation, merchants, peddlers; from strays, fines and forfeitures...and money remaining unclaimed more than two years in clerks' offices" (C 1932, 1035).

Disbursement of revenue has always centered around the trustee, whose office combines the functions of tax collector, treasurer, and to a lesser degree, comptroller. Receipts are credited by him to the proper funds, and disbursements are made on warrants or certificates generally issued by the county judge and presented to the trustee, who charges the

amount of each warrant against the proper fund (P.A. 1796, 1st ses., ch. 15, sec. 6; 1797, ch. 5, sec. 4; 1807, ch. 88; 1813, ch. 98, sec. 10; 1813, ch. 135, secs. 1, 2; 1819, ch. 53, sec. 9; 1827, ch. 36, sec. 3; 1837-38, ch. 148, secs. 34, 43; 1843-44, ch. 231; 1845-46, ch. 32, sec. 6; 1847-48, ch. 110; 1851-52, ch. 68; 1855-56, ch. 80, sec. 4; 1861-62, ch. 52, sec. 6; 1867-68, ch. 83, sec. 4; 1869-70, 1st ses., ch. 37, sec. 13; 1869-70, 2nd ses., ch. 83; 1869-70, 2nd ses., ch. 64, sec. 20; 1869-70, 2nd ses., ch. 101, sec. 7; 1871, ch. 102; 1873, ch. 25, secs. 38-44; 1879, ch. 129, sec. 1; 1913, 1st ex. ses., ch. 20, sec. 3; 1920, ex. ses., ch. 11, sec. 1; 1925, ch. 115, sec. 10; 1929, ex. ses., ch. 26, sec. 1; 1937, ch. 127, sec. 5). The accounts of the trustee and other officers handling public funds are examined by the revenue commission (P.A. 1875, ch. 91, secs. 15, 16; 1885, ch. 1, secs. 74, 75; 1889, ch. 96, sec. 74; 1891, ex. ses., ch. 26, sec. 20; 1895, ch. 120, secs. 78, 79; 1897, ch. 1, sec. 74; 1899, ch. 435, sec. 71; 1901, ch. 174, sec. 80; 1903, ch. 258, sec. 79; 1907, ch. 602, sec. 76).

Maintenance of peace and order, service of process, and execution of court orders have, in theory at least, undergone little change, and jurisdiction over these functions has always been lodged in the same quarters, the sheriff, and to a lesser degree, the constables and the coroner, the coroner having such police power in addition to his rather empty duties to inquests over dead bodies (Laws of N. C. 1777, Nov. ses., ch. 5, sec. 13; Territorial Acts 1794, ch. 1, secs. 9, 23; P.A. 1835-36, ch. 190; 1801, ch. 7, sec. 5; 1835-36, ch. 17, secs. 4, 5; C 1932, 10712; Laws of N. C. 1799, Oct. ses., ch. 5, sec. 2; 1741, ch. 5; P.A. 1807, ch. 104, sec. 13; 1857-58, ch. 29; 1851-52, ch. 32, sec. 3; C 1858, 3731; C 1932, 9681).

The course of popular education has been characterized by an increasingly more orderly school administration and the expenditure of more and more money. Beginning in 1817 with the appointment of commissioners to dispose of school lands to obtain revenue (P.A. 1817, ch. 124), the foundation of the educational system for many years remained the revenue arising from the school lands (P.A. 1826, ex. ses., ch. 35; 1829, chs. 54, 107; 1831, ch. 16; 1851-52, ch. 120). Reconstruction brought the office of superintendent (P.A. 1867-68, ch. 83; 1869-70, 1st ses., chs. 33, 110; 1873, ch. 25, secs. 8, 9) and the ensuing years brought more expenditures for school purposes (P.A. 1881, ch. 171, sec. 49; 1882, 3rd ex. ses., ch. 5, sec. 1; 1885, ch. 1, sec. 49; 1885, ex. ses., ch. 5, sec. 3; 1887, ch. 1, secs. 1-3; 1897, ch. 3; 1897, ch. 2, secs. 1-3; 1897, ch. 1, sec. 56; 1903, ch. 105; 1911, ch. 60; 1913, ch. 23, sec. 2; 1920, ex. ses., ch. 11, sec. 1; 1920, ex. ses., ch. 20; 1921, ch. 40, secs. 2, 3; 1925, ch. 115, sec. 9). A series of boards of education, district advisory boards, boards of commissioners, and district directors has formed the school administration (P.A. 1889, ch. 247; 1891, ch. 132; 1903, ch. 240; 1907, ch. 236; 1917, ch. 96, sec. 7), a halt apparently occurring in 1925 with the enactment of the present general education bill which provides for a board of education (P.A. 1925, ch. 115).

Haywood County does not have a health department, a bureau merely permitted by law, consequently no health officer, but many of the duties of

the health officer, as he functions in other counties, are performed by the county physician, who was originally charged with the care of the jail inmates, but who has become increasingly closer to being an agent of the state department of public health (P.A. 1885, ch. 95, sec. 4; 1859-60, ch. 95, sec. 1; 1871, ch. 115, sec. 1; 1877, ch. 100, secs. 1, 2; 1935, ex. ses., ch. 37; 1891, ch. 181; 1895, ch. 206; 1933, ch. 140).

Road building by counties in Tennessee is notable for at least one thing; that no matter with which the county is concerned has been the subject of so much local legislation. For a very long period the laws regulating public roads were fairly uniform, and there was not the present hodge-podge of special statutes. There were two reasons for this: one, that although road building and maintenance were considered county functions, there was no great demand for an impressive network of well maintained roads, and, two, private turnpike companies managed to see that traffic was able to move (P.A. 1804, ch. 1; 1881, ch. 38; 1882, ex. ses., ch. 18; 1883, ch. 128; 1891, ch. 1). Now almost no county escapes a revision of its road administration each time the legislature meets. At least eighteen such local road laws have been enacted for Haywood County since 1903. Products of these special acts have included a board of public roads (P.A. 1909, ch. 456), a road commissioner (Pr.A. 1911, ch. 168), a board of district commissioners (Pr.A. 1913, ch. 164), a supervisor of public roads (Pr.A. 1921, ch. 525), a hard roads commission (Pr.A. 1929, ch. 424), a highway superintendent (Pr.A. 1929, ch. 188), and several highway commissions (ibid.; 1933, ch. 480; 1937, ch. 561). The really fundamental developments in roads have been more and better roads and more money spent for road purposes.

Tradition has called for the care of the poor to be entrusted to a commission, acting as an agency of the quarterly county court (P.A. 1797, ch. 5, sec. 1; 1809, ch. 25; 1826, ch. 25; 1827, ch. 112, secs. 1, 2; 1831, ch. 89, sec. 4; 1889, ch. 150), but since 1915 the duties of the Haywood County poor commission were taken over by the workhouse commission, itself primarily concerned with keeping county prisoners usefully employed (P.A. 1875, ch. 83; 1891, ch. 123; Pr.A. 1915, ch. 119).

The relatively recent creation of a county department of agriculture represents an extension of services by the county government (Pr.A. 1929, ch. 81).

No discussion of county government in Tennessee would be complete without consideration of local legislation. The legislature on an average, enacts about ten times as many special bills as it does public ones, the greater portion of these special acts affecting individual counties. Local legislation for counties may assume two forms; the county may be named, or, if the act is clearly discriminatory and thus potentially unconstitutional, it may recite the population of counties affected. Of course, only one county usually finds itself within the range of population set out. The 1929 session of the legislature was typical. That legislature enacted 146 public laws and 933 special ones, and of the special, 654 were for individual, or a handfull, of counties. Special acts are voted perfunctorily, sometimes in groups, on the request of the representative of the counties

involved. The system is not only conducive to backscratching but, of necessity, the real head of the county organization is not a duly responsible county official, but the county's representative in the legislature. On the other hand, the inadequacies of the organic law and the carelessness with which general laws are enacted have been cited in defense of local legislation. The effects of the system are far reaching nevertheless. The state, says one observer, is a "loose federation of sovereign counties" (Frank W. Prescott, "County Finance in the South", in Arnold Foundation Studies in Public Affairs, VI, No. 1, Dallas, 1937, p. 4).

General county elections are held in August in even years, and terms of office of elected officers date from September first (P.A. 1869-70, 2nd ses., ch. 23, sec. 3). The amount and method of compensation of officers varies widely from county to county. The circuit judge and chancellor receive stated salaries paid out of the state treasury (P.A. 1925, ch. 11, sec. 1; 1925, ch. 100, sec. 3). The circuit court clerk, clerk and master, county court clerk, register, trustee, and sheriff theoretically receive stated salaries, but in the absence of contrary special legislation these salaries must come out of the fees of the offices. In no event may an officer receive more than the maximum salary set out by law (P.A. 1921, ch. 101, secs. 1-3). Constables and justices of the peace are compensated on a pure fee basis (P.A. 1927, ch. 11; 1925, ch. 108). Offices created by special act carry compensation fixed by the act.

Every person holding any office of trust or profit may be removed for wilful misconduct in office, wilful neglect of duty, public drunkenness, gambling, or violating a penal statute involving moral turpitude (P.A. 1915, ch. 11, sec. 1). Inferior judges may be removed only by the legislature (Const. of 1870, art. 6, sec. 3). Clerks of courts may be removed by the court upon conviction of a misdemeanor in office or of a felony, for non-residence in the county, for failure to give security, for failure to pay over public monies, for incapacity, neglect of duty, misbehavior in office, or for any other cause to which the penalty of removal from office is attached by law (P.A. 1801, ch. 17). Practically all other county officers are removable by proceedings in equity (P.A. 1915, ch. 11; 1933, ch. 94; 1937, 3rd ex. ses., ch. 3).

Haywood County is operating at the present time with a tax rate of $2.12 per $100.00 valuation of real estate ("Minute Book 17", p. 156, entry 4). With town lots valued at $1,383,370, acreage at $4,600,640, and personalty at $154,700, Haywood County expects the total county tax receipts from property and polls for the current fiscal year to approximate $130,140.64. Poll tax and state tax receipts should bring the total figure for 1938 to $145,637.62 ("Tax Book, 1938, District 12, Haywood County", p. 13, entry 209). The grand total of receipts of the trustee may double this figure with other revenues coming from merchants' taxes, the sale of privilege and many other licenses, special levies for roads and schools, state aid, and other sources.

Governmental Organization and Records System (First entry, p. 40)

Theoretically there are standard systems of record keeping throughout the state; in practice, at any one time, there are nearly as many variations as there are counties and officers. These variations may be accounted for in several ways. The law, while requiring the making and preservation of many records, has been indulgent in prescribing the manner in which many should be made and kept. There has been and is no effective agency or method to compel officials to use systems other than their own. New officials coming into office frequently adopt new forms and new systems of filing, ignoring their predecessor's systems and any records already in existence.

The majority of county officials seem to favor standardization of bound and unbound forms. Although forms and books are now supposed to be uniform, most of the blank form business is in the hands of three printing firms, and the result is a lack of uniformity. Although many forms contain essentially the same information, the variations in size, detail, and headings make the forms unsatisfactory for purposes of filing and identification.

The closest things to standardization are the county court clerk's license forms, many of which are prescribed by the state comptroller; the tax assessor's schedules and assessment rolls, and the records of the register, the superintendent of schools, and the farm agent. Of these officers, only the register is not responsible in considerable degree to outside agencies.

More records are kept by the county court clerk than any other officer. He keeps the records of the quarterly county court and the probate court, and those incidental to registrations and the issuance of state and county licenses. In only a few counties have the records of the quarterly county court been separated from those of the probate court. In many counties, the records of the county judge are in the custody of the county court clerk; the clerk is by law custodian of the records of the board of equalization and the tax assessor. His office is almost notorious as a catch-all for records of a miscellaneous variety. A large part of his records reach his office as unbound material and may or may not be recorded in the appropriate books, the practice varying between individuals and from county to county. For example, quarterly reports and guardian settlements are presented in manuscript form to the courts for approval and are later incorporated in bound records. Guardian settlements may be recorded in the minutes or in separate volumes. In some counties, practically everything is recorded in the minutes; in others there are appropriate volumes for different types or subject matter. The breakdown beyond that point varies. In some few counties all original papers, regardless of their nature, are filed chronologically by terms of court; in others the only separation is that of the quarterly papers from the probate papers.

The records systems followed by the clerk and master and the circuit court clerk are basically the same. Regardless of labeling and titles, the records used by most of the clerks are: 1, a trial docket, which is the original docket setting forth the cause of action, the dates of hearing and the names of the attorneys; 2, a rule docket, which is a record of all

instruments or process executed in each case, and usually bearing case numbers; 3, the minute book, or record of daily proceedings in court; and 4, an execution docket, or financial record of each case, with entries for each instrument issued or executed, showing the cost of service, the clerk's fees, and other items of a financial nature.

There is considerable variation in the arrangement of the trial papers and the methods of keeping the bound records. In some counties the civil and criminal papers, like the volumes, are kept separately. In other counties the same volumes serve for both civil and criminal entries, and the trial papers are filed, if at all, together. In some offices, trial papers are filed chronologically be terms of court, in others alphabetically by names of plaintiff or complainant in civil cases and by defendant in criminal cases. In theory, the alphabetical system brings together all the papers in one case, filed chronologically within a jacket. Whatever the arrangement of papers, each one frequently bears a number which may be the case or docket number. Sometimes docket or case numbers are used for numerical filing purposes.

The county judge's inactive records are frequently in the custody of the county court clerk. Practically all county judges keep a warrant register and most of them a general account book, showing receipts and disbursements.

Generally the most orderly system of all, the register's system, is simple and readily understandable when taken for a given period, but presents complexities when considered for over a period of years. Original instruments are deposited for recording, and after recording, are usually filed in some alphabetical order awaiting claim by the persons presenting the instruments for registration. Today nearly all counties record the more important classes of instruments as separate series, such as trust deeds, warranty deeds, and chattel mortgages. Originally, all instruments were registered in the same series without separation, and only gradually have different registrations been taken out of the "Deed Record." Direct and reverse indices to warranty and trust instruments have been required since 1925; prior to that time the systems of registrations and indexing were extraordinarily diverse. All registers keep a so-called note book, or a detailed record of all instruments offered for registration.

Largely because of the small quantity, the records of other officers and bureaus are relatively simple.

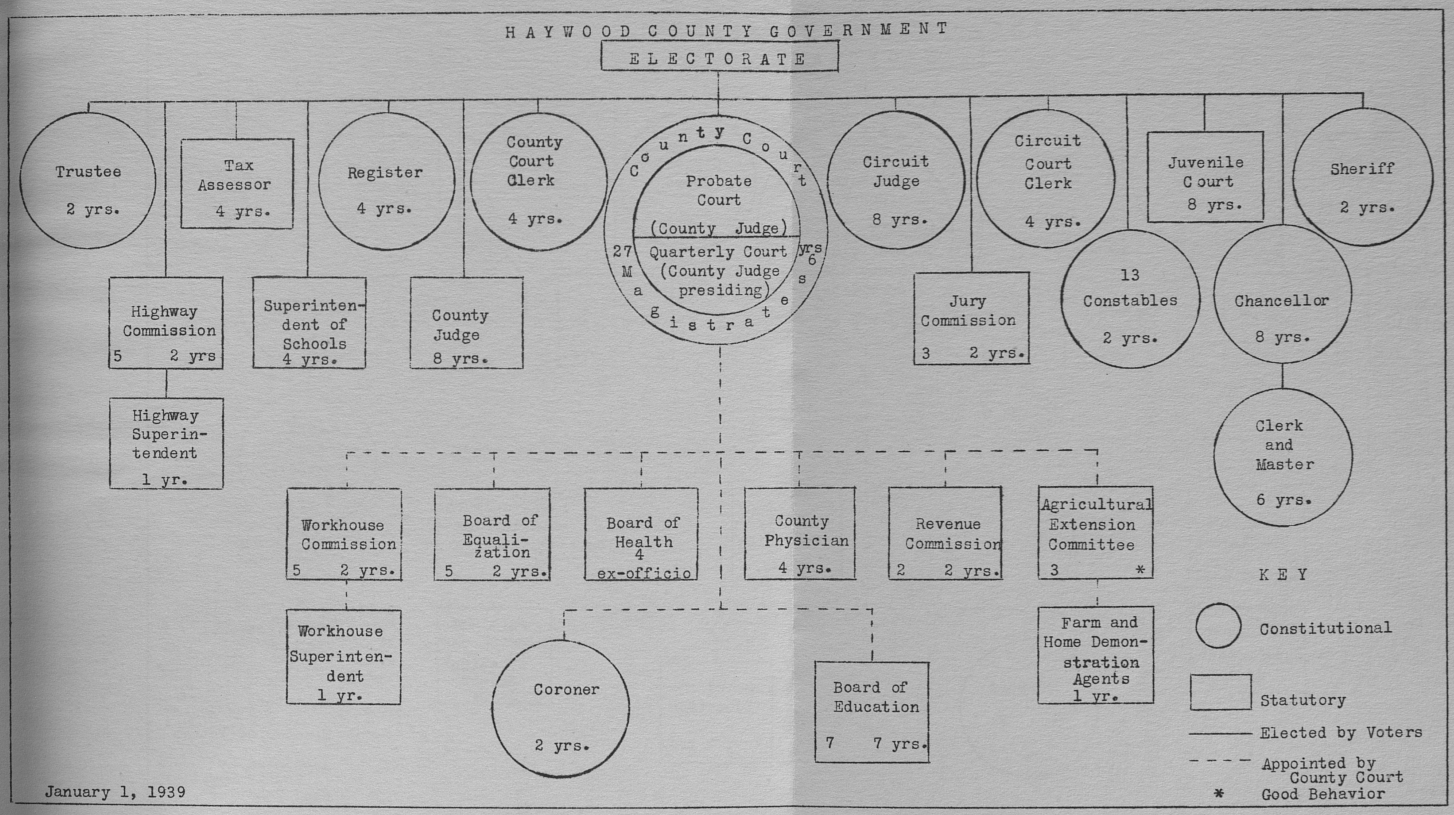
All officers must make financial statements to the county judge, and, either with cash remittances or receivable warrants, settle periodically with the trustee. Disbursements are made with payable warrants. Ultimately all disbursements are made by the trustee and the original warrants are frequently returned to the office of origin after cancellation by the trustee. The practice of issuing payable warrants varies. Usually the departments, such as education and highway, issue warrants directly against certain funds. They may or may not be signed or countersigned by the county judge. Precedence and the temper of the local bank sometimes

regulate the flow of warrants. Payable warrants are usually presented to the trustee by the holder but in some cases are honored through the banks and finally delivered to the trustee by the cashier.

Nearly all officials receiving fees, fines, and other collections, keep cash books indicating daily receipts and disbursements.

Reports to the quarterly court and settlements of the county judge with collection and disbursement officers are usually among the unbound papers in the county court clerk's office.

Perhaps it would not be an exaggeration to state that the only really fundamental change in the average county's record system has been the introduction of the typewriter.


HAYWOOD COUNTY GOVERNMENT
ELECTORATE
Trustee
2 yrs.
Tax Assessor
4 yrs.
Register
4 yrs.
County Court Clerk
4 yrs.
County Court
Probate Court
(County Judge)
Quarterly Court
(County Judge presiding)
27 Magistrates
6 yrs.
Circuit Judge
8 yrs.
Circuit Court Clerk
4 yrs.
Juvenile Court
8 yrs.
Sheriff
2 yrs.
Highway Commission
5 2 yrs
Highway Superintendent
1 yr.
Superintendent of Schools
4 yrs.
County Judge
8 yrs.
Jury Commission
3 2 yrs.
13 Constables
2 yrs.
Chancellor
8 yrs.
Clerk and Master
6 yrs.
Workhouse Commission
5 2 yrs.
Workhouse Superintendent
1 yr.
Board of Equalization
5 2 yrs.
Board of Health
4 ex-officio
Coroner
2 yrs.
County Physician
4 yrs.
Board of Education
7 7 yrs.
Revenue Commission
2 2 yrs.
Agricultural Extension Committee
3 *
Farm and Home Demonstration Agents
1 yr.
KEY
Constitutional
Statutory
Elected by Voters
Appointed by County Court
* Good Behavior
January 1, 1939

DATES OF CREATION OF COUNTIES

(Most of these counties were probably organized within a year after the date of their creation as given below. The name of the present county seat is enclosed in parenthesis following the name of the county.)

Anderson (Clinton)	1801	Lauderdale (Ripley)	1835
Bedford (Shelbyville)	1807	Lawrence (Lawrenceburg)	1817
Benton (Camden)	1835	Lewis (Hohenwald)	1843
Bledsoe (Pikeville)	1807	Lincoln (Fayetteville)	1809
Blount (Maryville)	1795	Loudon (Loudon)	1870
Bradley (Cleveland)	1835	McMinn (Athens)	1819
Campbell (Jacksboro)	1806	McNairy (Selmer)	1823
Cannon (Woodbury)	1836	Macon (Lafayette)	1842
Carroll (Huntingdon)	1822	Madison (Jackson)	1821
Carter (Elizabethton)	1796	Marion (Jasper)	1817
Cheatham (Ashland City)	1856	Marshall (Lewisburg)	1836
*Chester (Henderson)	1879	Maury (Columbia)	1807
Claiborne (Tazewell)	1801	Meigs (Decatur)	1836
Clay (Celina)	1870	Monroe (Madisonville)	1819
Cocke (Newport)	1797	Montgomery (Clarksville)	1796
Coffee (Manchester)	1846	Moore (Lynchburg)	1871
Crockett (Alamo)	1872	Morgan (Wartburg)	1817
Cumberland (Crossville)	1856	Obion (Union City)	1823
Davidson (Nashville)	1783	Overton (Livingston)	1806
Decatur (Decaturville)	1845	Perry (Linden)	1821
DeKalb (Smithville)	1837	Pickett (Byrdstown)	1879
Dickson (Charlotte)	1803	Polk (Benton)	1839
Dyer (Dyersburg)	1823	Putnam (Cookeville)	1842
Fayette (Somerville)	1824	Rhea (Dayton)	1807
Fentress (Jamestown)	1823	Roane (Kingston)	1801
Franklin (Winchester)	1807	Robertson (Springfield)	1796
Gibson (Trenton)	1823	Rutherford (Murfreesboro)	1803
Giles (Pulaski)	1809	Scott (Huntsville)	1849
Grainger (Rutledge)	1796	Sequatchie (Dunlap)	1857
Greene (Greeneville)	1783	Sevier (Sevierville)	1794
Grundy (Altamont)	1844	Shelby (Memphis)	1819
Hamblen (Morristown)	1870	Smith (Carthage)	1799
Hamilton (Chattanooga)	1819	Stewart (Dover)	1803
Hancock (Sneedville)	1844	Sullivan (Blountville)	1779
Hardeman (Bolivar)	1823	Sumner (Gallatin)	1786
Hardin (Savannah)	1819	Tipton (Covington)	1823
Hawkins (Rogersville)	1786	Trousdale (Hartsville)	1870
Haywood (Brownsville)	1823	Unicoi (Erwin)	1875
Henderson (Lexington)	1821	Union (Maynardsville)	1850
Henry (Paris)	1821	Van Buren (Spencer)	1840
Hickman (Centerville)	1807	Warren (McMinnville)	1807
Houston (Erin)	1871	Washington (Jonesboro)	1777
Humphreys (Waverly)	1809	Wayne (Waynesboro)	1817
Jackson (Gainesboro)	1801	Weakley (Dresden)	1823
Jefferson (Dandridge)	1792	White (Sparta)	1806
Johnson (Mountain City)	1836	Williamson (Franklin)	1799
Knox (Knoxville)	1792	Wilson (Lebanon)	1799
Lake (Tiptonville)	1870		

* Chester County was not organized until 1882.

(First entry, p. 40)

3. HOUSING, CARE, AND ACCESSIBILITY OF RECORDS

The Haywood County courthouse stands in the center of the public square of Brownsville. Haywood County's first two courthouses were log affairs, the first built in 1825, the second in 1826. A new courthouse was built in 1832 and part of it still stands, although it was largely rebuilt in 1845. The present building underwent extensive repairs in 1928. It is a two-story, brick structure, measuring 90x72x28, and contains 181,440 cubic feet of space. While the building is only seventy-five per cent fireproof, five fireproof vaults house approximately ninety per cent of the records. The ventilation conditions are very good.

There are eight offices on the first floor, namely, those of the county court clerk, the county judge, the register, the sheriff, the superintendent of schools, the trustee, the county farm agent, and the home demonstration agent. The offices of the circuit court clerk, the clerk and master, and the highway department are on the second floor.

The county court clerk's office, measuring 22x25x14, is on the northeast corner of the first floor. There are fifty-one feet of steel shelving under a customers' counter in the center of the room, and in cabinets along the wall, together housing thirty feet of bound volumes and twenty-one feet of unbound material, or five per cent of the records in the clerk's custody. The adjoining records vault, measuring 10x12x14, contains one hundred and sixty-seven feet of steel and wooden shelving along the east, south, and west walls, housing one hundred and seventeen feet of bound volumes and fifty feet of unbound material. The vault houses ninety-five per cent of the records in the custody of the clerk, five per cent of the county judge's records and ten per cent of the county physician's. A desk and stools furnish accommodations for users.

The county judge's office, measuring 15x25x14, is on the north side of the first floor. There are fifty-two feet of steel and wooden shelving along the west wall, housing three feet of bound volumes and forty-nine feet of unbound material, or ninety-five per cent of the judge's records and two per cent of the highway department's records. A desk, table, and six chairs furnish accommodations for users.

The county farm agent has two rooms on the north side of the first floor. One room, measuring 12x14x14, contains twenty-four feet of steel and wooden cabinets along the south wall, housing twenty-four feet of unbound material, or ten per cent of the agent's records. The other room, measuring 12x23x14, contains thirty-five feet of steel and wooden shelving, in cabinets and along the west wall, housing five feet of unbound material and thirty feet of miscellaneous papers, or sixty-five per cent of the agent's records. These rooms are crowded and there are inadequate accommodations for users. The remainder of his records are in the home demonstration agent's office and the trustee's vault.

The home demonstration agent's office, measuring 19x19x14, on the north side of the first floor, contains one hundred and thirty feet of steel and wooden shelving, in cabinets and along the south wall, housing

one hundred and thirty feet of material, or all of her records and ten per cent of those of the county farm agent. This office is crowded, and there is no room for expansion. Accommodations for users are poor.

The trustee's office, measuring 19x19x14, on the northwest corner of the first floor, contains six feet of steel shelving under a customers' counter in the center of the room, housing six feet of bound volumes and two feet of unbound material, or ten per cent of the trustee's records. Although there is ample space and good accommodations for users, some additional shelving is needed. The adjoining records vault, measuring 6x21x12, contains one hundred and forty-five feet of wooden shelving along the east, west and south walls, housing ninety-one feet of bound volumes and forty-two feet of miscellaneous papers, together constituting ninety per cent of the records of the trustee, fifteen of the county farm agent, and five of the highway department. The vault is crowded and there are no accommodations for users.

The superintendent of schools' office, measuring 19x13x14, is on the southwest corner of the first floor. There are ten feet of steel and wooden shelving in cabinets and along the north wall, housing three feet of bound volumes and seven feet of unbound materials, or all of his records.

The register's office, measuring 16x18x14, is on the southeast corner of the first floor. There are eleven feet of steel shelving under a customers' desk, housing three feet of unbound material, or two per cent of the register's records. The customers' desk, with other desks and tables and chairs, furnish adequate accommodations for users. The adjoining records vault, measuring 11x16x14, houses the remaining ninety-eight per cent of the register's records, consisting of three hundred and twelve feet of bound volumes on the same number of feet of steel and wooden shelving along the north, east and west walls. There are adequate accommodations for users, but some additional shelving is needed.

The highway department's office, measuring 24x9x12, is on the south side of the second floor. There are twenty-seven feet of steel and wooden shelving, in cabinets and along the east wall, housing eight feet of bound volumes and nineteen feet of unbound material, or ninety-three per cent of the department's records. The remainder of the department's records are kept in the county judge's office and the trustee's vault. A desk and five chairs furnish good accommodations for users.

The clerk and master's office, measuring 14x16x12, is on the southeast corner of the second floor. There are three feet of wooden shelving, along the west wall, housing three feet of bound volumes, or two per cent of this clerk's records. Two desks and sufficient chairs furnish good accommodations for users. The remaining ninety-eight per cent, consisting of one hundred and sixty-four feet of bound volumes and one hundred and thirty-six feet of unbound material, is in the adjoining records vault on three hundred feet of steel and wooden shelving, along the north, east and

south walls. Although the accommodations for users are adequate, some additional shelving is needed.

The circuit court clerk's office, measuring 14x16x12, is on the northeast corner of the second floor. There are fifty-one feet of wooden shelving in the cabinets along the south wall, housing nine feet of bound volumes and twenty-two feet of unbound material, or about twelve per cent of this clerk's records. Two desks and six chairs furnish good accommodations for users. The remaining eighty-eight per cent, consisting of eighty-nine feet of bound volumes and one hundred and twenty-eight feet of unbound material, is housed in the adjoining records vault, on two hundred and twenty-eight feet of steel and wooden shelving along the east and west walls. There are good accommodations for users.

The county poor farm is three miles east of Brownsville on U. S. Highway 70. The administration building, a brick structure erected in 1930, is 32x47x16, and contains 24,064 cubic feet of space. The superintendent's office, measuring 14x12x12, is on the south side of the first floor. All of the records of the poor farm are kept in a wooden file box on the superintendent's desk. The desk and four chairs furnish sufficient accommodations for users.

The county physician's office, measuring 8x15x12, is on the south side of the second floor of the First State Bank Building. Ninety per cent of the physician's records, or one foot of bound volumes, is kept in a desk in the office. The desk and four chairs provide good accommodations for users.

The sheriff is required by law to have his office at the county jail. The jail, built in 1872, is a two-story, brick and steel structure on North Jackson Street. Housing the sheriff's offices on the first floor and the prisoners' quarters on the second floor, the building measures 52x46x32 and contains 76,544 cubic feet of space. Damaged by fire set by prisoners in 1937, the jail has been remodeled and is equipped with modern steel cell blocks. All of the records of the sheriff, consisting of one foot of unbound material are in the sheriff's quarters on the south side of the building.

4. ABBREVIATIONS, SYMBOLS, AND EXPLANATORY NOTES

Abbreviations

ad.	adjourned
alph.	alphabetical or alphabetically
approx.	approximate or approximately
arr.	arrange or arranged
art.	article
aver.	average

C	Code of (See "Bibliography" for full titles of codes and compilations)
ch., chs.	chapter, chapters
chron.	chronological or chronologically
co. ct. clk.	county court clerk
co. j.	county judge
Const.	Constitution
ed., eds.	editor, editors
ex.	extra
hdw.	handwritten
ibid.	ibidem, the same
i. e.	that is
L.A.	Local Acts of the General Assembly
N. C.	North Carolina
no.	number, numbered, or numbering
num.	numerical or numerically
op. cit.	opere citato, in the work cited
p., pp.	page, pages
P.A.	Public Acts of the General Assembly; or Acts of the General Assembly
Pr.A.	Private Acts of the General Assembly
pt.	part
ptd.	printed
sec., secs.	section, sections
ses.	session
subdiv.	subdivision
subsec.	subsection
Survey	Historical Records Survey
v	versus
vol., vols.	volume, volumes
yr., yrs.	year, years

Symbols

x	by
--	placed after a year date means from that year to present time

Explanatory Notes

Throughout this book the arrangement of entries, each entry representing a record, is by bureaus and by subjects within each of these divisions. The bureaus themselves are arranged in related groups. For example, the bureaus of a judicial nature are grouped together. The same is true for the so-called public service group, including highways, education, and health. Within each bureau related entries are grouped together under subject headings and frequently thereunder by sub-headings.

The titles in the individual entry may be interpreted in the following manner: the actual title of a record is in upper case letters but if

Abbreviations, Symbols, and Explanatory Notes (First entry, p. 40)

The titles in the individual entry may be interpreted in the following manner: the actual title of a record is in upper case letters but if this exact title is vague, misleading, or otherwise inadequate, an assigned explanatory title is given. This explanatory title is in lower case letters enclosed in parentheses and immediately follows the actual title. If a record has no title and it has thus been necessary to assign one, the assigned title is in upper case letters and is enclosed in parentheses.

The years for which a record is available is shown immediately following the title. The use of a dash between two dates indicates the inclusive years for which a record is available. A single date followed by two hyphens indicates that the record is current and dates from the year given. Dates are broken to indicate years for which a record was not made or could not be located.

The labeling of a record is shown by figures or letters in parentheses immediately following the number of volumes, file boxes, or other type of container.

Since the vast majority of the records in this county is housed in the courthouse, only the name of the office or room in which a record may be found is given. If all the records of an office, which are listed under that office, are in one place, the location reference has been omitted; if, however, records are divided between the main office and the vault, the word "office" or "vault" is used to indicate the location of the given record. In all other instances the exact location of each record is given. The location of each office and department is set out in the section entitled "Housing, Care, and Accessibility of Records."

Unless the index to a record is self-contained, an entry for the index, if there is one, immediately follows the record entry. Cross references are employed in exceptions to this rule.

Except in the section entitled "Housing, Care, and Accessibility of Records", in which measurements are given in feet, measurements are given in inches, unless otherwise indicated, and therefore the symbol (") is omitted.

Unless otherwise specified, the record is in good condition.

An effort has been made to keep terminology uniform. However, the terms "justice of the peace" and "magistrate" are practically synonymous and in practice and throughout this book these terms are used interchangeably.

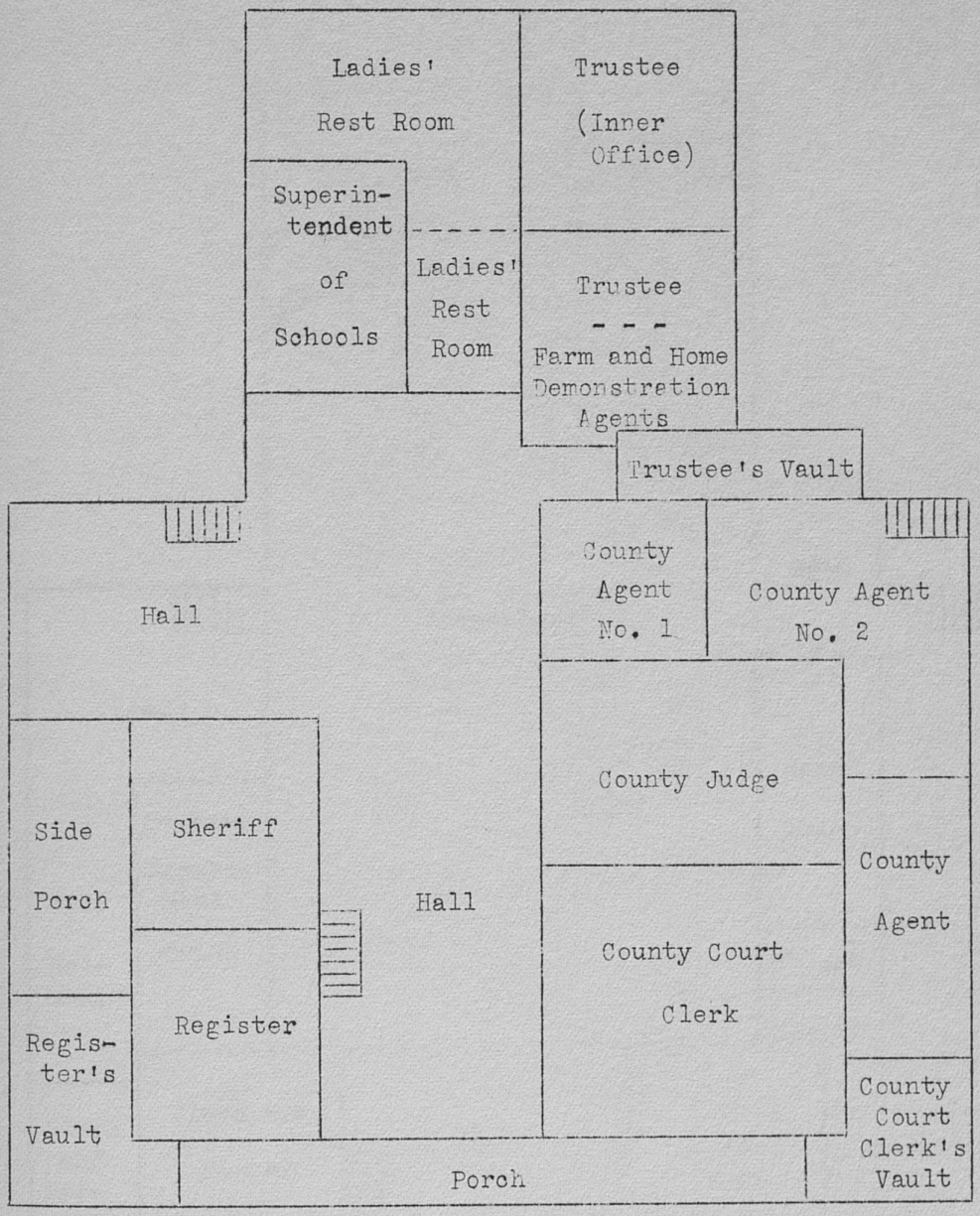
The purpose of the chronological index is to furnish the researcher a guide to the entries in which all records covering a particular decade or part thereof may be found. The closing date in the final decade corresponds with the date of the recheck.

Abbreviations, Symbols and Explanatory Notes (First entry, p. 40)

The North Carolina statutes cited are contained in volumes 23, 24, and 25 of the State Records of North Carolina. The name following a citation to a court case is that of the attorney-general and reporter under whose name the volume of supreme court reports containing the case was published. The number preceding the name is the volume number; that following, the page number.

The omission in a citation of part of a title, such as Const., P.A., and Pr.A., means that the portion of the title omitted is the same as that of the preceding item.

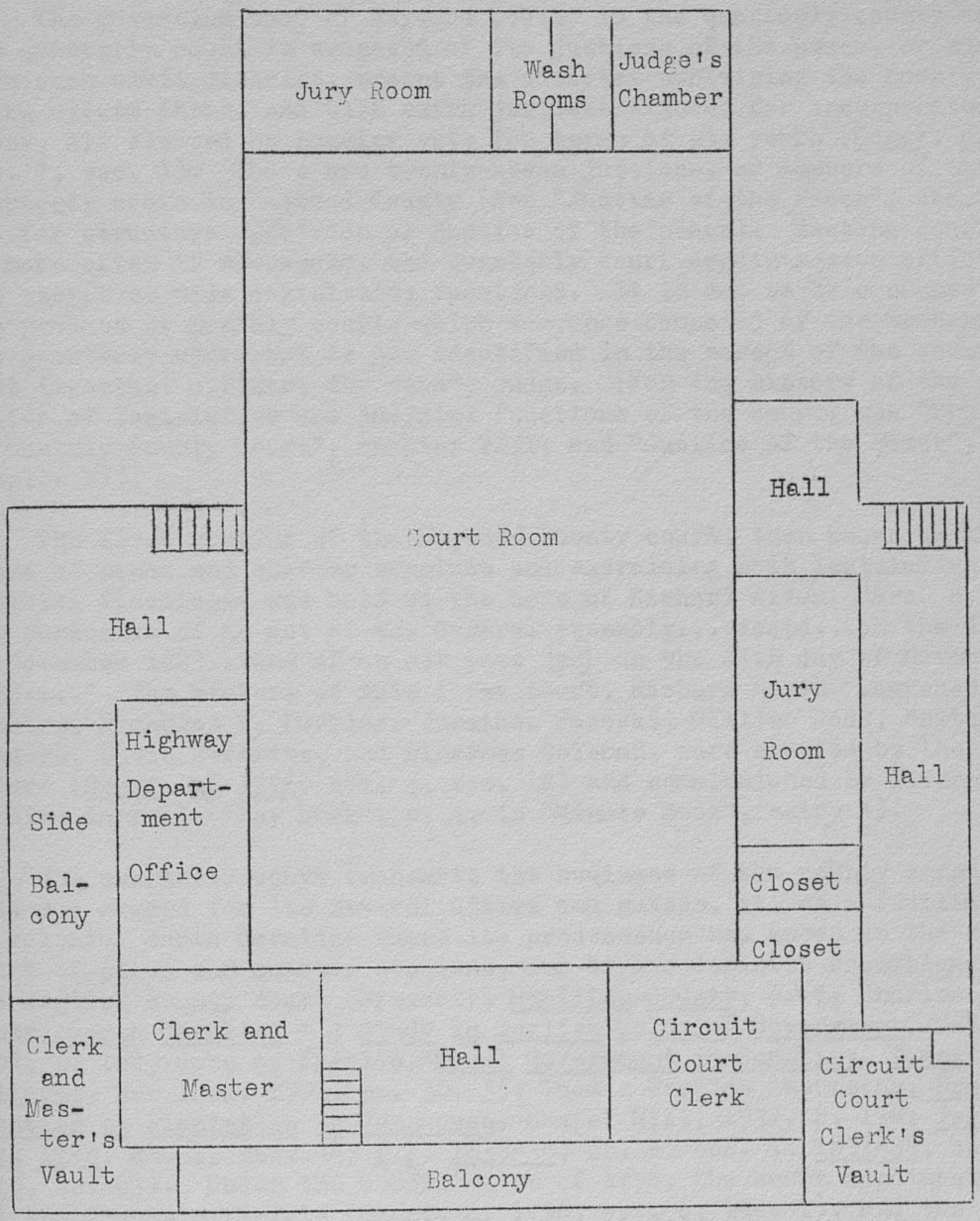
The statutory provisions set out in the legal essays as being the law at the present time were in force on January 1, 1939. No attempt was made to incorporate in this book the statutes already enacted by the 1939 legislature, which is currently in session.



Scale: 1 inch equals 16 feet

First Floor Plan

H A Y W O O D C O U N T Y C O U R T H O U S E



Scale: 1 inch equals 16 feet

Second Floor Plan

H A Y W O O D C O U N T Y C O U R T H O U S E

(First entry, p. 40)

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

The governing body of Haywood County is the quarterly county court. The quarterly court is composed of two justices of the peace, or squires, from each civil district, except the district containing the county seat, which elects three, and with extra justices allowed for incorporated towns, all elected by popular vote for terms of six years (Const. of 1870, art. 7, sec. 1). There are twenty-seven justices, or members of the quarterly court in Haywood County (See "Justice of the Peace", chapter XI, for structure of office of justice of the peace). Meeting quarterly, or more often if necessary, the quarterly court appoints some officers and exercises wide legislative functions. It is not to be confused with the probate or monthly court, which was once composed of the members of the quarterly court but is now identified in the person of the county's most important officer, the county judge. (For the history of the separation of legislative and judicial functions of the court, see "Probate or Monthly County Court", chapter VIII; and "Justice of the Peace", chapter XI).

The first meeting of the Haywood County court, then known as the court of pleas and quarter sessions and exercising both legislative and judicial functions, was held at the home of Richard Nixon, March 8, 1824, "in pursuance of an act of the General Assembly...passed...on the 3rd day of November 1823...and of an act pass [ed] on the 24th day of November 1823...." The members of this first court, Richard Nixon, Lawrence McGuire, Nicholas T. Perkins, Jonathan Jacocks, William Dodd, Britain Sanders, David Jeffries, and Blackman Coleman, were elected by the legislature (Const. of 1796, art. 5, sec. 12) and commissioned by Governor William Carroll ("Day Book", p. 1, in "Minute Book", entry 4).

The quarterly court transacts the business of the county corporation. With due regard for its several titles and guises, it was a familiar body in colonial North Carolina where its predecessor was known as the county court of pleas and quarter sessions, and bore a definite resemblance to the English county court (Prescott, Hamilton County, p. 9; Charles L. Raper, North Carolina - A Study in English Colonial Government, New York, 1904, p. 162; John A. Fairlie, Local Government in Counties, Towns, and Villages, New York, 1906, pp. 30, 35; Thomas Perkins Abernethy, From Frontier to Plantation in Tennessee, Chapel Hill, 1932, p. 136; Territorial Acts 1794, ch. 1, sec. 44; P.A. 1835-36, ch. 6, sec. 1; 1837-38, ch. 135; 1875, ch. 63). Under the Constitution of 1796, the court appointed nearly all the county officials (Const. of 1796, art. 6, sec. 1), and the members of the court themselves were elected by the legislature to hold office during good behavior (ibid., art. 5, sec. 12). Although its appointive powers were lessened by the Constitution of 1834, which also made the members elective by popular vote for six year terms (Const. of 1834, art. 6, sec. 15), the quarterly court still appoints one constitutional officer, the coroner, and elects all other officers and designates the membership of all statutory bodies not filled or designated by popular vote, such as the surveyor, the county physician, the educational and some revenue bodies, and the other minor officials and agencies created by public or

local enactments (Const. of 1834, art. 7, secs. 1, 2; 1870, art. 7, secs. 1, 2; art. 11, sec. 17; P.A. 1925, ch. 115, sec. 6; 1885, ch. 94, sec. 4; 1891, ch. 123, sec. 4; 1907, ch. 602, secs. 32, 76; 1845-46, ch. 88; 1929, ch. 81, sec. 5; 1841-42, ch. 101). The first action of the court in Haywood County, in 1824, was to elect the several county officers and take their official bonds ("Day Book", p. 1, in "Minute Book", entry 4).

In addition to its appointive powers and duties, the quarterly court fixes the tax levy, adopts a budget, appropriates money for general "county purposes", such as for schools, roads, hospitals, and almshouses; construction and maintenance of public buildings and institutions, approves official bonds, corrects errors in tax lists, and, at its discretion, exempts the aged and infirm from payment of poll and road commutation taxes (Prescott, Hamilton County, p. 11, P.A. 1845-46, ch. 97; 1851-52, ch. 171; 1829, ch. 88, sec. 1; 1809, Sept. ses., ch. 81; 1837-38, ch. 135, sec. 2; 1827, ch. 49, sec. 15; 1841-42, ch. 101, 1875, ch. 63, sec. 6; 1875, ch. 63; 1895, ex. ses., ch. 4, secs. 2, 14; 1909, ch. 479, sec. 2; 1915, ch. 101, sec. 2, 1907, ch. 573, secs. 1, 2; 1869-70, 1st ses., ch. 81, sec. 9). Supposedly, the state has fixed a limit at which the quarterly court may set the tax rate, but the exemptions allowed are so numerous and so important that for all practicable purposes there are no restraints placed on the quarterly court (P.A. 1915, ch. 101, sec. 2; 1909, ch. 479, sec. 2).

The presiding officer of the quarterly county court of Haywood County is the county judge, an inferior judge elected by popular vote for an eight year term (Const. of 1870, art. 6, sec. 4; P.A. 1855-56, ch. 253; Pr.A. 1933, ch. 695). In counties not having a county judge, the presiding officer of the quarterly court is the chairman of the court, elected by and from the membership of the court each year. With the exception of a two year interval (P.A. 1855-56, ch. 253; 1857-58, ch. 5), when all counties had a county judge instead of a chairman, the latter served Haywood County from 1824 to 1933, when the county judge replaced the chairman ("Day Book", p. 2, in "Minute Book", entry 4; Pr.A. 1933, ch. 481). As presiding officer of the quarterly court, the county judge's duties are relatively simple so far as the statutory requirements are concerned. He is required to preside over the quarterly session of the court and to call it into special session if necessary (P.A. 1857-58, ch. 38, sec. 4). As financial agent he receives reports from county officials and makes detailed reports to the court (P.A. 1855-56, ch. 253, sec. 8; 1879, ch. 76, sec. 3, 1857-58, ch. 38, sec. 8. For the duties of the county judge as administrative and financial agent of the county, see "County Judge", chapter II). Of course, in practice his duties as presiding officer of such a volatile body as the quarterly court may and usually do involve the necessity of doing a number of things ignored by the statutes. The first chairman of the Haywood County court was Richard Nixon, a member of the court, elected chairman as the first action of the court ("Day Book", p. 2, in "Minute Book", entry 4).

The county judge's duties as a judicial officer are discussed in "Probate or Monthly County Court", chapter VIII, and "Juvenile Court", chapter IX.

Quarterly County Court (First entry, p. 40)

The clerk of the quarterly court is the county court clerk, whose duties as clerk of the quarterly court are performed in only one of the several roles he assumes. The county court clerk is also the clerk of the probate or monthly court (See "Probate or Monthly County Court", chapter VIII), and is a registration and revenue agent of the state (See "County Court Clerk", chapter III).

Under the Constitution of 1796 the Haywood County court clerk was elected by the court of pleas and quarter sessions from 1824 to 1835 to serve during good behavior (Const. of 1796, art. 5, sec. 10; "Day Book", p. 2, in "Minute Book", entry 4). Since 1835, when the Constitution of 1834 went into effect, he has been elected by popular vote for a term of four years (Const. of 1834, art. 6, sec. 13; 1870, art. 6, sec. 13). The office in Haywood County dates from March 8, 1824, when Britain H. Sanders was elected clerk of the court ("Day Book", p. 2, in "Minute Book", entry 4).

As clerk of the quarterly court, the county court clerk performs the broad duties normally expected of the clerk of such a body (P.A. 1855-56, ch. 253, sec. 7). He is required to keep the court's minutes and other records. He also keeps reports to the quarterly county court of various officers, such as the general reports of the county judge, the revenue reports of the clerk and master and justices of the peace, and reports of the trustee, the sheriff, the workhouse commission, and other bodies (Territorial Acts 1794, ch. 1, sec. 26; P.A. 1801, ch. 6, sec. 44; 1847-48, ch. 113). He is further required to spread on the records of the quarterly court every bond made before the court (P.A. 1847-48, ch. 113). He is required to list in a book provided for the purpose all appropriations and allowances made by the court on claims of jurors and officiers for attendance or other claims chargeable against the county, setting forth the character, description, and for what purpose made, including the date and amount of the allowance, and the book and page numbers of the minutes in which the order may be found (P.A. 1827, ch. 49, sec. 16); to issue orders or certificates to the parties entitled, authorizing the county judge to issue his warrant for the amount claimed (ibid.); to make out at the first meeting of quarterly court each year a balance sheet of revenue and disbursements of the county for the preceding year, giving the several sources of the revenue and items of disbursements plainly, and post the sheet on the outside wall of the courthouse (ibid., sec. 27); to produce to the judge of the circuit court, each year, the bonds of all officers taken during such year by the quarterly court (P.A. 1843-44, ch. 103, sec. 11); to receive and preserve the journals of congress, statutes, and other public documents entrusted to him by law and deliver the same to his successor (P.A. 1831, ch. 6; 1835-36, ch. 76, sec. 4); and to serve personal notice on members of the quarterly court when the county judge has issued a call for a special session if no newspapers are published in the county (P.A. 1889, ch. 257, secs. 2, 3).

The county court clerk's duties as clerk of the probate or monthly county court are discussed in "Probate or Monthly County Court", chapter

VIII, and his duties as a state registration and revenue agent are discussed in "County Court Clerk", chapter III.

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

Original Papers

1. (MISCELLANEOUS PAPERS), 1861--. 149 file boxes (lettered). Original minutes and papers of the quarterly county court, including quarterly and annual reports from county bureaus and agencies, bonds of county officials, petitions to the court, and all instruments and records from which the recorded minutes are compiled. Contains: (Original Papers of the Probate Court), entry 137. Arr. alph. by names and subjects. No index. Hdw. and typed on ptd. forms. 11x5x18.

Court Proceedings
(See also entries 1, 6)

2. AYE AND NO DOCKET, 1909-10, 1923-24, 1926-30. 1 vol. Recorded votes of members on matters coming before the court, showing name of member, civil district number, subject of resolution, date of court term, and result of vote. Arr. chron. No index. Hdw. on ptd. form. 60 pp. 11x16½x1.

3. APPROPRIATION BOOK, 1875--. 2 vols. (2; 1 vol. not labeled). A record of allocation of county funds, made by the quarterly court, for maintenance of county bureaus and institutions, and payment of claims against the county, showing date of claim, purpose and amount of payment requested, amount allowed, and signature of person receiving payment. Arr. chron. No index. Hdw. on ptd. form, 1875-1935; typed on ptd. form, 1936--. Aver. 200 pp. 18x12x2.

For other records of appropriations, see entry 14.

4. MINUTE BOOK, 1824-31, 1834--. 27 vols. (1, C-L, 2-17).
Title varies: 1824-43, Day Book.
Recorded minutes of the proceedings of the quarterly sessions of the county court, including many various and sundry records recorded in these volumes as provided for by law. Some of the more important actions recorded herein are: Fixing of the tax levy, adoption of a budget, receiving

financial reports from county officials and institutions, appropriation of funds for the maintenance and operation of county offices and institutions, and several score items of a similar nature. Contains: (Minutes of the Probate Court) entry 143; Officers Bonds, 1889--, entry 9. Arr. chron. 1824-31, 1900--, indexed alph. by names and subjects; 1834-99, indexed in separate vol. Hdw., 1824-1902; typed, 1903--. Aver. 500 pp. 12x18x2.

5. INDEX TO MINUTE BOOKS, 1834-99. 2 vols.
An alphabetical index to the minutes of the quarterly court, showing subjects and names, and book and page numbers of recording. Contains: (Index to Minutes of the Probate Court), entry 144. Arr. alph. by names or subjects. Hdw. on ptd. form. Aver. 250 pp. 12x8x2.

Road Records

6. ROAD ORDERS, 1875-91. 3 vols. (1, 2; 1 vol. not labeled).
Title varies: 1875-80, Road Book; 1889-90, Road Minutes.
Orders of the quarterly court in connection with the appointment of road overseers, showing name of overseer, name of road to which assigned, boundaries of road, and names of other employees. Arr. chron. Indexed alph. by name of overseer. Hdw. on ptd. form. Aver. 200 pp. 16x11½x1½.

7. ROAD DEED BOOK, 1908, 1910. 1 vol.
Deeds for rights-of-way acquired by the county for purposes of highway construction, showing date of transaction, location and description of property, name of grantor, purchase price, and acknowledgments of contracting parties as taken by the clerk. Arr. chron. No index. Hdw. on ptd. form. 200 pp. 19½x14x2.
For subsequent record of deeds, see entry 33.

8. ROAD CONTRACTS AND BONDS, 1900-1909. 1 vol. (1).
Contracts entered into between road contractors and the county, and bonds of contractors to insure proper execution of contract, showing name of contractor, amounts involved, and terms of agreement. Arr. chron. No index. Hdw. on ptd. form. 200 pp. 16x11½x1½.
For other records of bonds, see entry 60.

Official Bonds

9. OFFICERS BONDS, 1826-87. 3 vols. (A, 2; 1 vol. not labeled).
Title varies: 1826-40, Record of Bonds.
Copies of bonds executed by county officials, showing names of principal and sureties, amount of bond, condition of the obligation, and limiting dates of the bond. Officials whose bonds appear in these volumes are constable, notaries public, road tax collector, justices of the peace, revenue commissioner, sheriff, tax collector, trustee, coroner, ranger, register, superintendent of workhouse, surveyor, assessor, and railroad tax collector. Also includes a record of clerk's fees for 1886; list of

deeds probated, 1834, entry 163. Arr. chron. No index. Hdw. on ptd. form. Aver. 300 pp. 13x8x1½.

For subsequent records, see entries 1, 10-13.

10. CONSTABLE ACCOUNTS (Bonds), 1888--. 1 vol. (1).
Bonds made by constables to insure faithful performance of duties, showing name of constable, civil district in which elected, amount and date of bond, condition of the obligation, and signatures of principal and surety. Arr. chron. Indexed alph. by name of constable. Hdw. on ptd. form. 220 pp. 8½x14x2.

For prior records, see entry 9.

11. MAGISTRATE'S BOND, 1888--. 2 vols.
Bonds executed by magistrates to insure faithful performance of their official duties, showing names of principal and sureties, amount of bond, condition of the obligation, oath, and signatures of principal and sureties. Arr. chron. Indexed alph. by name of principal. Hdw. and typed on ptd. form. Aver. 50 pp. 14x9x1.

For prior records, see entry 9.

12. ASSESSORS' BONDS AND OATHS, 1904-20. 1 vol.
Bonds executed by tax assessors binding them to well and truly assess all property at its correct value, showing date of bond, names of principal and surety, condition of the obligation, amount of the bond, oath and signatures of principal and surety. Arr. chron. Indexed alph. by name of assessor. Hdw. on ptd. forms. 150 pp. 14x9x1.

For prior and subsequent records, see entries 1, 9.

13. NOTARY PUBLIC BONDS, 1915--. 2 vols. (1, 2).
Copies of bonds executed by notaries public to insure faithful and proper performance of duties, showing names of principal and sureties, amount of bond, condition of the obligation, official appointment by the governor, date appointment expires, oath administered by a justice of the peace, and approval of the county judge. Arr. chron. Indexed alph. by name of notary. Hdw. on ptd. form. Aver. 150 pp. 14x8½x1.

For prior records, see entry 9.

Financial Records
(See also entries 1, 3)

14. REVENUE DOCKET, 1828-53, 1875-1900, 1929--. 5 vols. (A, 1; 3 vols. not labeled).
A record of receipts and disbursements showing in detail the source of collections and allocation of funds received. Record of collections shows date received, source of payment, and amount, record of disbursements shows date of payment, name of payee, purpose, and amount of payment. Volume "A" contains a record of double taxation for the year 1828; a record of claims due from the county trustee to sundry persons; a list of expenditures authorized by the court; also a list of jurors serving

in circuit court, showing name of juror, and number of days in attendance. Arr. chron. No index. Hdw. on ptd. form. Aver. 200 pp. 16x11x1.

15. TAX DUPLICATE, 1872-1902. 14 vols.
a duplicate list of taxable property by civil districts, showing name of owner, location and description of property, number of acres, number of town lots, assessed value, personal property over $1000, total assessed valuation of both real and personal property, number of polls, amounts of state and county taxes, and total of all taxes. Arr. num. by civil districts and alph. thereunder by name of property owner. No index. Hdw. on ptd. form. Aver. 250 pp. 18x12x2.
For original tax rolls, see entry 209.

II. COUNTY JUDGE
(As Administrative and Financial Agent of the County)

The important office of county judge was created by statute rather than by constitutional provision, and it is not mandatory for counties to fill the office, although most counties, including Haywood, have done so. In counties not having a county judge, his counterpart is a comparable but less responsible officer, the chairman of the county court, elected by and from the membership of the quarterly court for a term of one year, as was the situation in Haywood County from 1824 to 1856 and from 1857 to 1933 (P.A. 1855-56, ch. 253; 1857-58, ch. 5; Pr.A. 1933, ch. 481; "Day Book", p. 2, in "Minute Book", entry 4).

A general law of 1856 created the office in each county of the state (P.A. 1855-56, ch. 253), but this sweeping statute was repealed twenty-one months later at the next session of the legislature (P.A. 1857-58, ch. 5), and since then county judgeships have been created for separate counties from time to time. Oddly enough, the code compilers have held that the 1856 statute regulates the office of county judge once it is established in a county by local act (C 1932, 769; C 1858, 421). The present office of county judge was created in Haywood County in 1933. Because he is an inferior judge, as discussed in "Probate or Monthly County Court", chapter VIII, the county judge is elected by popular vote for an eight year term (Const. of 1870, art. 6, sec. 4; C 1917, 519, citing State ex rel. v McKee, in 8 Lea 24, 28). Likewise as an inferior judge, he may be removed from office only by the legislature (Const. of 1870, art. 6, sec. 6). The judge's salary is fixed by the enabling act of 1933 at $1200.00 (Pr.A. 1933, ch. 481, sec. 13) and cannot be changed during his term as an inferior judge, but for his services as agent, it may be increased by the quarterly county court (C 1917, 519).

As in practically all counties, the county judge operates under the general law, although the Haywood County special act went to the trouble of enumerating nearly all of his duties (Pr.A. 1933, ch. 481). Entirely aside from his duties as presiding officer of the quarterly county court,

probate judge and juvenile judge, discussed in "Quarterly County Court", chapter I; "Probate or Monthly County Court", chapter VIII, and "Juvenile Court", chapter IX, the county judge is the responsible executive head of the county. Unrelated to his duties in the courts, he is the administrative and financial agent of the county.

As accounting officer and general agent, the county judge acts as custodian of county property and as auditor of claims against the county and settles accounts with other county officers (P.A. 1855-56, ch. 253, sec. 8; 1857-58, ch. 38, sec. 8; Pr.A. 1933, ch. 481, sec. 5). In this capacity the county judge is required to draw warrants on the trustee, to reduce to writing the testimony of witnesses in revenue hearings, to examine minutely and settle accounts of all officers receiving and collecting revenues and require them to make periodic statements, to make reports of settlements and statements to the quarterly county court, to make duplicates of settlements, to make out a list of persons engaged in privileges on information from the tax assessor, and forward these lists to the comptroller of the treasury (P.A. 1879, ch. 162, sec. 2; 1907, ch. 602, sec. 45; Pr.A. 1933, ch. 481, sec. 5).

In this administrative capacity, the county judge is further empowered and directed to employ counsel, if necessary; to demand the records of any clerk regarding county revenues, to summon witnesses to revenue hearings, to call collectors of county revenues to make settlements with him, to transfer each year all balances to their respective accounts for the ensuing year, so that he may show plainly the condition of the county treasury; to demand of the county court clerk a statement showing the condition of all delinquent tax accounts in the hands of collectors, and to determine the amounts of unclaimed money in hands of clerks, and if such money remains unclaimed for two years, transfer it to the county treasury (C 1932, 1059; P.A. 1879, ch. 162, sec. 2; 1907 ch. 602, sec. 45; 1855-56, ch. 253, sec. 8; 1857-58, ch. 38, sec. 8; 1845-46, ch. 32, sec. 1; Pr.A. 1933, ch. 481).

He is required to keep, opposite each other, two sets of accounts, one set showing accounts chargeable against each collection and disbursement officer and the trustee, and, on the opposite sheet, an account of each item or credit to which each officer is entitled (C 1858, 520-7; C 1932, 1059-7); to keep in an account book a complete record of receipts and disbursements, and to keep a warrant register (P.A. 1855-56, ch. 253, sec. 8; 1857-58, ch. 38, sec. 8; Pr.A. 1933, ch. 481, sec. 5). Important among the records kept by the county judge of Haywood County are a complete record of receipts and disbursements, vouchers, cancelled warrants, a record of payable warrants, a warrant register, and a bond register.

Reports

County Officials

16. REPORTS OF CIRCUIT COURT CLERK AND BILLS OF COST, 1926--.
5 file boxes.

Quarterly and annual reports of judgments and fees collected by the

County Judge - Reports (17-22)

Circuit court clerk, showing date of report, names of plaintiff and defendant, amount of fine, state and county taxes and fees, attorney-general's fees, date case disposed of, and total of all revenue collected. Bills of cost show an itemized account of all fees and fines accrued in cases before the court. Contains: (Workhouse Sentence), entry 267. Arr. chron. No index. Hdw. on ptd. forms. 4½x4½x10. Office.

17. CLERK AND MASTER'S REPORT, 1929-31. 1 file box.
Annual report of the clerk and master to the county judge on receipts and disbursements of his office, showing date of report, style of case, date filed, execution docket page number, amount of fees, total collections, total amount of fees due clerk, balance due county and state, and signature of the clerk and master. Arr. chron. No index. Hdw. on ptd. form. 4½x4½x10. Office.

18. JAIL BOARD BILLS (Sheriff's Report), 1933--. 1 file box.
Sheriff's report on cost of boarding prisoners, showing name of prisoner, length of sentence, and amount claimed for board. No Arr. No index. Hdw. on ptd. form. 4½x4½x10. Office.

19. (COUNTY JUDGE'S QUARTERLY REPORT), 1927--. 1 file box.
Duplicates of reports, as compiled and submitted by the judge to the quarterly court, of receipts and disbursements of various county officials collecting revenue, such as county court clerk, trustee, clerk and master, circuit court clerk, and register, showing source of collection, amount received, purpose for which disbursement is made, amount of payment, and distribution of credit and debit balance to departments. Arr. chron. No index. Hdw. 4½x4½x10. Office.

20. AUDITOR'S REPORT, 1930--. 2 vols., 1 file box.
A detailed report of state auditors on the financial condition of county offices, showing name of office for which audit is made, date of period covered, balance on hand at beginning of period, receipts and disbursements, and balance on hand at the end of reported period. Arr. chron. No index. Typed. Vols. aver. 100 pp. 8x10x½; file box, 4½x4½x10. Office.

Institutions

21. WESTERN STATE HOSPITAL REPORT, 1927--. 1 file box.
A financial report from the state hospital for the insane on the cost of feeding and clothing county patients, showing name of patient, amount expended for food, amount expended for clothing, and total; also includes petitions to county court for commitment of persons to this institution, showing name of person to be committed, and the reason therefor. Arr. chron. No index. Hdw. and typed. 4½x4½x10. Office.

22. COUNTY FARM ACCOUNT, 1928-30. 1 file box.
Reports of expenditures of the county poor farm, including invoices and receipted bills, covering expenditures for such items as food, supplies,

fuel and medicine, showing date of purchase, purpose for which disbursement is made, and amount. Arr. chron. No index. Hdw. on ptd. form. 4½x4½x10. Office.

23. HAYWOOD COUNTY HOSPITAL QUARTERLY REPORT, 1931--. 1 file box. A financial report made to the county judge, showing amount appropriated for maintenance, total disbursements, for such things as superintendent's salary, supplies, fuel, and nurses' salaries, total number of paid cases and other hospital earnings, from such sources as x-rays and laboratory examinations, and an account of charity patients treated. This hospital is partially supported by county and city contributions. Arr. chron. No index. Hdw. on ptd. form. 4½x4½x10. Office.

Vital Statistics

24. BIRTHS AND DEATHS, 1929-34. 1 file box.
Certification by county court clerk authorizing payment for services of recorders reporting births and deaths, showing date of report, names of recorders, number of births and deaths reported by civil districts, and signature of the clerk. Arr. chron. No index. Hdw. on ptd. form. 4½x4½x10. Office.

For other records of vital statistics, see entries 56-58.

Financial Records
(See also entries 32, 33)

Funding Bonds

25. BOND RECORD BOOK, 1922--. 1 vol.
Record of bonds issued for payment of county indebtedness, and for financing such improvements as enlargement of the county high school, improvement of highways, and the courthouse, showing date of issue, date of maturity, amount of issue, rate of interest, record of payments of interest semi-annually, and retirement of bonds annually. Arr. chron. by date of issue and thereunder by date of payment. No index. Hdw. on ptd. form. 75 pp. 30x24x½. Office.

Warrants

26. (DUPLICATE WARRANTS), 1936--. 1 vol.
Duplicates of warrants forwarded to the trustee authorizing him to make payment for general expenses, showing date and number of warrant, amount and purpose of payment, and signature of the judge. Arr. num. and chron. No index. Hdw. on ptd. form. 200 pp. 6x18x1½. Office.

27. COUNTY WARRANTS (Stubs), 1919--. 1 vol. (stubs no. 1-1984).
Stubs of warrants issued by the judge to the trustee for payment of county indebtedness, showing warrant number, date issued, to whom issued, amount, purpose of payment, and signature of the judge. Arr. num. and chron. No index. Hdw. on ptd. form. 100 pp. 14½x14x1. Vault.

County Judge - Miscellaneous (28-33)

28. CHAIRMAN'S SETTLEMENTS WITH OVERSEERS, (Register of Warrants), 1893-99. 1 vol.
A record of warrants issued for materials, supplies, and maintenance of county roads, school supplies, salaries of tax assessors, members of board of equalization, and registration officers; inquests, paupers' coffins, and county asylum expenses, showing warrant number, date and to whom issued, purpose, account to which chargeable, and amount of payment. Arr. num. and chron. Indexed alph. by name of account. Hdw. on ptd. form. 200 pp. 14x9½x1. Vault.
For other records of warrants issued, see entry 29.

29. CHAIRMAN'S REGISTER OF WARRANTS, 1876--. 19 vols. (C, 1-6, 8-12, 1, 4, 5, 9; 3 vols. not labeled). Title varies: 1877-87, Register of Warrants.
A record of payable warrants issued, showing warrant number, date issued, to whom payable, purpose of payment, amount of warrant, account charged, and signature of person receiving the warrant. Arr. chron. No index. Hdw. on ptd. form. Aver. 250 pp. 16x11½x1½. 13 vols., 1876-1923, co. ct. clk's office; 6 vols., 1920--, office.

Disbursements

30. (LEDGER), 1936--. 1 vol.
An account of disbursements as shown by registration of warrants issued, showing date warrant issued, to whom payable, amount of payment, and account to which disbursement is charged. Arr. chron. No index. Hdw. on ptd. form. 75 pp. 9x15x½. Office.

31. ROAD DISTRICTS (Purchase Orders), 1928-29. 3 file boxes.
Orders, issued by the road supervisor, authorizing the chairman to make disbursements for road maintenance, for such items as material and equipment, teams, and labor, showing date of order, name of person to whom payment is due, purpose of payment, and amount paid. Arr. chron. No index. Hdw. on ptd. form. 4½x4½x10. Office.

Miscellaneous

32. MISCELLANEOUS FILES, 1934--. 2 file boxes, 1 jacket.
Correspondence, invoices, estimates, bids, insurance policies, and other miscellaneous papers concerning the business of this office. Arr. alph. by name of department, subject or correspondent. No index. Hdw. and typed. File boxes, 2½x11½x12½; jacket, 4x2½x10. Office.

33. HIGHWAY DEPARTMENT (Miscellaneous Papers), 1927-34. 1 file box.
Miscellaneous papers including quarterly reports of highway commission, deeds to rights-of-way for county roads, settlements for damage to property due to construction of roads, and receipted bills. Arr. chron. No index. Hdw. and hdw. on ptd. form. 4½x4½x10. Office.
For prior record of deeds, see entry 7.

(Next entry 34, p. 50)

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

Aside from his duties and functions as clerk of the quarterly county court (See "Quarterly County Court", chapter I), and as clerk of the probate or monthly county court (See "Probate or Monthly County Court", chapter VIII), the county court clerk performs important duties not related to his duties as a court clerk. If a generalization can safely be made characterizing him in his capacity as an independent officer, it is that he is a licensing official and a registration and revenue agent of the state. He is required to make a host of professional registrations and to issue a great variety of licenses and collect the fees and excises attached, and to perform certain other duties of a miscellaneous nature.

From 1824 to 1835 the county court clerk was elected by the court of pleas and quarter sessions and served during good behavior (Const. of 1796, art. 5, sec. 10; "Day Book", p. 2, in "Minute Book", entry 4). Since 1835 he has been elected by popular vote for a four year term (Const. of 1834, art. 6, sec. 13; art. 7, sec. 2; 1870, art. 6, sec. 13; art. 7, sec. 2). He may be removed by the court, upon conviction, for committing a misdemeanor in office, or a felony, or for violating the laws regulating the office (P.A. 1801, ch. 17; 1835-36, ch. 55, sec. 6). Vacancies are filled by the quarterly county court (C 1858, 818; C 1932, 1905). The clerk is paid on a fee basis with a ceiling at $2500.00 (Pr.A. 1933, ch. 590; C 1932, 10692, 10704). The first county court clerk of Haywood County, Britain H. Sanders, was elected by the court of pleas and quarter sessions on March 8, 1824, the day it convened ("Day Book", p. 2, in "Minute Book", entry 4).

Among his many duties in this registration and revenue capacity, the county court clerk is required to issue hunters' and fishermen's licenses and tags (P.A. 1923, ch. 102, sec. 1), to issue all privilege and other licenses required of merchants, companies, firms, corporations, agents, traders, and other persons; and to collect the taxes and fees attached thereto and deliver such moneys to the proper receiving officers, under a penalty of heavy fines (P.A. 1907, ch. 602, secs. 29, 47); to issue distress warrants to the sheriff against persons selling goods without prescribed licenses, commanding that officer to sell the delinquent's goods, or if practicable, himself sue in circuit or chancery courts (P.A. 1847-48, ch. 161, sec. 23; 1849-50, ch. 122); to receive from the tax assessor lists of persons pursuing privileges and compare it with his list of persons paying the prescribed privilege fees (P.A. 1907, ch. 602, sec. 45), to report monthly to the state board of equalization and to the state superintendent of taxation the names of all persons granted privilege licenses the preceding month (P.A. 1919, ch. 1, sec. 5; 1921, ch. 113, sec. 3), to issue citations against known violators of the privilege license laws (P.A. 1907, ch. 602, sec. 30, subsec. 5), to receive reports of auctioneers and commission agents, and to issue distress warrants in these cases if necessary (P.A. 1907, ch. 602, sec. 27, subsec. 2, sec. 28), to make an aggregate statement from the tax books, showing value and acreage of all town lots and other property assessed in the county, and forward this statement to the state superintendent of taxation each year (ibid.,

sec. 43); if called upon, to transmit to the state board of equalization and oaths of the members of the county board (ibid., sec. 35); to issue licenses to real estate agents and salesmen, and to watch for the death or insolvency of an agent's surety (P.A. 1929, ch. 65, sec. 1); to receive license fees of employment agencies and transmit notices of such action to the comptroller of the state, so that the state department of labor may issue to the agency the certificate required by law (P.A. 1917, ch. 78, sec. 1); and to license money lenders (P.A. 1925, ch. 153, sec. 1).

Among his duties in keeping records and performing certain acts involved in record keeping, he is required to keep a record, in a well-bound book, of the full description of all articles sold on artisans' liens (P.A. 1869-70, ch. 112, sec. 7; repealed by P.A. 1935, ch. 53); to receive assessment lists made by the state railroad and public utilities commission and approved by the state board of equalization (P.A. 1919, ch. 3, sec. 12; 1921, ch. 39), to keep records involved in the process of forming municipal corporations (P.A. 1875, ch. 92, sec. 2; 1877, ch. 121, sec. 6), to keep, in a well-bound book, the oaths of the tax assessor and his deputies, and members of the board of equalization (P.A. 1907, ch. 602, sec. 36); to keep the tax assessor's bond under penalty of conviction of misdemeanor (ibid., sec. 10), to receive complaints against tobacco warehousemen by planters and growers (P.A. 1870, ch. 65, sec. 7), to register, in a well-bound book, in alphabetical order, all births, with name, sex, color, names of parents, place of birth, and date (P.A. 1925, ch. 86, sec. 1); to register, in a well-bound book, in alphabetical order, all deaths, showing name, age, color, sex, place of death, place of birth, and cause of death (ibid., sec. 2); to receive reports of registrars of vital statistics (ibid., sec. 3), to register, in a well-bound book, the names of the parties and the date of issuance of marriage licenses, and to copy immediately the return of the proper functionary who solemnized the rites of matrimony, with the date, and to file and retain the licenses and return in his office (P.A. 1815, ch. 47; 1837-38, ch. 118, sec. 2); to record medical registrations (P.A. 1901, ch. 78; 1905, ch. 111), to record chiropractic licenses (P.A. 1923, ch. 9, sec. 9), to record, in a well-bound book, dentists' certificates of registration issued by the state dental board (P.A. 1913, 1st ex. ses., ch. 39, sec. 5; 1919, ch. 38, sec. 2); to record optometry licenses certificates, or permits in a well-bound book, and each year mail a copy of the book to the state board of optometry and to the state registrar of professions and trades, and also to transmit to these same destinations notices of deaths and removals (P.A. 1925, ch. 99, secs. 8, 9; 1935, ch. 129, sec. 7); to record osteopathy certificates (P.A. 1905, ch. 255, sec. 5), to record nurses' certificates and issue licenses (P.A. 1915, ch. 38, sec. 1), to record veterinary certificates presented for registration (P.A. 1905, ch. 76, secs. 11, 12), to receive pawnbrokers' petitions for licenses and to issue licenses after satisfactory bond has been given and all other requirements of law have been met (P.A. 1937, ch. 185, secs. 1-3), to record nurses' certificates and to issue and retain a copy of nurses' licenses (P.A. 1915, ch. 38, secs. 4, 5), to record all certificates of licenses issued by state board of medical examiners and keep a

commissioner's certificates of election returned by the sheriff (P.A. 1891, ch. 1, sec. 7), to record powers of attorney conferred on himself by fidelity companies (P.A. 1895, ch. 113, sec. 2), to keep copies of grants of authority issued to fidelity companies by the state commissioner of insurance and banking (P.A. 1895, ch. 175, sec. 3), to keep inheritance tax receipt duplicates (P.A. 1929, ex. ses., ch. 29, sec. 4, subdiv. 4), to keep "loan sharks'" bonds (P.A. 1925, ch. 153, sec. 3), to record cattle marks and brands (Laws of N. C. 1741, ch. 8, sec. 6), to keep merchants' bonds (P.A. 1907, ch. 602, sec. 27), to keep duplicates of original and renewed partnership licenses (P.A. 1879, ch. 132, secs. 1-3), to keep merchants' sworn statements of amount of capital invested (P.A. 1907, ch. 602, sec. 26, subsec. 1), to receive and retain auctioneers' and commission agents' statements of aggregate sales (ibid., subsec. 2), to receive and retain merchants' statements of capital in trade in the absence of a stock of goods (ibid., subsec. 3), to receive taxpayers' objections to sworn statements (ibid., subsec. 4), to keep receipts for unpaid privilege licenses and bonds delivered to county attorney or other prosecutor for action (ibid., sec. 28), to retain a detailed account of taxes collected and settlements with the comptroller (P.A. 1879, ch. 79, sec. 5), to record real estate agents' and salesmen's bonds (P.A. 1919, ch. 182, sec. 1), to keep a record of real estate agents' and salesmen's licenses issued (P.A. 1929, ch. 65, sec. 7), to record timber brands (P.A. 1901, ch. 54, sec. 2), to keep a cash book (P.A. 1897, ch. 26), to keep an account of all unclaimed money (P.A. 1845-46, ch. 32, secs. 2, 4), to take registration applications from motor vehicle owners and to issue licenses on the payment of the proper fees (P.A. 1919, ch. 149, sec. 15; 1923, ch. 10, sec. 108; 1935, ch. 55, secs. 6, 7), to issue certificates of transfer of motor vehicles and record the same (P.A. 1919, ch. 149, sec. 23; 1935, ch. 55, sec. 7), and to keep a register of all licensed motor vehicles (P.A. 1919, ch. 149, sec. 20).

Automobile Registrations

Record of Owners

34. AUTOMOBILE REGISTER, 1908--. 10 vols. (1-3; 7 vols. not labeled).
Record of licenses issued to operators of motor vehicles, showing date of issuance, weight and classification of vehicle, license number, name and address of owner, make of vehicle, motor number, whether or not vehicle is new, date of transfer, if any, and amount of tax and fee. Arr. chron. 1908-23, no. index; 1924--, indexed alph. by name of owner. Hdw. on ptd. form, 1908-33, 1935--; typed on ptd. form, 1934. Aver. 50 pp. 16x10½x1. Vault.

35. FREE AUTOMOBILE LICENSE, 1927-33, 1935--. 10 vols.
A record of free licenses issued to state or county officials, showing name of person to whom issued, official title, license plate number, and date issued. Arr. chron. No index. Hdw. on ptd. form. Aver. 50 pp. 16x13x½. Office.

County Court Clerk - Automobile Registrations (36-41)

Reports

36. AUTOMOBILE REPORTS, 1927--. 21 vols.
Duplicates of monthly reports, made to the motor vehicle division of the state department of finance and taxation, of licenses issued to motor vehicle owners, showing date of issuance, license plate number, motor serial number, name and address of owner, make and type of vehicle, and amount of fee. Arr. chron. No index. Hdw. on ptd. form. Aver. 50 pp. 16½x13x½. Office.

37. TRUCK LICENSE REPORT, 1927-36. 10 vols.
Duplicates of reports, to motor vehicle division of state department of finance and taxation, of all licenses issued to owners and operators of trucks, showing date license issued, license plate number, make and model of vehicle, tonnage, serial motor number, name and address of owner, and amount of fee. Arr. chron. No index. Hdw. on ptd. form. Aver. 50 pp. 16½x13x½. Vault.
For subsequent reports, see entry 36.

38. TAXI REPORT, 1928--. 7 vols.
Duplicates of reports, made to motor vehicle division of state department of finance and taxation, of all taxi licenses issued, showing date license issued, license plate number, serial motor number, name and address of owner, make and type of vehicle, and amount of fee. Arr. chron. No index. Hdw. on ptd. form. Aver. 50 pp. 16½x13x1½. Vault.

39. MOTORCYCLE AND DEMONSTRATION REPORT, 1928-36. 9 vols.
Duplicates of reports made to the motor vehicle division of the state department of finance and taxation of all licenses issued to automobile dealers for vehicles used for demonstration purposes, and to persons owning and operating motorcycles, showing name and address of person to whom license is issued, date license issued, license plate number, and make and model of vehicle, and amount of fee. Arr. chron. No index. Hdw. on ptd. form. Aver. 50 pp. 16½x13x½. Office.
For subsequent reports, see entry 36.

40. TRAILER LICENSE REPORT, 1931-35. 5 vols.
Duplicates of reports, made to the motor vehicle division of the state department of finance and taxation, of licenses issued to owners of automobile trailers, showing date license issued, name and address of owner, license plate number, type of vehicle, tonnage, and amount of fee. Arr. chron. No index. Hdw. on ptd. form. Aver. 50 pp. 16½x13x½. Vault.
For subsequent reports, see entry 36.

41. TRANSFER REPORT, 1928-35. 8 vols.
Duplicates of reports, made to the motor vehicle division of the state department of finance and taxation, on transfer of motor vehicle ownership, showing date original license issued, license plate number, make, model, and type of vehicle; motor serial number, name and address of

owner, date of transfer, and amount of fee. Arr. chron. No index. Hdw. on ptd. form. Aver. 50 pp. 11x9x$\frac{1}{2}$. Vault.
For subsequent reports, see entry 36.

Business Licenses

Ad valorem

42. APPLICATION FOR LICENSE TO DO BUSINESS, 1919-20. 1 vol. (1) Discontinued.
Applications of individuals, partnerships or companies engaged in business filed with the clerk for the purpose of obtaining this license, showing business name and address, nature of the business, duration of the license, date of application, and signature of applicant or applicants. Arr. chron. Indexed alph. by name of applicant. Hdw. on ptd. form. 300 pp. 18x16x3$\frac{1}{2}$. Vault.

43. MERCHANTS' BONDS, 1870--. 11 vols.
Bonds executed by merchants upon making application for license to engage in business, showing names of principal and surety, amount of bond, date executed, condition of the obligation, signatures of witnesses, a sworn statement as to the capital stock, and certification of the clerk. Contains: Merchants License, 1870-1917, entry 44. Arr. chron. Indexed alph. by name of merchant or firm. Hdw. on ptd. form. Aver. 250 pp. 14x9x1$\frac{1}{2}$. Vault.

44. MERCHANTS LICENSE, 1918--. 15 vols. 1870-1917 in Merchants' Bonds, entry 43.
Duplicate copies of licenses issued to merchants, showing name of merchant, license number, date of issuance, duration of license, distribution of tax, and signature of the clerk. Arr. num. and chron. No index. Hdw. on ptd. form. Aver. 250 pp. 14$\frac{1}{2}$x10$\frac{1}{2}$x1. Vault.

45. HEARING DOCKET (Record of Merchant's License), 1888-91. 1 vol.
A record of licenses issued to merchants, showing name of merchant, date license issued, date of payment, and date of expiration. Arr. chron. No. index. Hdw. on ptd. form. 150 pp. 16x11x1. Vault.

Privilege

46. PRIVILEGE LICENSE, 1925--. 25 vols.
Duplicates of licenses issued to individuals or firms exercising taxable privileges, showing name of person or firm to whom license is issued, address of business, privilege authorized to exercise, duration of license, date issued, distribution of tax, and clerk's signature. Privilege licenses are issued for a minimum of three months and for not longer than twelve months. Arr. num. and chron. No index. Hdw. on ptd. form. Aver. 250 pp. 14$\frac{1}{2}$x10$\frac{1}{2}$x1. Vault.
For prior records of privilege licenses, see entry 47.

47. REGISTER OF PRIVILEGE LICENSE, 1905-25. 3 vols. (2-4).
A register of licenses issued to individuals or firms exercising taxable privileges, showing date of issuance, name of individual or firm to whom license is issued, type of privilege, location of business, date of license expiration, and distribution of tax. Arr. chron. No index. Hdw. on ptd. form. Aver. 150 pp. 16x11½x1½. Vault.
For subsequent records of privilege licenses, see entry 46.

Professional Registrations

48. REGISTER OF PHYSICIANS' CERTIFICATES, 1889--. 2 vols.
1 vol., 1889-1906, mistitled Birth Records.
Record of permanent and temporary licenses issued to physicians by the state board of medical examiners, showing name, age, and legal residence of physician; date of license, name of college from which graduated, date of diploma, names of chairman and secretary of examining board, date recorded, and clerk's fee. Arr. chron. Indexed alph. by name of physician. Hdw. on ptd. form. Aver. 175 pp. 16x11x1. Vault.

49. OPTOMETRY REGISTER, 1909--. 2 vols.
A register of all optometrists who have been granted licenses to practice, showing name and address of applicant, date of registration, date of license, date of expiration, and signatures of members of the state board of examiners. Arr. chron. Indexed alph. by name of optometrist. Hdw. on ptd. form. Aver. 150 pp. 16x11½x1. Vault.

50. RECORD OF DENTIST'S LICENSE, 1920--. 1 vol.
Register of dental certificates and permanent licenses issued, authorizing persons to practice dentistry, showing date of registration, name, age, legal residence, qualifications of applicant; a copy of certificate issued by the state board of dental examiners bearing names of the president and secretary of the board. Arr. chron. No index. Hdw. on ptd. form. 75 pp. 14x8½x½. Vault.
For prior registrations, see entry 107.

51. VETERINARY REGISTRATION BOOK, 1922--. 1 vol.
Record of licenses issued to persons practicing veterinary surgery, showing name, age, and legal residence of applicant; certificate of board of medical examiners as to credentials of applicant, signatures of members of examining board, issuing clerk, and date license issued. Arr. chron. No. index. Hdw. on ptd. form. 75 pp. 9x10½x½. Vault.

52. RECORD OF CERTIFICATES AND LICENSES OF TRAINED NURSES, 1911--.
1 vol.
Copies of certificates issued by the state board of examiners to trained nurses, showing certificate number, name of nurse, name of school from which graduated, date of diploma, date of recording, and fee charged. Arr. chron. No index. Hdw. on ptd. form. 100 pp. 16x11½x1. Vault.

Vital Statistics

Marriages

53. MARRIAGE APPLICATION, NOTICE AND AFFIDAVIT, 1929-35, 1937--. 18 vols.
Record of notice to wed and affidavits filed in application for marriage licenses, showing date of notice, names, addresses and ages of contracting parties; names of parents, guardian or next kin; and affidavit as to girl's age, signed by parents, guardian or next kin. Arr. chron. No index. Hdw. on ptd. form. Aver. 150 pp. 14x10x1. Vault.

54. MARRIAGE BOND (and License Record), 1859--. 38 vols. (1-38). Title varies: 1859-65, Marriage Docket; 1867-68, Marriage License; 1869-1912, Marriage Record.
Marriage bonds and record of licenses issued. Bond shows names of principal and surety, amount of bond, condition of the obligation, and date executed. Record of licenses issued, with note of return thereon, shows name, age, and residence of each party; certificate number, name of issuing clerk, date of marriage, and names of officiant and witnesses. Arr. chron. 1859-73, no index; 1874-1925, 1929--, indexed alph. by name of groom; 1926-28, indexed in separate vol. Hdw. on ptd. form. Aver. 500 pp. 14x8x3. Vault.

55. INDEX TO MARRIAGE RECORD, 1926-28. 1 vol. (32).
An alphabetical index to "Marriage Bond, 32," showing names of contracting parties, and page number of recording. Arr. alph. direct and reverse. Hdw. on ptd. form. 100 pp. 16x10x$\frac{1}{2}$. Vault.

Births and Deaths - (See also entry 24)

56. VITAL STATISTICS RECORD, 1908-12. 1 vol.
Record of births and deaths. Birth record shows name, sex, and color of child; date and place of birth, names of parents and birthplace of each, occupation of father, name of physician or midwife in attendance at birth, and date recorded. Death record shows name, age, sex, and color of deceased; marital status, date and place of death, cause of death, place of birth, occupation, name of physician last in attendance, or name of justice of peace or coroner holding inquest, and date recorded. Arr. num. by civil districts and chron. thereunder. No index. Hdw. on ptd. form. 198 pp. 14x8x2. Vault.
For subsequent records, see entries 57, 58.

57. RECORD OF BIRTHS, 1925--. 4 vols.
Record of births as reported by physicians or registrars, showing name, sex, and color of child; names of parents, place of birth, civil district number, and date of birth. Arr. num. by civil districts and alph. thereunder by family name. No index. Hdw. on ptd. form. Aver. 600 pp. 18x12$\frac{1}{2}$x2. Vault.
For prior records of births, see entry 56.

County Court Clerk - Bonds; Financial Records; Miscellaneous (58-63)

58. REPORT OF DEATHS, 1925--. 2 vols. (1, 2).
A record of deaths as reported by physicians and registrars, showing name, age, color, and sex of deceased; cause of death, place of death, and name of attending physician. Arr. num. by civil districts and alph. thereunder by name of deceased. No index. Hdw. on ptd. form. 200 pp. 17x15x1½. Vault.
For prior records of deaths, see entry 56.

Bonds

59. TIPPLER'S BONDS, 1878-1903. 4 vols. (2-5).
Bonds and oaths of liquor dealers by which they bind themselves to operate an orderly house and not adulterate spiritous liquors, showing names of dealer and sureties, amount of bond, date executed, condition of the obligation, and signatures of principal and sureties. Arr. chron. Indexed alph. by name of dealer. Hdw. on ptd. form. Aver. 300 pp. 14x9½x2. Vault.

60. RECORD OF CONTRACTOR'S BONDS, 1931--. 1 vol. (1).
A record of bonds executed by general contractors, having been duly qualified to practice under the laws of this state, showing date, name of contractor, amount and limitation of bond; also a copy of the certificate issued by the state board for licensing general contractors, and certification of clerk, showing certificate number, signature of secretary of the board, notation of clerk's recordation, and signature of clerk. Arr. chron. No index. Hdw. on ptd. form. 68 pp. 11x16x1. Vault.
For other record of bonds, see entry 8.

Financial Records

61. COUNTY COURT CLERKS REPORT TO TRUSTEE, 1928--. 1 file box, 1 desk drawer.
Duplicate monthly reports of the county court clerk, as registration agent of the state and as clerk of the court, to the trustee, of all receipts and disbursements in his office, showing date, source, and amount of receipts; date, purpose, and amount of disbursements. Arr. chron. No index. Hdw. on ptd. form. File box, 4½x4½x10; desk drawer, 6x5½x15. Co. j's. office.

62. HUNTING AND FISHING LICENSES, 1927--. 1 vol.
Copies of monthly reports, made to the state game warden, on all hunting and fishing licenses issued, showing name and address of person to whom issued, date of issuance, license number, and total fees. Also shows total amount remitted to state treasurer, and date of remittance. Arr. chron. No index. Hdw. on ptd. form. 50 pp. 11x9x¼. Vault.

Miscellaneous

63. PEDIGREE RECORDS, 1892-93. 1 vol.
A record of animals' pedigree reported to and filed by the clerk, showing

Register (64)

name and description of animal, name and address of owner, clerk's certification of the filing under oath, name of person registering the pedigree, and signature of the clerk. Arr. chron. No index. Hdw. on ptd. form. 100 pp. 16x11x1. Vault.

64. SOLDIER'S RECORD (World War Enlistments), 1917. 1 vol. (1). A record of soldiers and sailors enlisted, showing name, rank, date of birth, color, place of birth, names of parents, post office address, branch of service, place of enlistment, whether selected or volunteered, place of mobilization, company assigned to, regiment and division or vessel assigned to, name and address of nearest relative. Arr. chron. Indexed alph. by name of service man. Hdw. and typed on ptd. form. 200 pp. 16x11½x1½. Vault.

For record of discharges, see entry 77.

IV. REGISTER

The constitutional office of the register in Haywood County dates from March 8, 1824, when the court of pleas and quarter sessions, on the day it organized, elected William H. Henderson to the office over Richard W. Nixon, a member of the court ("Day Book", pp. 5, 6, in "Minute Book", entry 4).

In North Carolina, from 1765 to 1777, the register was nominated by popular vote and elected by the proprietors (Laws of N. C. 1715, ch. 38, sec. 2). In 1777 the office became elective by the court of pleas and quarter sessions (Laws of N. C. 1777, ch. 7, sec. 13) and this practice was carried over into Tennessee (Const. of 1796, art. 6, sec. 1) and thus into Haywood County. Under the Constitution of 1796 the register held office during good behavior (ibid.). Since 1835 the register has been elected by popular vote for a four year term (Const. of 1834, art. 7, sec. 1; 1870, art. 7, sec. 1). He is compensated on a fee basis (C 1932, 10722; P.A. 1933, ch. 589). He may be held civilly and criminally liable for failure to perform his duties (P.A. 1871, ch. 85) and may be removed by proceedings in equity (P.A. 1915, ch. 11; 1933, ch. 94; 1937, 3rd ex. ses., ch. 3). Vacancies are filled by the quarterly county court (C 1858, 818; C 1932, 1905). Before entering office the register must make bond (Laws of N. C. 1777, Nov. ses., ch. 8, sec. 13; P.A. 1847-48, ch. 267).

The register is required to keep his office at the county seat (P.A. 1805, ch. 1; 1831, ch. 90, sec. 15; 1853-54, ch. 87, sec. 5) and to keep all of his records at his office (P.A. 1805, ch. 1; 1853-54, ch. 87, sec. 5).

The register is required to lay his records before the quarterly court for examination each year (P.A. 1805, ch. 62, sec. 11; C 1932, 7682), to give certified copies of recorded instruments (P.A. 1841-42, ch. 12, sec. 6; P.A. 1879, ch. 65), to enter in a well-bound book all deeds and instruments registered by him, indicating the particulars of each registration (P.A. 1841-42, ch. 12, sec. 3); to certify the fact of registration upon

each instrument recorded by him, showing time received and number of the book and page where it is noted (ibid., sec. 6); to register corrections in proper books (P.A. 1847-48, ch. 119, sec. 3), to keep separate books for different types of registration (P.A. 1867-68, ch. 62, sec. 1), to index alphabetically, direct and reverse, all entries, showing names of grantor and grantee, and kind of instrument (P.A. 1839-40, ch. 27, sec. 11; 1925, ch. 89, sec. 1).

The following writings may be registered in the register's office: all agreements and bonds for the conveyance of real or personal estate (P.A. 1831, ch. 90, sec. 1), all powers of attorney and appointments of agents (P.A. 1805, ch. 16, sec. 4; 1807, ch. 85, sec. 3; 1831, ch. 90, sec. 1; 1839-40, ch. 26, sec. 1), all revocations of powers of attorney (P.A. 1831, ch. 90, sec. 13), all deeds of absolute conveyance (Laws of N. C. 1715, ch. 38, sec. 5; 1756, ch. 6, sec. 2; P.A. 1797, ch. 43; 1805, ch. 16, sec. 2; 1807, ch. 85, secs. 3, 4; 1831, ch. 90, sec. 1; 1839-40, ch. 26, sec. 1), copies of deeds of conveyance with a certificate of probate, of lands lying in different counties, certified by the register of the county where the instrument has been first registered (P.A. 1875, ch. 124); deeds of gifts of any real or personal estate (P.A. 1797, ch. 43; 1805, ch. 16, sec. 2; 1807, ch. 85, secs. 3, 4; 1831, ch. 90, sec. 1), all mortgages and deeds of trust of either real or personal property (P.A. 1797, ch. 43; 1805, ch. 16, sec. 2; 1807, ch. 85, secs. 3, 4; 1831, ch. 90, sec. 1), the acknowledgment of satisfaction of mortgage, trust, and other liens, by a marginal entry (P.A. 1833, ch. 253); all marriage settlements, contracts, or agreements (Laws of N. C. 1785, ch. 12, sec. 1; P.A. 1831, ch. 90, sec. 1); deeds and mesne conveyances for settlements, real or personal, in consideration of marriage (P.A. 1805, ch. 16, sec. 2); all other deeds of every description (P.A. 1839-40, ch. 26, sec. 1), transfers or assignments of plats and certificates of survey or locations of land conveying any right of improvement, occupancy, or preemption (P.A. 1805, ch. 72, sec. 5); leases for more than three years from the time of making (P.A. 1841-42, ch. 12, sec. 4), wills executed in other states devising lands in Tennessee (P.A. 1831, ch. 90, sec. 11; 1843-44, ch. 187, sec. 1), memoranda of judgments rendered in any county other than that in which the debtor resides (P.A. 1831, ch. 90, sec. 8), certified copies of decrees divesting the titles of land out of one person and vesting it in another (P.A. 1833, ch. 92, sec. 6), memoranda of judgments or decrees to bind equitable interests in land or personalty (P.A. 1832, ch. 11, sec. 3), and discharges from service of soldiers, seamen, marines, and naval and army officers of the United States (P.A. 1919, ch. 128; 1925, ch. 148). Private domestic corporations doing business for profit are required to register their charters in the office of the register of the county in which the principal office is located (P.A. 1929, ch. 90, sec. 6).

Original Instruments

65. MISCELLANEOUS PAPERS, 1927--. 12 file boxes (lettered). Original instruments deposited with the register for registration and remaining uncalled for by the owner, showing nature of the instrument,

names of parties to the transaction, date instrument executed, provisions and agreements; acknowledgment of notary public, signatures of parties involved, date deposited for registration, and book and page numbers where recorded. Arr. alph. by name of owner and chron. thereunder. No index. Hdw. and typed. 11½x5x15. Office.

Real and Personal Property
(See also entry 65)

Warranty Deeds

66. DEED BOOK, 1824--. 92 vols. (A-I, K-R, T-Z, 1-68).
Title varies: 1824-29, 1836, 1848-49, 1852, 1856, 1862-67, 1870-91, 1895-99, 1901, 1903-4, 1906, 1910-16, 1921-27, 1930-33, 1936, Deed Record; 1830-35, 1850, Record of Deeds; 1837, Deed Register; 1838-47, 1851, 1853-55, 1857-61, Register.
Recorded copies of absolute conveyances of real property, showing names of grantor and grantee, date of instrument, date recorded, description and location of property, amount of consideration, terms of agreement, signatures of contracting parties, and acknowledgments. Contains: Trust Deeds on Realty (and Chattel Mortgages), 1823-67, entry 68; charters, 1823-99, entry 76. Arr. chron. Indexed alph. direct and reverse; also in separate vols. Hdw., 1823-1901; typed, 1902--. Aver. 200 pp. 18x12x3. Vault.
For absolute conveyances by grant, see entry 78.

67. GENERAL INDEX TO DEEDS (Warranty Deeds), 1824--. 7 vols. (1-7).
General index to instruments recorded in the deed books, showing names of grantor and grantee, kind of instrument, and book and page numbers of recording. Arr. alph. direct and reverse. Hdw. and typed on ptd. form. Aver. 320 pp. 12x18x3. Vault.

Trust Deeds and Chattel Mortgages

68. TRUST DEEDS ON REALTY (and Chattel Mortgages), 1868--.
221 vols. (1-181, 1, A, 1, 1-37). The titles of the volumes in this series containing Trust Deeds and Chattel Mortgages are so inconsistent it is impracticable to list the variations in titles. 1823-67 in Deed Book, entry 66.
Recorded copies of conditional conveyances of real and personal property, or trust deeds, and chattel mortgages given to secure loans on personal property. Trust deeds show names of grantor and grantee, dates instrument executed and recorded, location and description of property, provisions in case of non-payment, notary's acknowledgment and register's certification of recordation. Chattel mortgages show names of mortgagor and mortgagee, location and description of chattels, course of action to be followed if any part of agreement is broken, acknowledgment before notary public, and register's certification of recordation. Arr. chron. Indexed alph. direct and reverse; 1869--, also indexed in separate vols. Hdw., 1868-91; hdw. on ptd. form, 1892-1901; typed on ptd. form, 1902--. Aver. 300 pp. 18x12x3. Vault.

69. GENERAL INDEX TO REAL ESTATE TRUST DEEDS, 1869--.
8 vols. (1-4, 1, 2; 2 vols. dated). Title varies: 1869-1912, General Index Trust Deeds; 1913-33, General Index to Trust Deeds on Realty.
General index to all instruments recorded in trust deed books, showing names of grantor and grantee, kind of instrument, date executed, date filed for recording, and book and page numbers of recording. Arr. alph. direct and reverse. Hdw. on ptd. form. Aver. 300 pp. 18x13x2. Vault.

70. NATIONAL LIFE EXTENSION (of Agreement), 1929-34. 1 vol. (A).
Recorded copies of agreements extending dates of maturity on mortgages and trust deeds held by the National Life and Accident Insurance Company, showing name of party to whom extension is granted, nature of original instrument, book and page numbers where recorded, date of maturity of original instrument, and date of maturity under the extension agreement. Arr. chron. Indexed alph. by name of grantor. Hdw. and typed on ptd. form. 300 pp. 18x13x2. Vault.

Leases

71. OIL AND GAS BOOK, 1929--. 2 vols. (1, 2). Last entry 1935.
Title varies: 1929-34, Oil and Gas Leases.
Recorded copies of leases on mineral resources, showing names of lessor and lessee, amount of consideration, location and description of property, agreement, acknowledgment before notary public, and the register's certificate of recordation. Arr. chron. Indexed alph. by name of lessor. Hdw. and typed on ptd. form. Aver. 300 pp. 18x13x2½. Vault.

Liens

72. LIEN BOOK, 1933--. 1 vol. (1).
Recorded copies of mechanic's material and creditors' liens, showing names of lienor and lienee, date instrument executed, provisions of agreement, and the register's certificate of recordation. Arr. chron. Indexed alph. direct and reverse. Typed. 150 pp. 18x12½x2. Vault.

Releases

73. AFFIDAVITS AND RELEASES, 1932--. 1 vol. (1).
Recorded copies of affidavits effecting the release of notes or other legal instruments, which can not be produced by the holder thereof, showing name of owner or holder of instrument, description of instrument, extent of release, reason why instrument can not be produced, and the register's acknowledgment of the sworn statement. Under ordinary circumstances releases are indicated at the margin of the record itself. Arr. chron. Indexed alph. direct and reverse. Hdw. on ptd. form. 125 pp. 15x13x1. Vault.

Judgments

74. RECORD OF JUDGMENTS, 1903-31. 1 vol. (1).
Judgments rendered by different courts, in cases involving real estate and conveyance of title to real property, and filed for registration, showing court of origin, parties to suit, date judgment rendered, date filed for registration, and date recorded. Arr. chron. Indexed alph. direct and reverse. Typed. 125 pp. 15x12x1. Vault.

Financial Record

75. NOTE BOOK, 1842--. 15 vols. (4-15; 3 vols. not labeled).
The register's record of original instruments received for recording in his office, showing date and hour of reception, type of instrument, names of grantor and grantee, name of county, civil district number, number of acres, amount of consideration, and fees for recording. Arr. chron. No index. Hdw. on ptd. form. Aver. 200 pp. 18x12x1. Office.

Miscellaneous

76. CHARTER RECORD, 1900--. 2 vols. (1; 1 vol. not labeled).
1823-99 in Deed Book, entry 66.
Recorded copies of charters granted by the state to corporations formed for the purpose of operating a business, showing name of corporation, address of principal office, nature of business, stock classification, amount of capital employed, names of persons comprising the corporation, date charter applied for, signatures of incorporators, and date filed for recording. Also shows that instrument has been acknowledged by notary public, certified by the secretary of state, and the state seal affixed. Arr. chron. Indexed alph. by name of corporation. Hdw. and typed on ptd. form. Aver. 320 pp. 18x13x2½. Vault.

77. HONORABLE DISCHARGE (Soldiers and Sailors), 1926--. 1 vol.
Recorded copies of discharges from military service, showing name of ex-service man, date of discharge, date discharge recorded, reason for discharge, place of birth, age, physical description, and occupation at time of enlistment; commanding officer's oath, and a detailed enlistment record. Arr. chron. Indexed alph. by name of ex-service man. Hdw. and typed on ptd. form. 250 pp. 18x13x2½. Vault.
For record of enlistments, see entry 64.

V. ENTRY-TAKER

The office of entry-taker is now defunct, but during the great land grant and speculation era there was hardly any more important local officer than this central figure in the taking up of the public lands. As the

Entry-Taker (Next entry 78, p. 62)

receiver of claims to the land, the entry-taker was provided for in North Carolina (Laws of N. C. 1777, ch. 1, sec. 2) and the office was re-created in Tennessee (P.A. 1798-99, ch. 24, sec. 1; 1801, chs. 3, 42).

In 1823, just before the organization of Haywood County, the office was reestablished in nearly every county for the purpose of receiving claims to the vacant lands (P.A. 1823, ch. 49, sec. 1). The entry-taker was elected by the joint vote of the two houses of the legislature (ibid., sec. 2); his term of office was left unsettled by the 1823 statute. The entry-taker was entitled to a two per cent commission on all moneys received by him (ibid., sec. 19) and fees of seventy-five cents for receiving an entry and twenty-five cents for giving a certified copy of a notice of entry (ibid., sec. 20). Legislation in 1830 cut the fee for receiving an entry to twenty-five cents (P.A. 1829-30, ch. 85, sec. 2).

In 1836 the entry-taker became a quarterly county court appointee. His term of office was fixed at four years (P.A. 1835-36, ch. 2, secs. 4, 6). In 1870 the office of entry-taker was combined with that of the surveyor under the title of "entry-taker and surveyor" (P.A. 1869-70, 2nd ses., ch. 68), and in 1875 was definitely abolished (P.A. 1875, ch. 55). In 1879 the legislature partly rescinded its early action by authorizing the quarterly court to revive the office of entry-taker or to confer its duties on the surveyor or the register (P.A. 1879, ch. 46, sec. 1). It is not known what course was followed by Haywood County. In 1927 the legislature authorized the register to perform the duties of the entry-taker, if the latter's office had ceased to exist (P.A. 1927, ch. 61).

The entry-taker was empowered to receive conflicting claims and decide disputes by lot, with consent of the disputants (P.A. 1823, ch. 49, sec. 5); to appoint deputies (ibid., sec. 18), to transfer entries to settle disputes between claimants (P.A. 1824, ex. ses., ch. 22, sec. 10), and to make his bond before five justices rather than before the whole court of pleas and quarter sessions (P.A. 1825, ch. 53, sec. 4).

He was required to receive claims, enter them in his entry book, and if no other claimant appeared in three months, issue to the claimant a copy of the entry, and order surveyor to survey the land (P.A. 1798-99, ch. 24, sec. 2); to refer disputes to court of pleas and quarter sessions for adjudication (ibid.), to pay over funds received by him to the trustee (ibid., sec. 10), to give bond and take official and special oaths (ibid., sec. 11; 1801, ch. 3, sec. 9; 1835-36, ch. 2, sec. 4), to demand an oath of each claimant before receiving his entry (P.A. 1801, ch. 3, sec. 6), to endorse entries (P.A. 1823, ch. 49, sec. 9), to demand affidavits from enterers seeking preference (ibid., sec. 6), to appoint jurors of view to settle disputes (ibid., sec. 4), to make payments to and settlements with the Bank of Tennessee (ibid., sec. 12), to keep his office at the county seat (ibid., sec. 22), to honor gold, silver and "current" bank notes (ibid., sec. 20); to grant preference to salt works (P.A. 1823, ch. 60, sec. 1), not to receive entries to cultivated or occupied land until due notice had been given the occupant (P.A. 1824, ex. ses., ch. 22, sec. 6), to allow iron-works promoters to make entries of uncultivated lands (P.A.

1825, ch. 58, sec. 1), to honor North Carolina grants (P.A. 1827, ch. 76), to correct errors in entries made under land laws of 1823 and 1825 (P.A. 1829-30, ch. 87, sec. 2), to list annually all entries and report to the school commissioners (P.A. 1829-30, ch. 107, sec. 18), to pay over part of his collections ear-marked for school purposes (P.A. 1832, called ses., ch. 39, sec. 1), to exhibit his books to the district attorney-general on the latter's demand (ibid., sec. 2), and to deliver plats dated before 1849 to the register (P.A. 1853-54, ch. 24, sec. 5).

The entry-taker was required to enter claims in his entry book (P.A. 1798-99, ch. 24, sec. 2), to keep an entry book (ibid.; 1801, ch. 3, sec. 7; 1823, ch. 49, sec. 7; 1835-36, ch. 78), and to keep receipts from agents of the Bank of Tennessee (P.A. 1823, ch. 49, sec. 12). He received written descriptions of claimants' land claimed by them (ibid., sec. 7). Like the register, he was required to keep his books at the county seat (P.A. 1871, ch. 58, sec. 1) and in 1879 was directed to file his books with the register for preservation as a part of the required records of the register (P.A. 1879, ch. 65), the act apparently conditioned on the assumption that no county would reestablish the office of entry-taker under the other 1879 statute (P.A. 1879, ch. 46).

78. GRANT BOOK, 1822-35. 1 vol. (dated).
Record of grants of land made by the state or national government and claims of individuals to unsettled lands, showing nature of grant or claim, location, description, and boundaries of property; entry number, date entry recorded, and a record of surveys made in connection therewith. Arr. chron. Indexed alph. by name of grantee or claimant. Hdw. 240 pp. 8x10x1½. Register's vault.

VI. CIRCUIT COURT

The basic statute on which the present day circuit court is founded is the reorganization act of 1836. By that act, circuit courts are declared "courts of general jurisdiction, and the Judges thereof...have general jurisdiction in their respective counties, in all suits of law, and to administer right and justice according to law in all cases where the jurisdiction is not conferred upon another tribunal." The circuit court was given "exclusive jurisdiction of all cases triable by jury, both criminal and civil (the criminal court is a branch of circuit court), of which the county court (court of pleas and quarter sessions) had jurisdiction.... The said Circuit Courts shall not have original jurisdiction in any action of debt upon a note under one hundred dollars" (P.A. 1835-36, ch. 7, sec. 7).

Haywood County was organized in the midst of an evolutionary period for the judiciary and the rise of the circuit court had been steady. When Haywood County was organized in 1824 the circuit court was already well established, although practically all subsequent legislation affecting the court, except the acts of 1827 and 1836 which divested it of equity jurisdiction (P.A. 1827, ch. 79; 1835-36, ch. 4), has been to increase its influence.

Circuit Court (Next entry 79, p. 67)

Circuit court was established in Tennessee in 1809 along with the supreme court of errors and appeals (P.A. 1809, ch. 49) under authority of the constitutional provision which authorized the legislature to establish such inferior courts as might be deemed necessary (Const. of 1796, art. 5, sec. 1). Prior to 1809 important suits at law and equity were heard by the superior court, established by a North Carolina statute of 1777 (Laws of N. C. 1777, ch. 12). The 1809 statute divided the state into five judicial districts or circuits, with one judge for each circuit who was empowered to appoint a clerk (P.A. 1809, ch. 49; Const. of 1796, art. 5, sec. 10). In addition to its jurisdiction at law, circuit court had equity jurisdiction in a varying degree, in Haywood County probably until 1836 (P.A. 1809, ch. 49; 1811, ch. 72, sec. 4; 1813, ch. 78).

The history of the Haywood County circuit court is obscured because of the loss of its early records. But almost certainly the court is as old as the county itself, i.e., it dates from 1824, for the court of pleas and quarter sessions, at its first session, on March 8, 1824, ordered twenty-five residents of the county to appear at the home of Richard Nixon, on the first Monday in June, to serve as grand and petit jurors in circuit court ("Day Book", p. 8, in "Minute Book", entry 4). The oldest surviving record of the circuit court is an execution docket, and the first case recorded in it is that of Dawson Bond v Britain Sanders in which a judgment of $150.00 had been entered ("Execution Docket 1826-1838", entry 99).

The circuit court re-organization act of 1836 placed Haywood in the tenth judicial circuit with five other counties. The Haywood County circuit court was held three times a year under this act (P.A. 1835-36, ch. 8, sec. 3). In 1858 Haywood, Madison, and Henderson Counties were constituted the fourteenth judicial circuit (P.A. 1857-58, ch. 98). In 1865 that circuit was abolished and Haywood County was attached to the fifteenth judicial circuit (P.A. 1865, 1st ses., ch. 37, sec. 1) but the fourteenth was almost immediately revived, with Haywood a part of it (P.A. 1865-66, chs. 8, 14; Pr.A. 1865-66, ch. 72). In 1870 a new thirteenth circuit was created for Haywood and three other counties (P.A. 1869-70, 2nd ses., chs. 31, 46; 1873, ch. 28, sec. 1; 1875, ch. 137, sec. 2). Since then Haywood County has been shifted to the twelfth (P.A. 1885, ex. ses., ch. 20, sec. 4; 1887, ch. 94, sec. 3; 1889, ch. 15, sec. 1), to the eighteenth (P.A. 1891, ch. 38, sec. 1; 1894, ch. 409, sec. 10), and back to the thirteenth (P.A. 1899, ch. 427), which Haywood, Crockett, Carroll, Henry and Gibson Counties now comprise (ibid.; 1905, ch. 57, sec. 7; C 1932, 159). That the volume of business transacted by the Haywood County circuit court has grown greatly during the last century is emphasized by the cost of holding it. In 1828 jury costs for one term were approximately $48.00 (Record of Claims Due from the County Trustee to Sundry Persons, in "Revenue Docket A", p. 3, entry 14), while cost bills for circuit court for the third quarter of 1938 totaled $647.17 and total county jury appropriations for the same period was $605.41 (County Judge's Quarterly Report, October 3, 1938, in "Miscellaneous Papers", entry 1).

The two officers making up the personnel of the circuit court are the circuit judge, who presides over the various circuit courts of his district,

Circuit Court (Next entry 79, p. 67)

and the circuit court clerk, who is clerk of only the circuit court of his county. Both the judge and clerk are constitutional officers and structurally are regulated by constitutional provisions (Const. of 1796, art. 5; 1834, art. 6; 1870, art. 6).

The first circuit judge for Haywood County was elected by the legislature and served during good behavior, under the general provisions for inferior judges in the Constitution of 1796 (Const. of 1796, art. 5, sec. 2). His election by the legislature was carried over in the Constitution of 1834 but his term of office was fixed at eight years (Const. of 1834, art. 6, secs. 3, 4). Since the adoption of the Constitution of 1870, the circuit judge has been elected by the voters of the circuit; the term of office was left unchanged, remaining at eight years (Const. of 1870, art. 6, sec. 3). The circuit judge may be removed by a two-thirds vote in each house of the legislature (ibid., sec. 6). The circuit judge receives $5,000 per year, paid out of the state treasury (P.A. 1925, ch. 11, sec. 1; ch. 100, sec. 3). Like other inferior judges, he must be at least thirty years of age (Const. of 1834, art. 6, sec. 6; 1870, art. 6, sec. 6).

The circuit court clerk of Haywood County, from 1824 to 1835 was appointed by the circuit judge and served during good behavior under the general provisions of the Constitution of 1796 (Const. of 1796, art. 5, sec. 10), but since 1835 the clerk has been elected by popular vote for a four year term (Const. of 1834, art. 6, sec. 13; 1870, art. 6, sec. 13; C 1858, 324). Like all clerks, he is removable by the court for "malfeasance, incompetency or neglect of duty" (Const. of 1834, art. 6, sec. 13; 1870, art. 6, sec. 13), or specifically, for non-residence, failure to give security, committing a misdemeanor in office, or failure to pay over moneys (P.A. 1801, ch. 17). Vacancies are filled by temporary appointments by the court (C 1858, 325; C 1932, 651). At the present time the circuit court clerk of Haywood County receives a salary of $1200.00 per year in addition to the fees of the office (Pr.A. 1937, ch. 70; P.A. 1921, ch. 101, secs. 1, 2; C 1932, 10702; Pr.A. 1911, ch. 675; 1917, ch. 638; 1929, ch. 270).

As a court of "general jurisdiction" (P.A. 1835-36, ch. 5, sec. 7), the jurisdiction of the circuit court is wide indeed. The court has exclusive jurisdiction "of all pleas of the State for crimes and misdemeanors, either at common law or by Statute" (P.A. 1835-36, ch. 19, sec. 3); appellate jurisdiction over cases brought up from inferior jurisdictions (ibid.), exclusive jurisdiction over applications to restore citizenship to infamous persons (P.A. 1839-40, ch. 151; 1851-52, ch. 30), concurrent jurisdiction with the probate court over changing of names, legitimation, and adoption (P.A. 1843-44, ch. 156); concurrent jurisdiction with the probate and chancery courts to allot dower and to order partition and distribution (P.A. 1837-38, ch. 156), and concurrent jurisdiction with chancery court over divorce petitions and the appointment of trustees (P.A. 1835-36, ch. 19, sec. 4; 1845-46, ch. 194; 1847-48, ch. 13). The circuit court may, without objection, transfer equitable actions to chancery court or may itself sit as a court of equity, governed by the rules regulating chancery court (P.A. 1851-52, ch. 152, sec. 9).

Circuit Court (Next entry 79, p. 67)

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

Under the provisions affecting all clerks of courts, each court clerk is required to maintain residence in the county in which he holds office (P.A. 1805, ch. 1; 1832, ch. 7, sec. 2), to abstain from the practice of law (P.A. 1817, ch. 51; 1826, ch. 14), not to act as security for process or upon bonds affecting suits in his court (ibid.), to sign all summons, writs, subpoenas, executions, and process issued from his court (Territorial Acts 1794, ch. 1, sec. 9); not to change the style of any cause or the papers involved without permission of the chancellor or judge presiding, after the cause has been docketed (P.A. 1879, ch. 114); to keep an execution docket containing full information and details about disposal of causes (P.A. 1831, ch. 8, secs. 1, 2), to keep daily minutes to be bound in a book (Territorial Acts 1794, ch. 1, sec. 26; P.A. 1801, ch. 6, sec. 44), to record in well-bound books, within six months after the final determination of any suit or prosecution, such proceedings as he is required by law to enroll (P.A. 1801, ch. 6, sec. 44; 1832, ch. 6, sec. 2; Territorial Acts 1794, ch. 1, sec. 26); to make and keep direct and reverse indices, for all books and dockets required to be kept by him (P.A. 1871, ch. 85, secs. 1, 2); to keep all papers, books, dockets, and records belonging to the office, with care and security, the papers to be filed, arranged, numbered, and labeled, so as to be of easy reference, and the books, dockets, and records properly lettered, and to allow parties to inspect the records free of charge (P.A. 1801, ch. 6, sec. 46); to attend court during session, with all papers belonging to the term and to keep in the courthouse, during the session, the execution docket for the two preceding terms, and to administer all oaths and affidavits in relation to causes or proceedings pending therein (P.A. 1805, ch. 1, secs. 1, 2); on application and payment of the legal fee, to make out and deliver to any person applying, a correct transcript, properly certified, of any paper or record in his office (P.A. 1837-38, ch. 165, sec. 4); to keep a cash book, as a public record, in which is entered, under each case, all sums of money received or disbursed, showing full details, indexed direct and reverse, and kept open for inspection by the public at all times, under penalty of conviction for a misdemeanor (P.A. 1897, ch. 26); to keep a judgment index in which the name of each person, partnership, firm, or corporation against whom a judgment or decree is rendered in proper alphabetical order, giving the date, number of the cause, and amount of judgment, each page of the index having five columns, showing name, date, number, cause and amount (ibid., ch. 27); when applicable to an office, to keep an index to each book wherein any suit, decree, judgment, sale, mortgage, lien, deed, power of attorney, or other record is kept, in which index the officer enters in alphabetical order, under the name of each party,

every suit, judgment, decree, sale, deed, mortgage, or other matter of record required by law, under penalty of fine and forfeiture of bond (P.A. 1871, ch. 85, sec. 1); to index and cross index each record of the minutes of the court and the execution dockets, showing in the direct index, in alphabetical order, the name or names of the plaintiffs or complainants, and against whom the suit is or was brought and, in the cross or reverse index, the name or names of the respondents or defendants, in alphabetical order, and by whom the suit is brought (P.A. 1893, ch. 66, sec. 1), under a penalty of fine of $5.00 to $25.00 (ibid., sec. 3); when an appeal is taken by writ of error from the court, to make out and transmit, by mail, to the clerk of the appellate court, a transcript of the records, within forty days after the entry of the appeal, and, if within forty days of the regular term of the appellate court, or if during such term, transmit the record to the clerk of the appellate court without delay (P.A. 1841-42, ch. 129, sec. 5); to deliver upon application of the party entitled, his agent or attorney, without delay, any money or property in his hands, received by virtue of any decree, judgment, or order of the court, or any judge thereof, or by virtue of his office (P.A. 1807, ch. 66, sec. 8); to submit to the court a complete report on the sale of any property by order of the court (P.A. 1851-52, ch. 178, secs. 1, 2), to enter on the minutes any action or decree of the court (ibid.), and to mark on subpoenas on whose instance issued (ibid., sec. 2).

Any clerk of a court may administer oaths and take affidavits, unless such authority is specifically confined to some other officer (P.A. 1849-50, ch. 103, sec. 2); take depositions to be read as evidence (P.A. 1801, ch. 6, sec. 32), take probate of the attendance of witnesses, and issue tickets on civil and criminal causes, between commencement and decision (P.A. 1845-46, ch. 164, sec. 1); appoint deputy clerks (Territorial Acts 1794, ch. 1, sec. 72), receive the amount of any judgment rendered in court (P.A. 1807, ch. 66, sec. 8), and in certain specified instances act as a guardian of minors receiving a judgment or decree (P.A. 1899, ch. 177).

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

every suit, judgment, decree, sale, deed, mortgage, or other matter of record required by law, under penalty of fine and forfeiture of bond (P.A. 1871, ch. 85, sec. 1); to index and cross index each record of the minutes of the court and the execution dockets, showing in the direct index, in alphabetical order, the name or names of the plaintiffs or complainants, and against whom the suit is or was brought and, in the cross or reverse index, the name or names of the respondents or defendants, in alphabetical order, and by whom the suit is brought (P.A. 1893, ch. 66, sec. 1), under a penalty of fine of $5.00 to $25.00 (ibid., sec. 3); when an appeal is taken by writ of error from the court, to make out and transmit, by mail, to the clerk of the appellate court, a transcript of the records, within forty days after the entry of the appeal, and, if within forty days of the regular term of the appellate court, or if during such term, transmit the record to the clerk of the appellate court without delay (P.A. 1841-42, ch. 129, sec. 5); to deliver upon application of the party entitled, his agent or attorney, without delay, any money or property in his hands, received by virtue of any decree, judgment, or order of the court, or any judge thereof, or by virtue of his office (P.A. 1807, ch. 66, sec. 8); to submit to the court a complete report on the sale of any property by order of the court (P.A. 1851-52, ch. 178, secs. 1, 2), to enter on the minutes any action or decree of the court (ibid.), and to mark on subpoenas on whose instance issued (ibid., sec. 2).

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Circuit Court - Original Instruments; Dockets (79-82)

The statutes affecting all clerks of courts are directly applicable to the county court clerk (C 1932, 10082), the circuit court clerk (ibid., 10093), the clerk and master, who is clerk of the chancery court (ibid., 10099); and, insofar as the provisions affecting all clerks are reasonably applicable to his office, the register (ibid., 10055, 10056).

Original Instruments
(See also entries 95, 96)

79. (ORIGINAL TRIAL PAPERS, CIVIL AND CRIMINAL), 1826--.
76 file boxes, 60 pigeon holes (dated), 60 pigeon holes (no.).
Original trial papers, including summons, bills of cost, receipts, magistrates' warrants, affidavits, prosecution and appeal bonds, fi fas, sheriff's returns, cost bonds, and other papers incident to proceedings of the court, showing style and number of the case, parties to suit, nature and purpose of instrument, and date of trial. Arr. chron. and num. No index. Hdw. and typed. File boxes, 10½x5x13½; pigeon holes, 7½x5½x10½. 76 file boxes, 60 pigeon holes, 1826-1933, vault; 60 pigeon holes, 1934--, office.

80. COST BONDS, 1922--. 1 vol. (2).
Bonds executed by plaintiffs to insure payment of costs and damages in cases where judgment is rendered in favor of the defendant, showing names of principal and sureties, amount of bond, date executed, condition of the obligation, and signatures of principal and sureties. Arr. chron. No index. Hdw. on ptd. form. 275 pp. 14x10x1. Vault.
For prior bonds, see entry 79.

81. APPEAL BONDS, 1879--. 1 vol. (1).
Original bonds given in cases appealed to a higher court, to insure payment of all costs and damages in case of unsuccessful prosecution, showing names of principal and sureties, amount of bond, style of case, condition of the obligation, and signatures of principal and sureties. Arr. chron. Indexed alph. by name of principal. Hdw. on ptd. form. 390 pp. 14x8x1½. Vault.
For prior bonds, see entry 79.

Dockets
(See also entries 95-99)

Civil and Criminal - (See also entries 86-92).

82. APPEARANCE DOCKET, 1826-80. 3 vols.
Record of first appearance of cases in this court, showing names of attorneys, plaintiff and defendant, style of case, sheriff's return, and rules of the court. Arr. chron. No index. Hdw., 1826-65; hdw. on ptd. form, 1866-80. Aver. 200 pp. 14x9x1. Vault.
For other records of initial action, see entry 83.

Circuit Court - Dockets (83-90)

83. RULE DOCKET, 1888-1924. 1 vol.
A record of all causes initiated in this court, showing names of attorneys, date case filed, names of plaintiff and defendant, style of case, names of bondsmen, process issued, sheriff's returns, and clerk's notes regarding disposition of the case. Arr. chron. No index. Hdw. on ptd. form. 250 pp. 12x18x2. Vault.
For prior records of initial action, see entry 82.

84. REFERENCE DOCKET, 1866-77. 1 vol.
A record kept by the clerk primarily for his own use, showing names of attorneys, plaintiff and defendant; number and style of case, and rules of the past and present court sessions. Arr. chron. No index. Hdw. on ptd. form. 300 pp. 18x12x2. Vault.

85. TRIAL DOCKET, 1826-35, 1838-83. 10 vols.
A record of all cases set for trial before this court, showing case number, names of plaintiff and attorneys, style of case, date set for trial, action taken, and orders of the court. Arr. chron. 1826-35, indexed alph. direct and reverse; 1838-83, no index. Hdw., 1826-65; hdw. on ptd. form, 1866-83. Aver. 250 pp. 18x12½x2. Vault.

Civil - (See also entries 82-85)

86. TRIAL DOCKET CIVIL, 1932--. 1 vol., 3 pigeon holes.
A record of all civil cases set for trial before this court, showing case number, names of plaintiff, defendant, and attorneys; nature of action, date set for trial, and rules of the past and present court sessions. Arr. chron. No index. Hdw. on ptd. form. Vol., 300 pp. 9x14x3; pigeon holes, 7x8x14. Vault.

87. NON-JURY TRIAL DOCKET (CLERK), 1881-1912. 6 vols.
Clerk's record of cases disposed of by the judge without the use of a jury, showing docket number, names of plaintiff, defendant, and attorneys; number and style of case, and rules of the past and present court sessions. Arr. chron. No index. Hdw. on ptd. form. Aver. 250 pp. 15x11x2. Vault.

88. NON-JURY TRIAL DOCKET (JUDGE), 1881-1931. 7 vols.
A record prepared for use of the judge. For description of contents, see entry 87. Arr. chron. No index. Hdw. on ptd. form. Aver. 250 pp. 15x11x2. Vault.

89. NON-JURY TRIAL DOCKET (BAR), 1877-1931. 7 vols.
A record prepared for use of attorneys and solicitors. For description of contents, see entry 87. Arr. chron. No index. Hdw. on ptd. form. Aver. 250 pp. 15x11x2. Vault.

Criminal - (See also entries 82-85)

90. TRIAL DOCKET STATE, 1932--. 1 vol., 4 pigeon holes.
A record of criminal cases set for hearing before this court, showing case

number, names of defendant and attorney, offense charged, date set for trial, and rules of the past and present court sessions. Arr. chron. No index. Typed on ptd. form. Vol., 300 pp. 9x14x3; pigeon holes, 7x8x14. Vault.

91. STATE TRIAL DOCKET (JUDGE), 1868-78, 1883-1920, 1936--. 11 vols. A record prepared for the use of the judge. For description of contents, see entry 90. Arr. chron. No index. Hdw. on ptd. form. Aver. 250 pp. 15x11x2. Vault.

92. STATE TRIAL DOCKET (ATTORNEY GENERAL), 1879-83, 1892-1920, 1936--. 9 vols.
A record prepared for use of the attorney-general. For description of contents, see entry 90. Arr. chron. No index. Hdw. on ptd. form. Aver. 250 pp. 15x11x2. Vault.

Court Proceedings

93. MINUTES, 1834-42, 1847-52, 1859-61, 1866--. 35 vols. (A-Z, AA, AA; 7 vols. not labeled). Title varies: 1834-37 Criminal Court; 1840-42, Journal; 1847-52, 1868-70, Record Book.
A record of the proceedings of the court in the disposition of civil and criminal cases, showing date of court term, date of entry, names of plaintiff and defendant, offense charged or cause of action, detailed account of the proceedings, orders of the court, final disposition of the case, and signature of the judge. Arr. chron. 1834-41, 1866-67, 1875-76, 1880--, indexed alph. direct and reverse; 1848-61, 1868-71, no index; 1872-74, 1877-79, indexed in separate vols. Hdw., 1834-81; hdw. on ptd. form, 1882--. Aver. 275 pp. 18x13x3. Vault.

94. INDEX TO MINUTE BOOKS, 1872-74, 1877-79. 2 vols. (A, C).
A general index to the proceedings of the court as recorded in the minute books, showing names of plaintiff and defendant, book and page numbers of recordation. Arr. alph. direct and reverse for civil cases, and by name of defendant for criminal cases. Hdw. on ptd. form. Aver. 25 pp. 18x11x½. Vault.

Enrollments
(See also entries 79-81)

95. ENROLLING DOCKET, 1865-76. 3 vols. (3; 2 vols. not labeled).
Recorded copies of original process pertaining to individual cases appearing before this court and recorded at the instance of litigants, showing case number, names of plaintiff and defendant, style of case, nature of the process, and date recorded. Summons, petitions, declarations, prosecution bonds, cost bonds, and appeal bonds (if case appealed) are examples of the various instruments recorded. Arr. chron. 1865-69, indexed alph. direct and reverse; 1870-76, indexed in separate vol. Hdw. Aver. 300 pp. 18x12½x2½. Vault.

Circuit Court - Jury Service; Financial Records (96-101)

96. INDEX TO ENROLLING DOCKET, 1870-76, 1 vol. (A)
An alphabetical index, direct and reverse, to cases entered in the enrolling docket, showing names of parties involved, and book and page numbers of recording. Alph. tab arr. Hdw. on ptd. form. 25 pp. 18x11x$\frac{1}{4}$. Vault.

Jury Service

97. CLERK'S JURY DOCKET, 1892-1901, 1910-16, 1923--. 3 vols. (dated).
A list of jurors serving in cases tried before this court, showing style of case, names of plaintiff and defendant, offense charged or cause of action, names of jurors serving, date case filed, and signature of clerk or deputy. Arr. chron. No index. Hdw. on ptd. form. Aver. 150 pp. 5x7x1. Vault.
For other records of jury service, see entry 14.

Financial Records

Witness Accounts

98. WITNESS DOCKET, 1829-82, 1893-99, 1902-8, 1913-27. 6 vols.
A record of fees due witnesses appearing in court, showing case number, names of plaintiff and defendant, witnesses for each, number of days served, miles traveled, and amount due each. Arr. chron. No index. Hdw. on ptd. form. Aver. 200 pp. 10$\frac{1}{2}$x11x2. Vault.
For other records, see entry 99.

Final Executions

99. EXECUTION DOCKET, 1826-38, 1852--. 18 vols.
A complete financial record of all cases from inception to final disposition, showing docket number, names of attorneys, plaintiff, and defendant; case number, amount of judgment, date rendered, bill of costs, witness fees, date execution issued to sheriff, and date of sheriff's return. Arr. chron. 1826-38, no index; 1852--, indexed alph. direct and reverse. Hdw. on ptd. form. Aver. 300 pp. 18x12x2. Vault.

100. EXECUTION PAPERS, 1900-1907, 1913-34. 1 file box.
Sheriff's commands and returns, showing names of plaintiff and defendant, style of case, term of court, amount of judgment, bill of cost, and signature of clerk or deputy. Arr. chron. No index. Hdw. on ptd. form. 10$\frac{1}{2}$x5x13$\frac{1}{2}$. Vault.
For prior and subsequent records, see entry 79.

101. SUBPOENAS AND RECORD OF CLERK'S COSTS, 1876-79. 1 vol.
A record of subpoenas issued for payment of court costs, showing names of plaintiff and defendant, witnesses for each, date subpoena served, name

and return of serving officer, amount of costs and fees, and date of filing. Arr. chron. No index. Hdw. on ptd. form. 250 pp. 18x12x2. Vault.
For other records of costs, see entry 99.

Receipts and Disbursements

102. FEES COLLECTED, 1898-1913. 1 vol.
A record of fees collected by the clerk, showing date and amount of collection, from whom received, style of case, and account credited. Arr. chron. No index. Hdw. on ptd. form. 200 pp. 18x12x1. Vault.
For other records of fees collected, see entry 99.

103. RECEIPT BOOKS, 1910-20. 6 vols.
Duplicates of receipts issued for money received in payment of fines, fees, and judgments, showing date received, name of payor, purpose of the payment, and signature of clerk or deputy. Arr. num. and chron. Indexed alph. by name of payor. Hdw. on ptd. form. Aver. 100 pp. 14x8x1. Vault.

104. LEDGERS, 1911-15. 5 vols.
A record of receipts and disbursements. Record of receipts shows date received, name of payor, and amount and purpose of payment. Record of disbursements shows name of payee, date and amount of disbursement, and purpose of payment. Alph. tab arr. by name of account and chron. thereunder. No index. Hdw. on ptd. form. Aver. 200 pp. 12x8x2. Vault.
For prior and subsequent financial records, see entry 99.

105. REVENUE DOCKET (State Receipts), 1874-86, 1891-1923. 3 vols. (1; 2 vols. not labeled).
Receipts from the state treasurer for funds remitted to that office, showing date received, amount, from whom received, and signature of the treasurer. Receipts are pasted in volumes. Arr. chron. No index. Hdw. on ptd. form. Aver. 150 pp. 15x9x1. Vault.
For other records of receipts, see entry 106.

Reports - (See also entry 16)

106. QUARTERLY REPORTS, 1924--. 1 vol.
Copies of quarterly reports of state and county revenue collected by clerk and submitted to the state comptroller or treasurer and county trustee, showing docket and page numbers where collection is recorded, names of plaintiff and defendant, amount of fine, state fee, attorney-general's fee, cost of appeal from magistrate's court, total amount collected, grand total, amount of clerk's commission, and balance due the state and county. Receipts from comptroller, treasurer and trustee are pasted in the book. Arr. chron. No index. Hdw. on ptd. form. 200 pp. 18x14x2. Vault.
For other records of receipts, see entry 105.

Licenses

107. DENTAL REGISTER, 1899-1919. 1 vol.
Record of dental certificates issued by the state board of dental examiners, showing name, age, and legal residence of dentist; credentials, signatures of officers of the state board of dental examiners, the county court clerk, and the circuit court clerk. Arr. chron. No index. Hdw. on ptd. form. 150 pp. 18x10x1½. Vault.
For subsequent records, see entry 50.

108. REGISTER OF COUNTERSIGNED LICENSES (Privilege), 1899-1931. 4 vols. Discontinued.
Record of privilege licenses issued to individual merchants or business firms by the county court clerk and countersigned by the circuit court clerk, showing name and address of merchant or firm, type of business, privilege authorized to exercise, date of issuance, date of expiration of license, and amount of tax. Arr. chron. No index. Hdw. on ptd. form. Aver. 200 pp. 18x15x1. Vault.
For other privilege license records, see entries 46, 47.

VII. CHANCERY COURT

Chancery court is chiefly a court of equity, possessing "the powers, privileges and jurisdiction in all respects...that are properly and rightfully incident to a court of Chancery agreeably to the laws...in force..., not inconsistent with the constitution" (P.A. 1835-36, ch. 4, sec. 1).

The creation of a chancery court for Haywood County, probably in 1836, came near the end of a long period of disorder in the Tennessee judiciary, during which an endless stream of legislation sought to keep the administration of justice equal to the demands of a growing state.

North Carolina had lodged equity jurisdiction in its superior courts of law, thereafter called superior courts of law and equity (Laws of N. C. 1782, ch. 11, secs. 2, 4), which were carried over into territorial Tennessee and re-affirmed by the first state legislature in 1796 (P.A. 1796, ch. 1). The act of 1796 recreated the three divisions of the superior court and conferred the power of interchange on the three judges (ibid.). Superior court was abolished in 1809, and equity jurisdiction was lodged in the circuit court, created at the same time, along with the supreme court of errors and appeals (P.A. 1809, ch. 49). In 1811 original jurisdiction in equity was transferred from circuit court to the supreme court of errors and appeals (P.A. 1811, ch. 72, sec. 4). In 1813 concurrent jurisdiction in equity with the supreme court was restored to the circuit court (P.A. 1813, ch. 28). In 1822 "courts of equity" were mentioned specifically when the five supreme court judges were constituted judges of such courts in their respective circuits (P.A. 1822, ex. ses., ch. 13). Apparently equitable causes could still be determined in circuit court. Such was the situation when Haywood County was organized, March 8, 1824 ("Day Book", p. 1, in "Minute Book", entry 4).

Chancery Court (Next entry 109, p. 75)

Chancery court, as a separate and distinct branch of the judiciary, and with its present name, was created in 1827 (P.A. 1827, ch. 79), but it was many years before each county in the state had its own chancery court. The 1827 statute divided the state into two divisions, with a chancellor for each (ibid.). When a chancery court first sat at Brownsville, probably in May 1836, there were three chancellors for the entire state. Haywood County was in the western division (P.A. 1835-36, ch. 4, secs. 2-4).

The early history of the Haywood County chancery court is obscure. The chancery court reorganization act of 1835 created a chancery district, the sixth of the western division, to be composed of Tipton, Lauderdale, and Haywood Counties, the court for the district to be held at Brownsville twice a year (P.A. 1835-36, ch. 4, sec. 4). Cases arising in Haywood County before that date were probably heard at Jackson, Bolivar, or Paris, and by the Haywood County circuit court (ibid., sec. 7; 1827, ch. 79, sec. 3). Although there are no records of the Haywood chancery court before 1839, chancery court at Brownsville is further mentioned before that date (P.A. 1837-38, ch. 117, sec. 1). One of the oldest surviving records of the court, a minute book for 1842 to 1845, shows Andrew M. McCampbell was chancellor in 1842 and Sheppard M. Ache clerk and master ("Minute Book", May 9, 1842, p. 1, entry 117). Since then the time of holding chancery court in Haywood County and the alignment of the divisions including Haywood County have been the objects of many legislative enactments (P.A. 1843-44, ch. 155; 1845-46, ch. 21; 1855-56, ch. 158; 1857-58, ch. 88; 1866-67, 2nd ex. ses., ch. 33; 1869-70, 2nd ses., chs. 32, 47; 1883, ch. 192; 1885, ex. ses., ch. 20; 1889, chs. 23, 427; 1895, ch. 99, sec. 1; 1903, ch. 591). Haywood, Dyer, Weakley, Gibson, Obion, Lake, Fayette, Lauderdale, and Tipton Counties now comprise the ninth chancery division (C 1932, 159). The personnel of the chancery court is made up of two officers, the chancellor, the judge of the court; and the clerk and master of the court. Both are constitutional officers.

From the time of creation of chancery court until the adoption of the Constitution of 1870, the chancellor was elected by the legislature (Const. of 1796, art. 5, sec. 2; 1834, art. 6, secs. 4, 5; P.A. 1827, ch. 79). Since 1870 he has been elected by the voters of his division (Const. of 1870, art. 6, sec. 4). While under the Constitution of 1796, that is from the creation of chancery court to the adoption of the Constitution of 1834, the chancellor as a judge in equity, served during good behavior (Const. of 1796, art. 5, sec. 2). Since 1835 his term of office, as an inferior judge, has been eight years (Const. of 1834, art. 6, sec. 4; Const. of 1870, art. 6, sec. 4). Like other judges, the chancellor can be removed by only a two-thirds vote in each house of the legislature (Const. of 1834, art. 6, sec. 6; 1870, art. 6, sec. 6). Vacancies are filled by appointment by the governor (P.A. 1835-36, ch. 68, sec. 1; 1923, ch. 120, sec. 2; 1870, ch. 73). The chancellor receives $5,000 annually for his services (P.A. 1925, ch. 11, sec. 1; ch. 100, sec. 3). He must be at least thirty years of age to hold office (Const. of 1834, art. 6, sec. 4; 1870, art. 6, sec. 4).

Chancery Court (Next entry 109, p. 75)

The clerk and master is what his title infers, chancery court clerk and master in chancery. The Haywood County clerk and master has always been appointed by the chancellor of the division for a term of six years (Const. of 1834, art. 6, sec. 13; 1870, art. 6, sec. 13). Like all clerks of courts, he is removable by the court for "malfeasance, incompetency or neglect of duty" (Const. of 1834, art. 6, sec. 13; 1870, art. 6, sec. 13), or, specifically, for non-residence in the county, failure to give security, committing a misdemeanor in office, committing a felony, misbehavior in office, or failure to pay over moneys properly (P.A. 1801, ch. 17). Vacancies are filled by temporary appointments by the court (C 1858, 325; C 1932, 651). Under the general law, the clerk and master is compensated on a fee basis with a ceiling of $5,000 (P.A.1921, ch. 101, sec. 3; C 1932, 10692, 10703, 10727), but a private act of dubious constitutionality has fixed the maximum salary of the Haywood County clerk and master at $1500.00 per year (Pr.A. 1933, ch. 593).

Chancery court has "exclusive original jurisdiction of all cases in equity" (P.A. 1835-36, ch. 20, sec. 1) "where the debt or demand exceeds fifty dollars" (C 1858, 4280; C 1932, 10350) and no jurisdiction over causes involving smaller amounts (C 1858, 4281; C 1932, 10351; P.A. 1801, ch. 6, sec. 1). The court has power to aid a creditor by moving against a defendant's property which is beyond the reach of an ordinary execution (C 1858, 4282; C 1932, 10352), the power to compel discovery of property to prevent fraud or transfer after the issuance of an execution at law (P.A. 1832, ex. ses., ch. 11), and the power generally to protect the interest of creditors against fraud (P.A. 1851-52, ch. 365). The court may appoint receivers for corporation property and exercise jurisdiction over receiverships (P.A 1851-52, ch. 172). The court has jurisdiction over disputed boundary lines (P.A. 1915, ch. 122, sec. 1). The court, or the chancellor in vacation, may remove the disabilities of minority (P.A. 1935, ch. 162).

Chancery court has concurrent jurisdiction with the probate court over persons and estates of persons of unsound mind (P.A. 1851-52, ch. 163, sec. 1), over the persons and estates of infants and the appointment of guardians (C 1858, 4299), and the appointment of administrators six months after a decedent's death if no person to act could be found in probate court alone (P.A. 1841-42, ch. 177, sec. 1). Chancery court has concurrent jurisdiction with circuit court over the abatement and recovery of usury (P.A. 1843-44, ch. 167), all proceedings for divorce (P.A. 1835-36, ch. 20, sec. 1), and all civil actions which are triable in circuit court, except for unliquidated damages to the person, character, or property (P.A. 1877, ch. 97; 1915, ch. 47). Juries may be impaneled on demand of a party only to try and determine material facts in dispute (P.A. 1845-46, ch. 122; 1851-52, ch. 365; 1849-50, ch. 143); chancery juries are rare. Chancery court has concurrent jurisdiction with both circuit and probate courts over proceedings for the partition, sale, and distribution of estates by personal representatives, and over the allotment of dower (P.A. 1835-36, ch. 20, sec. 1; Laws of N. C. 1787, ch. 17).

In addition to meeting the requirements, performing the duties, and keeping the records common to all clerks of courts, listed in "Circuit

Court", chapter VI, the clerk and master is required to administer oaths, and perform all duties of masters in chancery unless restrained by law (Laws of N. C. 1789, ch. 57, sec. 6); to issue all original, mesne, and final process from the court; to make orders of publication for defendants, to grant decrees pro confesso for want of answer, and hear exceptions to bills, answers, and reports, subject at all times to the control, direction, and supervision of the chancellor (P.A. 1835-36, ch. 20, sec. 3); to post and give due notice to interested solicitors of any decree or mandates from any appellate court and copy them in his rule docket or minute book (P.A. 1901, ch. 10, sec. 3), and, when directed by the chancellor, to take bond and security from the receiver or the complainant (P.A. 1833, ch. 47, sec. 1). With certain exceptions, he is required to set all causes at issue for hearing and transfer them to the trial docket (P.A. 1853-54, ch. 55, sec. 2).

The clerk and master may, at his office, receive and enter on the rules and suggestion and proof of a party's death, and order and issue the necessary process to revive the cause (P.A. 1845-46, ch. 122, sec. 9); open causes for proof, on good cause shown, after they have been set for hearing, in the same way the chancellor might do (P.A. 1845-46, ch. 122, sec. 8); and, if necessary, adjourn court in the absence of the chancellor (P.A. 1831, ch. 50, sec. 1).

The clerk and master is further required, in addition to the records required of all clerks, to keep a rule docket, in which are entered the names of plaintiffs, defendants, and attorneys, and other salient details (P.A. 1801, ch. 6, sec. 44); and to enter in a well-bound book all depositions taken (ibid., sec. 46).

Original Instruments
(See also entries 118-123)

109. (TRIAL PAPERS), 1842--. 2000 jackets, 95 file boxes (no.). Original papers incident to action in this court, included are bills, motions, pleas and answers, petitions for confirmation of sales, depositions, injunctions, and attachments, showing style of case, dates, parties litigant, docket number, and text of the instrument. Contains: Decrees, 1842-1912, entry 118. 1842-1936, arr. num. by docket no.; 1937--, alph. by name of complainant. No index. Hdw. and typed. A large majority of the papers is on ptd. forms. Jackets, 4x4x10; file boxes, 13x11x21. Vault.

110. ATTORNEY'S AND SOLICITORS' RECEIPTS FOR PAPERS, 1913-35, 1937--. 1 vol. (1), 1 file box.
A record of papers taken from the files, showing number and style of case, name of attorney or solicitor, date papers borrowed, and date returned. Arr. chron. No index. Hdw. on ptd. form. Vol. 500 pp. 18x12x2; file box, 10x4½x6. 1 vol., 1913-35, vault; 1 file box, 1937--, office.

111. COST BONDS, 1872--. 5 vols. (1, 2, 2-4).
Bonds executed by complainants to insure the payment of damages and court

costs in case of unsuccessful prosecution, showing names of principal and sureties, amount of bond, condition of the obligation, date of bond, and signatures of principal and sureties. Arr. chron. Indexed alph. by name of complainant. Hdw. on ptd. form. Aver. 200 pp. 14x9x2. Vault.

General Index

112. DIRECT AND REVERSE INDEX, 1842-1923. 2 vols. (2; 1 vol. not labeled).
A general index to rule dockets, minute books, enrolling dockets and execution dockets, showing names of complainant and respondent, and book and page numbers of recordation in each record series. Alph. tab. arr. direct and reverse. Hdw. on ptd. form. Aver. 250 pp. 18x12x2. Vault.

Dockets
(See also entry 129)

113. RULE DOCKET, 1839--. 15 vols. (1-14; 1 vol. not labeled).
A record of all cases filed with the clerk and master, showing docket number, names of attorneys, complainant, and respondent; date filed, date of return, and final dispostion of the case. Each step in the progress of case is minutely recorded. Arr. chron. and num. Indexed alph. direct and reverse; 1842-1923, also indexed in separate vols., entry 112. Hdw., 1839-1922; hdw. and typed on ptd. form, 1923--. Aver. 250 pp. 16x11x2. Vault.

114. CLERK AND MASTER'S DOCKET, 1873--. 12 vols. (A; 11 vols. not labeled).
Clerk's record of all cases filed in this court, showing date of court term, names of attorneys, complainant, and respondent; and rule docket number assigned to the case. Arr. chron. 1873-97, indexed alph. by name of complainant; 1898--, no index. Hdw. on ptd. form. Aver. 250 pp. 14x10x2. Vault.

115. HEARING DOCKET, 1839--. 20 vols. (2; 19 vols. not labeled).
A record of cases set for hearing before this court, showing date set for trial, term of court, docket number, names of complainant and respondent, style of action, orders of last court term, and chancellor's notes. Arr. chron. 1839-79, 1886-87, 1890-1902, no index; 1880-85, 1888-89, 1903--, indexed alph. by name of complainant. Hdw. on ptd. form, 1839-1919; typed on ptd. form, 1920--. Aver. 160 pp. 18x12x2. Vault.

116. WITNESS DOCKET, 1915-19. 1 vol.
A record of witnesses appearing in cases before the court, showing names of complainant and respondent, names of witnesses for each, number of days served, and number of miles traveled. Arr. chron. No index. Hdw. on ptd. form. 60 pp. 16½x7x1. Vault.
For subsequent records of witnesses, see entry 129.

Chancery Court - Court Proceedings; Appeals; Enrollments (117-121)

Court Proceedings
(See also entry 119)

117. MINUTE BOOK, 1842--. 32 vols. (1-3, A-Z, AA-CC).
A record of the exact proceedings in all cases disposed of by the chancellor, showing date of court term, names of chancellor, complainant, respondent, and solicitors; cause of action, motions filed, depositions taken, and final decree. Cognizance of each step taken in open court is minutely made. Arr. chron. 1842-1923, indexed in separate vols., entry 112; 1924--, indexed alph. by name of complainant. Hdw., 1842-1920; hdw. and typed, 1921-22; typed, 1923--. Aver. 250 pp. 18x12x2. Vault.

118. DECREES, 1913--. 28 jackets, 1 file box. 1842-1912 in (Trial Papers), entry 109.
Summary of cases disposed of by this court, showing a chronological outline of the case, names of parties involved, date case filed, number of page in minute book where case is recorded, and final decree of the court. Arr. chron. No index. Hdw. and typed. Jackets, 4x4x10; file box, 11x5x14. Vault.

Appeals

119. APPEAL BONDS, 1874--. 2 vols. (A; 1 vol. not labeled). Last entry 1935.
Original bonds executed to insure payment of appellate court costs, showing names of principal and sureties, amount of bond, style of case, date judgment rendered, condition of the obligation, date executed, signatures of principal and sureties, and attestation by clerk and master. Arr. chron. Indexed alph. by name of appellant. Hdw. and typed on ptd. form. Aver. 300 pp. 14x10x2. Vault.

Enrollments
(See also entry 109)

120. ENROLLED CASES, 1869-77. 5 vols. (E, 1, 1; 2 vols. not labeled). Title varies: 1869-71, Enrolling Docket.
Exact copies of process such as original bills, petitions, pleas, answers, and depositions, showing names of complainant, respondent, attorneys and witnesses; docket and case numbers, date of filing, and final disposition. Cases are enrolled only at the instance of litigants. Arr. chron. Indexed alph. direct and reverse; also indexed in separate vols., entry 112. Hdw. Aver. 625 pp. 18x12x3. Vault.

121. ENROLLED CASES - SUBPOENAS, 1875-77. 1 vol. (1).
Copies of summons and subpoenas issued by the clerk and master, showing names of sheriff and person cited, date ordered to appear, style of case, date issued, signature of clerk and master, date of return, and signature

of serving officer. Arr. chron. Indexed alph. direct and reverse; also indexed in separate vols., entry 112. Hdw. on ptd. form. 276 pp. 14x9x2. Vault.

122. ENROLLED CASES - INJUNCTIONS, 1875-77. 1 vol. (1).
Copies of orders for writs of injunctions to be issued, showing name of agent or attorney, style of case, name of person enjoined, text of the order, date issued, signature of the clerk and master, date process served, notice of return, and signature of serving officer. Arr. chron. Indexed alph. direct and reverse; also indexed in separate vols., entry 112. Hdw. on ptd. form. 276 pp. 14x9x2. Vault.

123. ENROLLED CASES - ATTACHMENTS, 1875-77. 1 vol. (1).
Copies of orders for writs of attachment to be issued against estates to satisfy debts, showing name of sheriff, style of case, name of person against whom issued, text of the order, date issued, signature of clerk and master, date process served, notice of return, and signature of serving officer. Arr. chron. Indexed alph. direct and reverse; also indexed in separate vols., entry 112. Hdw. on ptd. form. 276 pp. 14x9x2. Vault.

Delinquent Tax Records

124. DELINQUENT TAX BILLS, 1924--. 8 vols.
A record of delinquent city, county, and state taxes, as reported by the trustee to the clerk and master, showing name of person against whom taxes are assessed, location and description of property, assessed valuation, and amount of taxes, penalties, fees, and interest accrued. Arr. chron. No index. Hdw. on ptd. form. Aver. 75 pp. 16x13x½. 7 vols., 1924-34, vault; 1 vol., 1935--, vault, trustee's office.

125. DELINQUENT TAX RECEIPTS, 1930--. 39 vols. (1-39).
Duplicate receipts issued by the clerk and master to delinquent taxpayers, showing date of payment, name of taxpayer, location and description of property, amount of taxes, penalties, fees, and interest; and signature of the clerk. Arr. chron. No index. Hdw. on ptd. form. Aver. 50 pp. 9x6x½. Vault.

Financial Records
(See also entry 16)

Receipts

126. CLERK AND MASTER'S RECEIPTS, 1937--. 1 vol. (receipts no. 1-500).
Duplicate copies of receipts issued by the clerk and master for all payments received, such as for court costs and judgments, settlements by personal representatives, publication costs, and payments on notes to secure loans, showing receipt number, date issued, name of payor, amount

and purpose of payment, and signature of clerk and master or deputy. Arr num. and chron. No index. Hdw. on ptd. form. 165 pp. 8x10x1½. Vault.

127. RECEIPT BOOK, 1899-1936. 4 vols. (5-8). Discontinued.
Acknowledgment of claims paid by the clerk and master, for such items as settlement of estates and payment of alimony, showing name of person to whom payment is made, date, amount, purpose of payment, and signature of person receiving same. Arr. chron. Indexed alph. by name of payee. Hdw. on ptd. form. Aver. 160 pp. 14x8x2. Vault.

Accounts - (See also entries 126, 127)

128. DAY BOOK, 1913--. 3 vols. (4; 2 vols. not labeled).
Daily record of receipts and disbursements, showing date, name of payor or payee, amount, and page number of ledger in which account is recorded. Arr. chron. 1913-18, 1927--, no index; 1919-26, indexed alph. by name of payor or payee. Hdw. Aver. 230 pp. 14x9x1. Vault.

129. EXECUTION DOCKET, 1866--. 15 vols. (1, 3-16).
A financial record of all cases in this court, showing docket number, style of case, names of complainant, respondent, and attorneys; date process issued, date of officers' returns, amount of court costs, final judgment, witness fees, clerks fees, record of payment, and distribution of collections. Arr. chron. 1866-1923, indexed in separate vols., entry 112; 1876--, indexed alph. within each vol., direct and reverse. Hdw. on ptd. form. Aver. 200 pp. 16x12x2. Vault.

130. CASH BOOK (Record of Disbursements), 1912-13, 1915-22. 2 vols. (1; 1 vol. not labeled). Discontinued. Title varies: 1912-13, Clerk's Cash Book.
A list of persons to whom money is paid by the clerk and master in transaction of official business, showing date of payment, page numbers in day book, receipt book, and rule docket where transaction is recorded; and name of bank where funds are deposited and drawn against. Arr. chron. Indexed alph. by name of payee. Hdw. on ptd. form. Aver. 100 pp. 16x11x2. Vault.
For other records of payments, see entries 127-129, 132.

131. LEDGER, 1899--. 6 vols. (1-6).
Record of the receipt and distribution of funds involved in chancery litigation, showing date received, source of collection, and amount; date of disbursement, to whom paid, amount, and purpose of payment. Arr. chron. Indexed alph. by name of payee or payor. Hdw. on ptd. form. Aver. 250 pp. 14x10x2. Vault.

Checks

132. (CHECK STUBS), 1922--. 23 vols.
Stubs of checks issued by the clerk and master, showing check number, date issued, to whom payable, amount, and purpose of payment. Arr. num. and chron. No index. Hdw. on ptd. form. Aver. 100 pp. 9x5x½. Vault.

133. CANCELED CHECKS, 1919--. 7 file jackets (checks no. 1-1750). Checks issued by the clerk and master, which have been paid by the bank, canceled, and returned, showing name of bank on which drawn, date and number of check, name of payee, amount, purpose of payment, signature of clerk and master, and bank's stamp of cancellation. Arr. num and chron. No index. Hdw. on ptd. form. 4x4x10. Vault.

Fees

134. FEE BOOK, 1913-20. 1 vol. (1).
A record of fees collected by the clerk and master, showing date of collection, name of payor, amount, and number of page of execution docket in which case is recorded. Arr. chron. No index. Hdw. on ptd. form. 200 pp. 18x12x2. Vault.
For other records of fees, see entry 129.

Miscellaneous

135. RULE DAY ORDER BOOK (Publications), 1858--. 5 vols. (4, 5; 3 vols. not labeled).
A record of published notices to administrators and executors with publisher's affidavit that notice has been published according to law. A copy of the printed form used in the publication is pasted in this book. Arr. chron. 1858-80, no index; 1881--, indexed alph. by name of administrator or executor. Hdw., 1858-1919; typed, 1920--. Aver. 150 pp. 14x12x1½. Vault.

136. CORRESPONDENCE, 1922--. 3 file boxes.
Miscellaneous correspondence received by the clerk pertaining to the business of this office, and copies of replies to letters received, showing dates, names, and subject matter. Alph. tab. arr. by name of correspondent and chron. thereunder. No index. Hdw. and typed. 12x12x3. Vault.

VIII. PROBATE OR MONTHLY COUNTY COURT

The probate court, or monthly county court, is the judicial branch of the county court, meeting to expedite the settlement of probate and other special judicial matters (Territorial Acts 1794, ch. 1, sec. 44; P.A. 1835-36, ch. 6, sec. 1; 1837-38, ch. 135; 1875, ch. 70). The probate court, as known today, is the result of a particularly significant development.

When Haywood County was organized in March 1824, the old court of pleas and quarter sessions, composed of justices of the peace, was both the county's governing body and its most important judicial agency, an agency combining the functions of the present quarterly county court and the probate court, and having jurisdiction in some matters now in the hands of the circuit and chancery courts. For this reason, there is even now a practice

of terming each of the two branches "the county court." Although it, too, is not entirely adequate, the term "probate" is coming into more general usage as the appellation of this judicial branch of the county court. The court is sometimes called the "monthly county court" because an early statute required that it be convened once a month (P.A. 1855-56, ch. 253, sec. 5). On the other hand, a later statute requires that the court shall always be deemed open for business (P.A. 1911, ch. 3, sec. 1).

The matters now heard by the probate court, which the county judge now holds, were originally heard by the court of pleas and quarter sessions, which was organized in Haywood County on March 8, 1824, and was composed of some eight justices of the peace who were commissioned by Governor William Carroll ("Day Book", p. 1, in "Minute Book", entry 4). On the day it organized, the court of pleas and quarter sessions ordered the sheriff to issue his writ commanding several citizens to appear as jurors at the June term of the court (ibid., pp. 7, 8). When the court convened in June, its first judicial action was to enter judgments against the veniremen who failed to obey the March summons (ibid., pp. 17, 18).

The court of pleas and quarter sessions, as a judicial body, was inherited from North Carolina along with the rest of the machinery of local government, and in Tennessee came in for its share of criticism in the early part of the nineteenth century when the judiciary failed to keep pace with a rapidly growing population. The development of the probate court and its predecessors has been the history of efforts to lift certain important judicial functions from the justices of the peace assembled in session. One of the most notable devices evolved was the "quorum court", which was authorized for Haywood County in 1827 (P.A. 1827, ch. 44), and was created for all counties in 1835 and 1838 (P.A. 1835-36, ch. 6, secs. 2, 3; 1837-38, ch. 135, sec. 1). The quorum court consisted of probably three justices, who, rather than the whole court of pleas and quarter sessions, heard causes previously heard by the court as a whole. Being rapidly overtaken by the rising circuit court, the quorum court was divested of jurisdiction "of any pleas...wherein...the parties are...entitled to a trial by jury" (P.A. 1835-36, ch. 6, sec. 3).

In 1856 a general law abolished the quorum court in all counties and conferred all of jurisdiction on the county judge, whose office was created simultaneously (P.A. 1855-56, ch. 253, secs. 1, 4) but this statute was repealed twenty-one months later (P.A. 1857-58, ch. 5), thus in effect reestablishing the quorum court. During the next few years the office of county judge was reestablished in many counties by special acts (P.A. 1857-58, ch. 38; 1867-68, chs. 47, 30), but not in Haywood, and by a curious interpretation of the statutes, the 1856 law, although specifically repealed, has become one of the basic general laws regulating the office of county judge in the various counties. The code compilers have uniformly held that the effect of the act of 1856 was to abolish the quorum court automatically whenever the office of county judge was established by special act (C 1858, 4197; C 1871, 4197; C 1884, 4977; C 1896, 6022; C 1917, 6022; C 1932, 10221). In 1875 the quorum court was abolished in all counties where it remained and its jurisdiction was conferred on the chairman of the county

court (P.A. 1875, ch. 70). Thus the chairman was probate judge of Haywood County from 1875 to 1933, or until the office of chairman was abolished and its functions assumed by the county judge, whose office was created by the same 1933 act which abolished the office of chairman (Pr.A. 1933, ch. 481). The county court clerk has been successively clerk of the court of pleas and quarter sessions, the quorum court, and the probate court ("Day Book", pp. 3, 5, in "Minute Book", entry 4; Const. of 1796, art. 5, sec. 10; P.A. 1855-56, ch. 253, sec. 7).

The justices of the peace who once composed the court were, from 1824 to 1835, elected by the legislature to serve during good behavior (Const. of 1796, art. 6, sec. 12; "Day Book", p. 1, in "Minute Book", entry 4). Since the adoption of the Constitution of 1834, justices have been elected by popular vote for six year terms (Const. of 1834, art. 6, sec. 15; 1870, art. 6, sec. 15). The chairman, who served as probate judge from 1875 to 1933, was elected from and by the justices who made up the entire body of the quarterly county court, for a term of one year ("Day Book", p. 1, in "Minute Book", entry 4; P.A. 1835-36, ch. 6, sec. 4; 1887, ch. 236, sec. 2). The county judge, because he is an inferior judge, is elected by popular vote for the constitutional term of eight years (Pr.A. 1933, ch. 481; Const. of 1870, art. 6, sec. 4). The judge may be removed only by the legislature (Const. of 1834, art. 5; art. 6, sec. 6; 1870, art. 5; art. 6, sec. 6). The county judge of Haywood County receives $1200.00 per year for his services (Pr.A. 1933, ch. 481, sec. 13). He must be at least thirty years of age (ibid., sec. 1; Const. of 1834, art. 6, sec. 4; 1870, art. 6, sec. 4) and a person of good moral character, well versed in business affairs (Pr.A. 1933, ch. 481, sec. 1). The judge's other duties are discussed in "Quarterly County Court", chapter I, "County Judge", chapter II, and "Juvenile Court", chapter IX.

The clerk of the court, the county court clerk, was elected by the court of pleas and quarter sessions from 1824 to 1835 to serve during good behavior (Const. of 1796, art. 5, sec. 10; "Day Book", p. 4, in "Minute Book", entry 4), and since 1835 has been elected by popular vote for a term of four years (Const. of 1834, art. 6, sec. 13; 1870, art. 6, sec. 13). The county court clerk is removable by the quarterly county court, subject to appeal, for "malfeasance, incompetency or neglect of duty" (Const. of 1834, art. 6, sec. 13; 1870, art. 6, sec. 13), and specifically, for non-residence, failure to give security, committing a misdemeanor in office, or a felony; or a failure to pay over moneys properly (P.A. 1801, ch. 17). The quarterly county court fills vacancies in the offices of clerk by temporary appointment (C 1858, 818; C 1932, 1905; C 1896, 6003, citing 8 Lea 83). For all of his services, the clerk is compensated on a fee basis with a ceiling at $2500 per year (Pr.A. 1933, ch. 590; C 1932, 10704).

The probate court has jurisdiction in probate of wills (P.A. 1835-36, ch. 6, sec. 2), granting of letters testamentary and of administration and their repeal and revocation (ibid.), all controversies in relation to the right of executorship or of administration, the settlement of accounts of executors or administrators, the partition and distribution of the estates

of decedents, and, for these purposes, the power to sell the real and personal property belonging to such estates, if necessary to make the partition or distribution, or if clearly for the interest of the parties (P.A. 1849-50, ch. 185, sec. 1); the settlement of insolvent estates, and if necessary, the power to sell the real or personal property belonging to the estate, at the instance of the personal representative or the creditors (ibid.; 1873, ch. 64); the appointment and removal of guardians of minors and persons of unsound mind, and also controversies as to the rights of guardians and the settlement of guardian accounts (P.A. 1849-50, ch. 27, sec. 1); the allotment of dower in lands (ibid., ch. 77, sec. 1), the partition, sale, or division of land, if such lands be an estate of inheritance, for life, or for years, and if the person being in possession thereof makes such demand (Laws of N. C. 1787, ch. 17, sec. 1; 1789, ch. 24; P.A. 1799, ch. 11, sec. 1; 1815, ch. 123, sec. 1; 1853-54, ch. 48, sec. 1); the changing of names and the legitimation and adoption of children (P.A. 1805, ch. 2, sec. 1; 1851-52, ch. 338, secs. 1, 2); the issuance of inquisitions of unsoundness of mind (P.A. 1797, ch. 41; 1851-52, ch. 163), the binding out of apprentices and of controversies between master and apprentice (P.A. 1815, ch. 113; 1853-54, ch. 53), lunacy (P.A. 1797, ch. 41, sec. 1; 1851-52, ch. 163, sec. 2), bastardy (Laws of N. C. 1741, ch. 14, sec. 11); estates of idiots, lunatics, and other persons of unsound mind (P.A. 1797, ch. 41, sec. 1; 1851-52, ch. 163, sec. 2), and the appointment and removal of trustees, and the investment of trust funds (P.A. 1831, ch. 107; 1853-54, ch. 74; 1855-56, ch. 113, sec. 11).

The probate court has concurrent jurisdiction with the chancery and circuit courts in many of the above enumerated matters, particularly distribution, partition, trust funds, changes of names, and legitimation, and with the chancery court alone in matters of lunacy and estates of minors (Laws of N. C. 1762, ch. 20, sec. 1; P.A. 1849-50, ch. 185, sec. 1; Laws of N. C. 1762, ch. 5, sec. 5; P.A. 1797, ch. 41).

In cases of concurrent jurisdiction, the probate court is vested with all the incidental powers belonging to or conferred by law upon the court with which its jurisdiction is concurrent (P.A. 1851-52, ch. 92, sec. 1). Rules of practice in chancery are followed in the probate court if a sum greater than $50.00 is involved (P.A. 1887, ch. 141, sec. 2). The probate court further has the power to issue writs of possession in all cases in which the chancery court has such power (ibid., sec. 3). Jurisdiction is also conferred upon the court to enforce vendor's liens and foreclose mortgages upon all sums under fifty dollars and to enforce all liens on all sums under fifty dollars in such cases as the chancery court alone would have jurisdiction if the amount were more than fifty dollars (ibid., sec. 1; 1889, ch. 30, sec. 1). In spite of the rather cloudy line of demarcation of jurisdiction, the probate, chancery, and circuit courts seem to avoid any conflict.

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

Probate or Monthly County Court (Next entry 137, p. 85)

As clerk of the probate court, the county court clerk is required to administer to every administrator or executor an oath to perform the will of the deceased and for the faithful performance of his duties, to take from every such representative a bond in double the value of the estate (Laws of N. C. 1715, ch. 48, sec. 5; P.A. 1841-42, ch. 177, sec. 4); to issue to such representatives letters of administration or letters testamentary authorizing him to administer the estate of the deceased (Laws of N. C. 1715, ch. 48, sec. 5; P.A. 1813, ch. 120, sec. 4), to compel an accounting party, by subpoena, to come before him once every year for the purpose of settling his accounts (ibid., sec. 2); to present to the court, in writing, the names of those personal representatives and guardians who refuse or fail to answer the subpoena, or who fail to settle, and also the names of minors in the county, of his knowledge, whose guardians are in default, and the sureties of whose guardians are dead, removed out of the state, or become insolvent (P.A. 1831, ch. 29); to examine an accounting party when it seems necessary, touching his receipts and disbursements (P.A. 1837-38, ch. 125, sec. 4); to continue the settlement from time to time on cause shown by affidavit (ibid., sec. 3), to charge the party with all such sums as he has received or might have received by due diligence, and credit him with such disbursements as he supports by lawful vouchers and with reasonable compensation for his services (ibid., sec. 4); to report the account to the court for confirmation or rejection (ibid., sec. 1), to serve every party resident in his county who is interested in said account with notice of taking the account (P.A. 1851-52, ch. 215, sec. 2), to perform all the duties required of him in the administration of insolvent estates of deceased persons (P.A. 1851-52, ch. 283), to take the probate or acknowledgment of all deeds and other instruments that are entitled to registration by law, certify for registration, and collect the state tax thereon (P.A. 1833, ch. 92, sec. 15; 1835-36, ch. 53, sec. 6; 1837-38, ch. 150).

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

Among his duties relating to the keeping, making, and reception of records, the county court clerk as clerk of the probate court is required to receive of every administrator or executor his inventory of the decedent's estate and cause him to verify it by his oath and present it to the court (Laws of N. C. 1723, ch. 10, sec. 2; P.A. 1851-52, ch. 180, sec. 1), to record the inventory, if it be found regular by the court, in the book of inventories (ibid.); to receive from every personal representative his account of sales, present it to the court, and record it if the court find it regular (ibid.); to take and state once a year, in vacation at his office, the accounts of every personal representative of any deceased person (P.A. 1837-38, ch. 125, secs. 1, 2); to record the settlements when adjusted by the court (ibid., sec. 5), to record all refunding bonds lodged

with him by any personal representative, taken from distributees, and file and preserve the originals in his office (Laws of N. C. 1789, ch. 23, sec. 3); to enter in particular books every guardian's first account of his ward's estate, received into his hands and possession, and each annual account of proceeds and disbursements after dates exhibited by the guardians (Laws of N. C. 1762, ch. 5, sec. 9); and to record in well-bound books all letters testamentary and of administration, all guardian appointments, and all settlements made by him with guardians and personal representatives (P.A. 1837-38, ch. 125, sec. 7). The special act of 1933, creating the office of county judge in Haywood County, requires the clerk to "keep and preserve in well-bound dockets all suits showing the names of the plaintiffs and defendants, all motions and actions that may come before said County Judge for trial and he shall enter upon said docket a memorandum of all papers filed in each pending in said court. Said County Court Clerk shall issue all process" (Pr.A. 1933, ch. 481, sec. 8).

Original Instruments
(See also entries 142, 169)

137. (ORIGINAL PAPERS OF THE PROBATE COURT), 1861--. In (Miscellaneous Papers), entry 1.

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

138. WILLS, 1824--. 24 file boxes (lettered).

Original instruments filed in this office to be probated, showing name of devisor, date instrument executed, provisions for the partition, distribution or administration of the estate; signatures of devisor and witnesses, and notification of the court's action by the clerk. Arr. alph. by name of devisor. No index. Hdw. and typed. 11x5x18. Vault.

For recorded copies of wills, see entry 146.

139. APPRENTICE BONDS, 1866-1921. 2 vols. Discontinued. Title varies: 1866-67, Record Book.

Bonds made to the state by individuals employing minors, binding themselves to diligently tutor, provide for, and rear said minor until he shall reach a specified age, showing date of bond, name of minor, name of person to whom apprenticed, amount and limitations of the bond, and signatures of principal and surety. Arr. chron. No index. Hdw. on ptd. form. Aver. 250 pp. 12x8x1. Vault.

140. BOND FOR COSTS, 1890--. 1 vol.

Bonds given by plaintiffs to insure payment of court costs, showing names of principal and sureties, amount and limitations of the bond, style of case, date of bond, and signatures of principal and sureties. Arr. chron. No index. Hdw. on ptd. form. 200 pp. 14x9x1. Vault.

Probate or Monthly County Court - Dockets; Court Proceedings; Inheritances (141-146)

Dockets
(See also entry 165)

141. RULE DOCKET, 1927--. 1 vol. (1).
Record of all process filed with the clerk incident to action in matters of probate, showing date of filing, names of parties litigant and attorneys, officers' returns, orders of the court, depositions taken, and book and page numbers of recording in minute book. Arr. chron. Indexed alph. by name of plaintiff. Hdw. on ptd. form. 300 pp. 18x12½x3. Vault.
For prior similar records, see entry 142.

142. REFERENCE DOCKET, 1875-1927. 1 vol. (1).
A record of all papers filed with the clerk of this court, showing date filed, name of attorney, names of parties litigant, style of case, rules of the last court, and rules of the present court. Arr. chron. Indexed alph. direct and reverse. Hdw. on ptd. form. 300 pp. 18x12½x3. Vault.
For subsequent similar records, see entry 141.

Court Proceedings
(See also entries 137, 160)

143. (MINUTES OF THE PROBATE COURT), 1824-31, 1834--. In Minute Book, entry 4).
Recorded minutes of the proceedings of this court, including the appointment of administrators, executors and guardians; settlement of estates, probation of wills, adoption and insanity hearings, and the dispatch of all matters of probate coming within the jurisdiction of this court.

144. (INDEX TO MINUTES OF THE PROBATE COURT), 1834-99. In Index to Minute Books, entry 5.
An alphabetical index to minutes of the probate court, listing names of parties litigant and subjects, and showing book and page numbers of recording.

145. DRAINAGE RECORD (Minutes), 1914-19. 2 vols. (1, 2). Discontinued. 1 vol., 1914-17, mistitled "Minute Book - Juvenile Court."
A record of the exact proceedings of the probate court in regard to drainage work, showing tract number, names of property owners, description and location of land, number of acres, percentage of benefits, total benefits, total cash, and special assessments. Arr. chron. No index. Hdw. on ptd. form. Aver. 640 pp. 12x17x2½. Trustee's office.

Inheritances
(See also entry 162)

Wills

146. WILL BOOK, 1852--. 3 vols. (E-G). Title varies: 1890-1926, Will Record.
Exact copies of original wills filed for probate, showing name of devisor,

date instrument executed, provisions for the partition, distribution or administration of the estate, name of devisor and witnesses, date of probation, and signature of the clerk. Arr. chron. Indexed alph. by name of devisor. Hdw., 1852-91; typed, 1892--. Aver. 500 pp. 13x8½x2. Vault.

For original wills, see entry 138.

Bonds of Personal Representatives

147. EXECUTORS BONDS AND LETTERS, 1852--. 3 vols. (2, 3; 1 vol. not labeled). Title varies: 1852-75, Executors Bonds.
Bonds made by executors of estates, showing name of executor, name of estate, date, amount and limitations of the bond; signatures of principal and sureties, and letter of appointment signed by the clerk. Arr. chron. Indexed alph. by name of estate. Hdw. on ptd. forms. Aver. 500 pp. 14x9x2. Vault.

148. ADMINISTRATORS BONDS AND LETTERS, 1857--. 7 vols. (2-6; 2 vols. not labeled).
Original bonds and letters testamentary of administrators of estates, showing name of administrator, name of deceased, date, amount, and limitations of the bond; name of surety, and letter of authorization from the court to act. Arr. chron. Indexed alph. by name of administrator. Hdw. on ptd. forms. Aver. 400 pp. 14x9x1½. Vault.

149. GUARDIAN BONDS, 1852--. 6 vols. (2-4; 3 vols. not labeled).
Bonds made by guardians to insure faithful performance of duties, showing names of principal and sureties, amount and limitations of the bond, date given, signatures of principal and sureties, date of approval by court, and signature of clerk. Also contains a record of guardians' appointments by the court. Arr. chron. 1852-75, no index; 1876--, indexed alph. by name of guardian. Hdw. on ptd. form. Aver. 500 pp. 15x10½x2. Vault.

Inventories

150. INVENTORY AND ACCOUNT OF SALES, 1826-44, 1853--. 10 vols. (1, 1, 1-5, B, H; 1 vol. not labeled).
Record of inventories and accounts of sales made by agents of estates and reported to the clerk, showing name of agent, name of estate, itemized account of transactions, and date of each. Contains: Guardians Settlements, 1826-44, entry 157. Arr. chron. 1826-70, 1888-1925, indexed alph. by name of estate; 1871-87, no index; 1926--, indexed in separate vol. Hdw., 1826-1908; typed, 1909--. Aver. 500 pp. 17x11x2. Vault.

151. INDEX TO INVENTORY AND ACCOUNT OF SALES, 1926--. 1 vol. (5).
An alphabetical index to inventories and accounts of sales made by personal representatives of estates, showing name of estate, and book and page numbers where transaction is recorded. Alph. tab arr. by name of estate and chron. thereunder. Hdw. on ptd. form. 100 pp. 16x12x½. Vault.

Insolvent Estates

152. MINUTES OF INSOLVENT ESTATES, 1875--. 1 vol. 1870-74 in Accounts of Insolvent Estates, entry 153.
A record of suggestions of insolvency and the clerk's orders regarding the filing of claims, showing date of suggestion, name of estate, signature of administrator, dates of orders of the clerk, and clerk's signature. Arr. chron. Indexed alph. by name of estate. Hdw. on ptd. form. 150 pp. 16x11x1. Vault.
For other records of insolvencies, see entry 154.

153. ACCOUNTS OF INSOLVENT ESTATES (Claims), 1870-1914. 1 vol. (3).
A record of claims filed against insolvent estates, showing date claim filed, name of claimant, nature and amount of claim, fees charged, clerk's approval for payment, and date paid. Contains: Minutes of Insolvent Estates, 1870-74, entry 152. Arr. chron. Indexed alph. by name of estate. Hdw. on ptd. form. 150 pp. 16x11x1. Vault.
For other records of insolvencies, see entry 154.

154. RECORD OF INSOLVENT ESTATES, 1849--. 3 vols. (3; 2 vols. not labeled).
A record of all transactions of administrators of such estates, from initial appointment to final settlement of the estate, including a suggestion to the court that the estate is insolvent, orders to file just claims against said estate, and the order in which claims are to be paid, showing date filed, signature of administrator, and acknowledgment of the clerk. Arr. chron. Indexed alph. by name of estate. Hdw., 1849-74; hdw. on ptd. form, 1875--. Aver. 200 pp. 14x8x1½. Vault.

Settlements by Personal Representatives

155. ADMINISTRATOR'S EXECUTOR'S, GUARDIAN'S SETTLEMENT BLOTTER, 1852-63, 1900--. 4 vols. Title varies: 1852-63, Inventories, Guardians', Administrators' and Executors' Settlements.
A record of inventories and settlements made by personal representatives of estates, listing all goods coming into the hands of the representative, showing name of estate, date of settlement, itemized account of all transactions, and clerk's sworn statement of acknowledgment. Arr. chron. Indexed alph. by name of estate. Hdw. Aver. 450 pp. 12x8x2. Vault.
For other records of settlements, see entries 156, 157.

156. ADMR. (Administrators') AND EX. (Executors') SETTLEMENTS, 1870-1926. 2 vols.
Recorded copies of administrators' and executors' settlements with this court, showing name of deceased, name of administrator or executor, date of settlement, date and itemized account of each transaction, and clerk's sworn statement of acknowledgment. Arr. chron. 1870-75, 1891-1926, indexed alph. by name of estate; 1876-90, no index. Hdw. and typed. Aver. 450 pp. 18x12x2. Vault.
For other records of settlements, see entry 155.

Probate or Monthly County Court - Insanity Proceedings (157-161)

157. MEMORANDUM GUARDIAN SETTLEMENTS, 1856-91. 3 vols. Title varies. 1856-76, Guardian Settlements. 1826-44 in Inventory and Account of Sales, entry 150.
Copies of guardians' reports on their stewardship of estates controlled by them, showing names of guardian and ward, receipts and disbursements during period reported, balance due ward, oath of guardian as to correctness of the report, acknowledgment and approval of court, date of recording, and signature of clerk. Arr. chron. Indexed alph. by name of guardian. Hdw. Aver. 600 pp. 14x10x3. Vault.
For other records of settlements, see entry 155.

Miscellaneous

158. POWER OF ATTORNEY: GUARDIAN AND ADMINISTRATORS RECEIPTS, 1870-1921. 2 vols.
Power to act as attorney-in-fact, granted guardians and administrators when transacting business pertaining to estates and wards which they represent, showing name of person to whom power is granted, signature of person granting power and date of agreement; also contains receipts from heirs acknowledging correct settlements of estates as made by guardians and administrators, showing name of estate, names of heirs, date and result of the settlement. Arr. chron. No index. Hdw. on ptd. form. Aver. 200 pp. 14x8½x2. Vault.

159. WIDOWS AND ORPHANS' YEARS' PROVISIONS, 1873-1925. 1 vol.
A record of provisions made by the court for the support of widows and orphans, showing itemized account of commodities and cash provided. Arr. chron. No index. Hdw., 1873-1915; typed, 1916-25. 200 pp. 15x10x1. Vault.

Insanity Proceedings

160. MINUTES AND INSANITY RECORD, 1919--. 1 vol.
A record of proceedings in insanity cases, showing affidavit of person making the charge, physicians' testimony, orders and decrees of the court, and record of commitment, showing date of proceedings, name, address, age, color and sex of patient; dates and results of examinations, decision of the court, date of commitment, and signatures of physicians and judge. Arr. chron. Indexed alph. by name of patient. Hdw. and typed on ptd. form. Aver. 175 pp. 16x11x3. Vault.

161. INSANE RECORD, 1895-1919. 1 vol.
A record of county patients who have been committed to Western State Hospital at Bolivar, showing name, address and age of patient, date committed and final disposition of the case. Alph. tab arr. by name of patient and chron. thereunder. No index. Hdw. on ptd. form. 75 pp. 10½x16x1. Vault.
For financial report on care of patients, see entry 21.

Probate or Monthly County Court - Special Taxes; Financial Records (162-168)

Special Taxes

162. INHERITANCE TAX, 1916-31. 1 vol. Discontinued as a county record; subsequent records kept by the state.
A record of taxes collected on inheritances, showing name of estate, names of appraiser and legatees, report and oath of appraiser as to value of the estate, a list of items considered, and amount of tax due. Arr. chron. No index. Hdw. on ptd. form. 75 pp. 16x10½x½. Vault.

163. PROBATE OF DEEDS, 1879--. 7 vols. (1-7). 1834 in Officers Bonds, entry 9.
A record of deeds probated and state tax collected thereon, showing names of parties and witnesses to the transaction, date of deed, date filed for probate, consideration involved, number of acres, civil district in which located, nature of the instrument, remarks, and amount of tax. Arr. chron. No index. Hdw. on ptd. form. Aver. 200 pp. 16x11½x2. Vault.

164. MORTGAGE TAX, 1917--. 2 vols. (1, 2). Last entry 1935.
Record of taxes collected on mortgages of $10,000 or more, showing names of parties, consideration, location and description of property, number of acres, amount of state tax, and date of remittance. Arr. chron. No index. Hdw. on ptd. form. Aver. 150 pp. 16x11½x1. Vault.

Financial Records
(See also entries 162-164)

165. EXECUTION DOCKET, 1854--. 4 vols. (2-4; 1 vol. not labeled).
A complete financial record of litigation in probate court, showing date petition was filed, docket number, style of case, items of cost, amount of each item, and signatures of individuals to whom payments are made. Arr. chron. 1854-71, no index; 1872--, indexed alph. direct and reverse. Hdw. on ptd. form. Aver. 250 pp. 18x12x2. Vault.

166. (MISCELLANEOUS RECEIPTS), 1935--. 1 vol.
Duplicate receipts issued by the clerk for money received by him in process of settlements with agents of estates, showing date of receipt, amount received, name of payor, purpose of payment, and clerk's signature. Arr. chron. No index. Hdw. on ptd. form. 200 pp. 8x14x2. Office.

167. RECEIPT BOOK, 1866-82, 1890--. 19 vols.
Original receipts made to the clerk for money paid out by him in transacting the business of the court. For example, the settlement of estates and the sale of land for purposes of partition, showing date of payment, name of payee, amount and purpose of payment, and signature of recipient. Receipts are pasted in the volumes. Arr. chron. Indexed alph. by name of payee. Hdw. on ptd. form. Aver. 200 pp. 14x9x1. Vault.

168. LEDGER, 1892-1913. 7 vols.
A record of financial transactions incident to the settlement of estates, both receipts and disbursements are itemized in detail, showing name of

account, date of transaction, credits, debits, and totals. Arr. chron. Indexed alph. by name of account. Hdw. Aver. 175 pp. 14x9xl. Vault.
For subsequent records, see entry 165.

169. DRAINAGE DISTRICTS (Papers), 1916-30. 6 file boxes. Original invoices and bids from merchants covering supplies and equipment, estimates and reports from engineers on work performed, and a record of warrants issued for drainage purposes. Arr. num. by drainage districts. No index. Hdw. and typed. 4½x4½x10. Office.

IX. JUVENILE COURT

Although there had been prior legislation establishing juvenile courts in some counties of the state, the general law of 1911, under which the county judge or chairman of the county court is ex-officio juvenile judge, was the first under which Haywood County had a juvenile court (P.A. 1911, ch. 58). In Haywood County, the chairman was juvenile judge from 1911 to 1933 (ibid.). When the office of county judge was created in 1933, the county judge became juvenile judge (Pr.A. 1933, ch. 481, sec. 11). The juvenile judge can not claim any compensation for his services (P.A. 1911, ch. 58, sec. 14). The county court clerk is ex-officio clerk of the juvenile court (ibid., sec. 3).

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

The county judge is vested with original and exclusive jurisdiction in all juvenile cases (ibid., sec. 2). The 1911 act specifically denies justices of the peace or police judges any jurisdiction whatever over juveniles, even to committing them to jail or a lock-up for a short time (ibid., secs. 10, 11).

Under an act of 1917 all juvenile delinquents convicted of offenses that are normally punishable by confinement in the penitentiary are committed to the State Training and Agricultural School, or to the Tennessee Vocational Reformatory for Girls (P.A. 1917, ch. 41, secs. 1, 2; ibid., ch. 97, secs. 1, 2, 4). Parents, guardians, or other legally responsible adults contributing to neglect or dependency of child are liable to criminal prosecution (P.A. 1911, ch. 58, secs. 15, 16).

The legislature specifically directed that the act be liberally construed so that insofar as possible a juvenile brought before the court shall not be treated as a criminal, but as in need of assistance (ibid., sec. 17). Juveniles are brought into court by a summons served on a legally responsible adult after a petition has been filed with the court (ibid., sec. 5). A jury may be impaneled on demand of any interested person (ibid.). The judge is required to open the court at all reasonable times.

A juvenile detained can not be placed in contact with adult prisoners and must be given privileges of bail (ibid., sec. 5). The county judge is empowered to appoint probation officers and a salaried chief probation officer. If there is a probation officer, it is his duty to bring the juvenile to court and there represent his or her interests, to make investigations, and otherwise be of assistance to the court in determining the facts and making proper disposal of the case (ibid., sec. 6).

The court must commit to some suitable state institution, to some reputable citizen, or to some bona fide association any child found to be dependent or neglected (ibid., sec. 7). Delinquent children may be corrected with varying degrees of severity. A juvenile offender may be allowed to remain at home and required to report to a probation officer, be placed in a home and subject to visits by the officer, or, in extreme cases, placed in a suitable state, county, or municipal institution for delinquent children (ibid., sec. 9). Any child determined guilty of committing a felony or misdemeanor and who gives no indication of reform may be turned over to the circuit court for prosecution. Charges of a capital crime immediately places the juvenile under jurisdiction of the circuit court, and subject to the ordinary processes of law (ibid.).

The clerk of the court is required to keep a "Juvenile Docket" and a "Juvenile Record" (ibid., sec. 3).

170. MAGISTRATE'S DOCKET (Juvenile Court Minutes), 1936--. 1 vol. Exact proceedings in all cases coming within the jurisdiction of this court, showing date case filed, case number, names of juvenile and plaintiff, offense charged, and final disposition of the case. Arr. chron. No index. Hdw. 200 pp. 8x14x2. Co. j's. office.

X. JURY COMMISSION

In the absence of special legislation, the jury lists are made up by the quarterly county court (P.A. 1835-36, ch. 6, sec. 8; C 1932, 9984), a practice followed in Haywood County from 1824 to 1923. One of the first actions of Haywood County's court of pleas and quarter sessions, the predecessor of the quarterly county court, when it convened in 1824, was to order the clerk to issue writs of venire facias to the sheriff commanding him to summon grand and petit jurors for the court of pleas and quarter sessions and the circuit court ("Day Book", pp. 7, 9, in "Minute Book", entry 4).

The jury commission replaced the court as the agency of choosing prospective jurors in Haywood County in 1923 when an act of that year made a 1921 act which created a jury commission for Henry County applicable to Haywood and Gibson Counties (Pr.A. 1921, ch. 63; 1923, ch. 254).

The commission consists of three persons appointed by the circuit judge for terms of two years (Pr.A. 1921, ch. 63, sec. 1). Failure to observe the law on the part of a commissioner constitutes contempt of

court, punishable by fine and imprisonment (ibid., sec. 6). Presumably a commissioner is removable by proceedings in equity (P.A. 1915, ch. 11; 1933, ch. 94; 1937, 3rd ex. ses., ch. 3). The commissioners receive $5.00 each for assisting in making a jury list (Pr.A. 1921, ch. 63, sec. 9). The commissioners are under stringent oath to perform their duties fairly and honestly, and do nothing that might in any way affect the normal course of a cause. Copies of their oaths are required to be entered on the minutes of the circuit court by the clerk (ibid., sec. 2).

The commission may be called into special session by the circuit judge in event of a special term of court (ibid., sec. 5). Two of the commissioners may act in the absence of the third member, and in the absence of two members the remaining member may swear in the circuit court clerk or the sheriff, or either of them to act in a pro-tempore capacity (ibid., secs. 7, 8).

The commission is required to meet before each term of circuit court and make out from tax books and similar sources "a list of thirty...names of good and upright men, known for their integrity and common sense and sound judgment, which list will be the jury list" (ibid., sec. 3). The secretary of the commission must copy each jury list in a well-bound book. A copy of the list is certified by the commission and filed with the circuit court clerk, and from this list filed with the clerk, jurors are summoned in a manner regulated by the general law (ibid., secs. 3, 4); that is, the circuit court clerk delivers the list to the sheriff, commanding him to summon the persons named (ibid., sec. 10).

XI. JUSTICE OF THE PEACE

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

The Constitution of 1796 provided that from each captain's district two justices of the peace and from the district including the county seat three justices be appointed by the legislature, to hold office during good behavior (Const. of 1796, art. 5, sec. 12). Haywood County's first set of justices of the peace, Richard Nixon, Lawrence McGuire, Nicholas T. Perkins, Jonathan T. Jacocks, William Dodd, Britain H. Sanders, David Jeffries, and Blackman Coleman, were commissioned by Governor William Carroll, after the enabling acts for Haywood County were passed by the legislature in November, 1823. Sitting together as a court of pleas and quarter sessions, the "Gentlemen Justices" organized Haywood County on March 18, 1824 ("Day Book", p. 1, in "Minute Book", entry 4).

The Constitution of 1834 abolished the captain's district system in Tennessee, divided the county into civil districts, limited the number

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of districts to twenty-five, made justices of the peace elective by popular vote within their respective districts for terms of six years, and made their jurisdiction co-extensive with the limits of the county (Const. of 1834, art. 6, sec. 15). These provisions were carried over without change by the Constitution of 1870 (Const. of 1870, art. 6, sec. 15); each civil district still elects two justices, except the district containing the county seat which elects three. The legislature, further, may allow incorporated towns and cities additional justices (ibid.; Const. of 1834, art. 6, sec. 15). Haywood County, with twelve civil districts, elects twenty-seven justices of the peace, the municipalities of Brownsville and Stanton supplying the two extra ones.

A justice of the peace may be removed from office by proceedings in equity (P.A. 1915, ch. 11; 1933, ch. 94; 1937, 3rd ex. ses., ch. 3) for misconduct in office, neglect of duty, public drunkenness, violation of a penal statute involving moral turpitude (P.A. 1915, ch. 11, sec. 1), removal of residence from district from which elected (Const. of 1834, art. 6, sec. 15; 1870, art. 6, sec. 15), failure to make a quarterly revenue report to the county judge (P.A. 1875, ch. 46, sec. 5), and failure to keep a judgment and execution docket (C 1858, 4133; C 1932, 10146). The quarterly county court may remove a justice if a jury of inquest returns a verdict of insanity or imbecility (P.A. 1887, ch. 142). Vacancies in the office of justice of the peace are filled by special election called for the purpose (P.A. 1835-36, ch. 1, sec. 15). As a minor judicial officer the justice of the peace is compensated strictly on a fee basis (P.A. 1925, ch. 108) and as a member of the quarterly court on a per diem basis (P.A. 1866-67, ch. 3; 1875, ch. 42; 1889, ch. 246; C 1932, 10691). To hold office, a justice must be at least twenty-one years of age (P.A. 1851-52, ch. 54, sec. 5), and must take an oath (P.A. 1835-36, ch. 17, sec. 12) and give bond (P.A. 1871, ch. 87; 1847-48, ch. 55, sec. 8; 1851-52, ch. 159, sec. 1).

The office of justice of the peace has been inextricably linked with the governing of the county because severally the justices have made up and now make up the governing body (Territorial Acts 1794, ch. 1, sec. 44; P.A. 1835-36, ch. 6, secs. 1, 2). Moreover, the judicial power of an individual justice is the product of many years of evolution. When Haywood County was organized in 1824, the court of pleas and quarter sessions, assembled in session, was both a governing and judicial body. It levied the tax and made appointments ("Day Book", pp. 5-7, in "Minute Book", entry 4), as the quarterly court now does, and in session decided judicial cases as an individual justice now does. In addition, the individual justice possessed many of the judicial powers now identified in him (Territorial Acts 1794, ch. 1, secs. 19, 20, 50; P.A. 1799, ch. 1, sec. 1; 1807, ch. 95, sec. 2; 1809, Sept. ses., ch. 54, sec. 1; 1821, ch. 14, sec. 6).

Haywood County was created in the midst of a period during which the judiciary was admittedly inadequate and unsatisfactory, and one of the agencies devised to cope with the disordered judicial system and clogged dockets was the "quorum court", consisting of a limited number of justices who, rather than the whole court of pleas and quarter sessions, sat as a judicial body. Such a court consisting probably of three members, was

authorized in Haywood County, by special act in 1827 (P.A. 1827, ch. 44) and for all counties by general laws of 1835 and 1838 (P.A. 1835-36, ch. 6, secs. 2, 3; 1837-38, ch. 135, sec. 1). The quorum court was temporarily abolished by general law in 1856 when the office of county judge was created (P.A. 1855-56, ch. 253, sec. 4; C 1896, 5992), and restored twenty-one months later when the office of county judge was abolished (P.A. 1857-58, ch. 5). It was permanently abolished in 1875, however, when the chairman of the county court was vested with the jurisdiction held by the Haywood County quorum court and by the county judge in those counties in which the chairman had already been replaced by the county judge (P.A. 1875, ch. 70), as finally took place in Haywood County in 1933 (Pr.A. 1933, ch. 481). Originally there was almost no limit to the jurisdiction of the justices assembled as a court, but in 1836 the quorun court, being steadily superseded by the circuit court, was divested of jurisdiction in jury trials (P.A. 1835-36, ch. 9), and finally passed from the scene in 1875 (P.A. 1875, ch. 70).

Throughout, the individual justice of the peace has sat as judge in minor civil cases, subject to appeal, and in misdemeanor cases in which a plea of guilty is entered, and as committing magistrate in all other criminal cases (P.A. 1875, ch. 70; 1847-48, ch. 247, sec. 1; Laws of N. C. 1741, ch. 14; 1715, ch. 16; 1829-30, ch. 24, sec. 1; 1831, ch. 4, sec. 1; 1833, ch. 65; 1835-36, ch. 17, sec. 1; 1843-44, ch. 103, sec. 2; 1849-50, ch. 269; 1853-54, ch. 52, sec. 1; 1859-60, ch. 65). The fact that the justices severally constitute the quarterly court has now no relation to their duties as minor judges.

Justices are authorized and empowered to examine all persons arrested for crime (Laws of N. C. 1715, ch. 16, sec. 1), to issue warrants for prisoners escaped from jail (Laws of N. C. 1777, ch. 8, sec. 9), to summon a jury of inquest in cases of death by accident (P.A. 1825, ch. 36, sec. 4), and bind over defendants in criminal cases if the presumption of guilt is great (P.A. 1817, ch. 100, sec. 1), and to take bail in bailable offenses (P.A. 1831, ch. 4).

A justice hears civil causes not exceeding fifty dollars, determines them upon the principles of equity, and renders judgment in the same manner as courts of chancery (P.A. 1817, ch. 86, sec. 1; 1857-58, ch. 56, sec. 3).

The justice of the peace is required to transmit to the circuit court all papers of a case in which an appeal has been taken (P.A. 1809, ch. 63, sec. 2; 1889, ch. 251), to return to the county court clerk within thirty days all marriage licenses under which he has solemnized matrimonial rites (P.A. 1815, ch. 47, sec. 1; 1879, ch. 98, sec. 2; 1889, ch. 134, sec. 2; 1915, ch. 109), to make a report of all revenue received, be it state, county, or municipal, at the January term of the quarterly county court, the report to be entered on the minutes and a copy sent to the trustee (P.A. 1851-52, ch. 159, sec. 2); at the January term, to show a transcript of his docket (P.A. 1849-50, ch. 247, sec. 4); and to deliver official books to his successor when vacating office (P.A. 1835-36, ch. 17, secs. 14, 15). He is required to keep a judgment and execution docket (P.A. 1835-36, ch.

17, sec. 7), to preserve all papers in an orderly file (P.A. 1805, ch. 66, sec. 1), and to keep safely any statutes or public documents officially received by him under penalty of fine (P.A. 1837-38, ch. 149, sec. 1).

In general, the dockets kept by justices of the peace of Haywood County show the same information. The following is a description of contents that holds true for all dockets: column headings show date of trial, case number, names of plaintiff and defendant, amount of judgment, stayor, returning officer's name, and bill of costs.

All dockets are arranged chronologically and are indexed within the volume direct and reverse. Any variations in indexing are noted. All volumes are handwritten under column headings. Unless otherwise noted, the average size of the volumes is 16x10½x1½ and the number of pages 150.

Trial papers, include original papers incident to action in justice of the peace courts, such as warrants, subpoenas, replevins and attachments, and show case number, names of plaintiff and defendant, date of trial, and purpose of instrument. They are handwritten on printed forms and have no special arrangement or indexing.

In some instances the information on these records was furnished from the field by the justices of the peace themselves. It is possible that all volumes do not bear the exact titles indicated here.

Trial Papers

Brownsville

171. (TRIAL PAPERS, George Chamberlain), 1931-36. 1 file box.
15x8x8. Residence, Henry Waddell, RFD, Brownsville.

172. (TRIAL PAPERS, B. W. Cobb, H. J. Duke, R. G. Marbury), 1920--.
5 pigeon holes. (1-5).
4x6x12. Residence, B. W. Cobb, RFD #3, Brownsville.

173. (TRIAL PAPERS, E. L. Coburn), 1931-35. 1 file box.
4x6x12. Residence, RFD #3, Brownsville.

174. (TRIAL PAPERS, A. G. King), 1924--. 1 file box, 200 bundles.
File box, 12x14x26; bundles, 9x4x2. Office, 2nd floor, Reid's 5¢ and 10¢ Store, Brownsville.

175. (TRIAL PAPERS, Raymond Sweeney), 1933--. 1 bundle.
7x8x½. Residence, RFD #3, Brownsville.

176. (TRIAL PAPERS, C. W. Taylor), 1936--. 1 file box.
15x8x8. Store, 121 E. Main St., Brownsville.

177. (TRIAL PAPERS, J. B. Warren), 1936--. 12 bundles.
3x8½x2. Store, RFD #3, Brownsville.

Justice of the Peace - Civil Dockets; Criminal Dockets; Civil and Criminal Dockets (178-186)

Bells

178. (TRIAL PAPERS, H. O. Eason), 1936--. 1 file box.
8x12x4. Residence, RFD #2, Bells.

Dancyville

179. (TRIAL PAPERS, J. B. Moore, F. T. Sweet, F. R. Jones), 1912-36. 2 bundles.
2x4x10. Residence, J. B. Moore, Dancyville.

Vildo

180. (TRIAL PAPERS, S. E. McGee, A. E. Hardister), 1912-33. 1 file box.
6x8x14. Residence, E. L. Hardister, Vildo.

Civil Dockets

181. MAGISTRATE'S DOCKET (E. L. Coburn), 1931--. 1 vol.
Residence, RFD #3, Brownsville.

182. MAGISTRATE'S DOCKET (Z. C. Nolen), 1875-76. 1 vol.
No index. Co. co. clk's. office.

183. MAGISTRATE'S DOCKET (Robt. S. Thomas), 1869-73. 1 vol.
No index. Co. ct. clk's. office.

Criminal Dockets

184. MAGISTRATE'S DOCKET (E. L. Coburn), 1935--. 1 vol.
Residence, RFD #3, Brownsville.

185. MAGISTRATE'S DOCKET (James Mann), 1930-36. 1 vol.
Store, C. W. Taylor, 121 E. Main St., Brownsville.

Civil and Criminal Dockets

Brownsville

186. MAGISTRATE'S DOCKET (L. Y. Bledsoe), 1873-75. 1 vol.
No index. Co. ct. clk's. office.

Justice of the Peace - Civil and Criminal Dockets (187-200)

187. MAGISTRATE'S DOCKET (W. D. Cannon, H. J. Smith), 1912--. 2 vols.
1912-29, indexed alph. direct and reverse; 1930--, no index. Office, 201 N. Washington St., Brownsville.

188. MAGISTRATE'S DOCKET (Geo. Chamberlain, Henry Waddell), 1931--. 2 vols.
Residence, Henry Waddell, RFD #3, Brownsville.

189. MAGISTRATE'S DOCKET (A. G. King), 1924--. 1 vol.
No index. Office, 2nd floor, Reid's 5 and 10¢ Store, Brownsville.

190. MAGISTRATE'S DOCKET (B. W. Cobb, H. J. Duke, R. G. Marbury), 1920-24, 1936--. 2 vols.
Residence, B. W. Cobb, RFD #3, Brownsville.

191. MAGISTRATE'S DOCKET (Thos. A. Rayner), 1878-79. 1 vol.
Co. ct. clk's. vault.

192. MAGISTRATE'S DOCKET (T. B. Smoot, James Tipton), 1928-31, 1934--. 3 vols.
No index. Store, Smoot Bros., 206 N. Washington St., Brownsville.

193. MAGISTRATE'S DOCKET (Raymond Sweeney), 1933--. 1 vol.
No index. Residence, RFD #2, Brownsville.

194. MAGISTRATE'S DOCKET (C. W. Taylor, W. T. Currie), 1915-30, 1936--. 4 vols.
Store, 121 E. Main St., Brownsville.

195. MAGISTRATE'S DOCKET (R. G. Thomas, G. P. Ware), 1873-77. 1 vol.
No index. Co. ct. clk's. vault.

196. MAGISTRATE'S DOCKET (Garland P. Ware), 1877. 1 vol.
No index. Co. ct. clk's. vault.

197. MAGISTRATE'S DOCKET (J. B. Warren, C. P. Pipkin, W. H. Joyner), 1903-23, 1936--. 4 vols.
No index. Store, J. B. Warren, RFD #3, Brownsville.

198. MAGISTRATE'S DOCKET (Will Whitehurst), 1937--. 1 vol.
Residence, RFD, Brownsville.

Bells

199. MAGISTRATE'S DOCKET (H. O. Eason, J. W. Medford, W. T. Bond, T. E. Proctor), 1922--. 4 vols.
Residence, H. O. Eason, RFD #2, Bells.

200. MAGISTRATE'S DOCKET (H. G. Sullivan), 1924-25. 1 vol.
No index. Residence, L. L. Nanney, RFD #2, Bells.

Sheriff (201-204)

Dancyville

201. MAGISTRATE'S DOCKET (J. B. Moore, F. T. Sweet, F. R. Jones), 1912-36. 2 vols.
No index. Residence, J. B. Moore, Dancyville.

Ripley

202. MAGISTRATE'S DOCKET (A. E. Estes), 1930--. 1 vol.
Residence, RFD #5, Ripley.

Stanton

203. MAGISTRATE'S DOCKET (W. E. Powell, J. B. Powell), 1911--. 2 vols.
No index. Residence, Stanton.

Vildo

204. MAGISTRATE'S DOCKET (E. L. Hardister, A. E. Hardister, S. E. McGee), 1912--. 4 vols.
Residence, E. L. Hardister, Vildo.

XII. SHERIFF

The office of sheriff was firmly established when Haywood County was organized in 1824 and practically all legislation affecting the office since that time has been to reduce its duties and importance. The importance of the office in a frontier county is indicated by the fact that the first action of the Haywood County court of pleas and quarter sessions after it completed its own organization was to elect a sheriff for a two year term under the provisions of the Constitution of 1796 (Const. of 1796, art. 7, sec. 1; "Day Book", pp. 5, 6, in "Minute Book", entry 4). Since 1835 he has been elected by popular vote, his term of office remaining two years (Const. of 1834, art. 7, sec. 1; 1870, art. 7, sec. 1). He is compensated on a fee basis (P.A. 1927, ch. 11). The sheriff may be removed for violation of the laws by proceedings in equity (P.A. 1915, ch. 11; 1933, ch. 94; 1937, 3rd ex. ses., ch. 3). The first sheriff of Haywood County was John G. Caruthers, who defeated Thomas G. Nixon, five votes to two ("Day Book", pp. 5, 6, in "Minute Book", entry 4).

The sheriff was formerly not only a law-enforcement officer but was charged with collection of state and county taxes (P.A. 1835-36, ch. 15), a duty he relinquished to the trustee in 1875 (P.A. 1875, ch. 91, sec. 1; 1887, ch. 2, sec. 54; 1907, ch. 602, sec. 48). Likewise, the sheriff was the chief election official (P.A. 1835-36, ch. 2, secs. 1-5) until the

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election commission was created in 1897 (P.A. 1897, ch. 13). The sheriff is still charged with making arrests and maintaining peace in the name of the state, as he once, in England, made arrests in the king's name and maintained the king's peace.

The sheriff is required to mark on all process the time of receipt by him (Laws of N. C. 1777, Nov. ses., ch. 5, sec. 13; Territorial Acts 1794, ch. 1, sec. 9), to execute all lawful process directed to him (Laws of N. C. 1777, Nov. ses., ch. 8, sec. 5; P.A. 1835-36, ch. 190; 1845-46, ch. 22), to execute notices to take depositions (P.A. 1817, ch. 189, sec. 5), to serve delinquent officers and principal debtors of such notices of motions (ibid., sec. 6), to go to a defendant's residence before making a return that the person named can not be found (Laws of N. C. 1777, Nov. ses., ch. 8, sec. 5), to use due diligence in execution of process (C 1932, 10106-7), if demand is made, to give receipt to any person placing executions in his hand (P.A. 1837-38, ch. 190, sec. 1); to receive nothing but money in satisfaction of writs of execution, unless otherwise directed (C 1932, 10106 (9); to levy executions first on defendant's goods and chattels (Territorial Acts 1794, ch. 1, sec. 23), and then on lands if value of goods and chattels is insufficient (ibid.); to exhaust the property of a principal before acting against his surety (P.A. 1843-44, ch. 32, sec. 1), to take from defendant, on whose property he has levied, a delivery bond (P.A. 1801, ch. 13, sec. 1; 1831, ch. 25, secs. 1, 2); to have personal property to be sold present at sale, unless defendant agrees otherwise (C 1932, 10106 (17); to describe lands levied on by execution or attachment (ibid., 10106 (18), to serve a defendant in possession of land with twenty days notice of a levy (P.A. 1799, ch. 14, sec. 1), to advertise sales of lands levied on by execution (P.A. 1849-50, ch. 120, sec. 1), to return every execution by the time specified, (P.A. 1837-38, ch. 190, sec. 1), to pay to proper persons on demand all moneys collected on any execution (Laws of N. C. 1777, Nov. ses., ch. 8, sec. 10; P.A. 1803, ch. 18, sec. 2; 1835-36, ch. 19, sec. 6), if demand is made by the defendant, to make out his bill of fees, and give a receipt to the defendant (Laws of N. C. 1777, Nov. ses., ch. 8, sec. 7); to pay to proper persons any money received by an execution from a justice of the peace by the time set forth for the return (P.A. 1827, ch. 35, sec. 4), and to return every justice of the peace execution within thirty days (P.A. 1801, ch. 7, sec. 5; 1835-36, ch. 17, secs. 4, 5).

The sheriff is paid by voucher for any interstate travel he may be required to perform (P.A. 1901, ch. 96, sec. 1; 1905, ch. 447). Accounts for boarding prisoners charged with state crimes must be sworn to and submitted by the sheriff to the comptroller of the treasury for payment (P.A. 1887, ch. 242, sec. 1), and the accounts for county prisoners must be submitted to the county judge (P.A. 1870-71, ch. 7, secs. 1, 3). The bond of the sheriff is filed with the county court clerk, and spread on the minutes (Laws of N. C. 1777, Nov. ses., ch. 8, sec. 2; P.A. 1839-40, ch. 63). The sheriff is custodian of the county jail and the prisoners confined therein (P.A. 1897. ch. 66). He is required to deliver to his successor all books, papers, and property in his possession, and take a receipt (C 1932, 705). The mittimus by which any prisoner is committed

or discharged must be filed by the sheriff or jailer (C 1932, 11958). For the sheriff's report to the county judge on the cost of feeding inmates, see entry 16.

205. (MITTIMUS PAPERS), 1924--. 1 bundle.
Original papers committing prisoners to the county jail, showing name of prisoner, offense committed, date of trial and commitment, and signature of trial judge. No arr. No index. Hdw. on ptd. form. 3x7x3.

206. PRISONER'S REGISTER, 1924--. 6 vols.
A register of all inmates of the county jail, showing number assigned each prisoner, name and physical description of prisoner, offense charged, by whom brought, date committed, personal effects taken in charge by the jailer, date discharged, by what method, amount of fees, and remarks. Arr. chron. Indexed alph. by name of prisoner. Hdw. on ptd. form. Aver. 120 pp. 16x10½x1.

XIII. CORONER

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

The office existed under the North Carolina and territorial law, and was incorporated in the first Tennessee Constitution (Const. of 1796, art. 6, sec. 1). The office was filled in Haywood County on June 15, 1824, when the court of pleas and quarter sessions, under the authority of the Constitution of 1796, elected Julius Sanders to the office that had been vacant since the county was organized the preceding March. The term of office was two years (ibid.; "Day Book", pp. 12, 13, in "Minute Book", entry 4). The coroner is now elected by the quarterly county court; the term of office remains two years (Const. of 1834, art. 7, sec. 1; 1870, art. 7, sec. 1; P.A. 1845-46, ch. 88). He may be removed and the vacancy filled by the quarterly county court (Const. of 1870, art. 7, sec. 1; C 1932, 713; P.A. 1845-46, ch. 88). For each inquest he may demand a fee of $5.00 (C 1932, 10712), and receives the same fees as the sheriff for performing services similar to those performed by the sheriff (ibid., 10711).

The chief function of the coroner is to summon juries of inquiry and conduct inquests and determine the cause of unexplained deaths. He can not hold an inquest except when affidavits are presented to him. He may summon witnesses and experts, and must make a return of the jury's verdict to circuit court (P.A. 1895, ch. 31, sec. 1; 1849-50, ch. 75; C 1932, 11876-11896). In the absence, imprisonment, incompetence, or death of the sheriff, he assumes the duties of that office (Laws of N. C. 1799, Oct. ses., ch. 5, sec. 2) and for that reason the office is eagerly sought.

The coroner is not required to keep any records and he has kept none.

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XIV. CONSTABLE

The ancient office of constable is firmly embedded in the constitution and the statutes. Established in England for centuries, the constable was provided for in colonial enactments (Laws of N. C. 1741, ch. 5, secs. 2, 6). North Carolina law declared him a conservator of the peace and conferred upon him the broad powers held by the constable under the common law (ibid., sec. 3). He was, at the same time, held accountable for failure to serve process if directed by a justice of the peace (ibid., sec. 8).

There is one constable from each civil district except the district containing the county seat, which elects two (Const. of 1834, art. 6, sec. 15; 1870, art. 6, sec. 15; P.A. 1851-52, ch. 139, sec. 1). Haywood County was divided into captain's companies instead of civil districts from 1824 until the adoption of the second Constitution in 1834, and during that period constables were elected for two year terms from this militia district by the court of pleas and quarter sessions, the forerunner of the quarterly county court, under the provision of the Constitution of 1796 (Const. of 1796, art. 6, sec. 1). Only one constable, Reuben Alphin, was elected by the court when it was organized in March 1824 ("Day Book", p. 99, in "Minute Book", entry 4). After the adoption of the Constitution of 1834, the office was made elective by the voters of the district; the term of office is still two years (Const. of 1834, art. 6, sec. 1; 1870, art. 6, sec. 15). The constable may be removed from office by successful prosecution in equity (Const. of 1870, art. 6, sec. 15; P.A. 1822, ch. 45; 1915, ch. 11; 1933, ch. 94; 1937, 3rd ex. ses., ch. 3). Vacancies are filled by temporary appointment by the quarterly county court (C 1858, 400; C 1932, 737). For services performed the constable receives fees set forth by law (C 1896, 6409; C 1932, 10707). These services include serving process, levying attachments, collecting money, summoning witnesses, and many others (ibid.). His fees may vary, theoretically, from five cents for mileage for guards conveying prisoners to $3.00 for collecting $100.00 on an execution (C 1932, 10707). There are thirteen constables in Haywood County at the present time.

The constable must be at least twenty-one years of age (C 1858, 396; C 1932, 733), and upon entering office is required to make bond to the state to insure faithful discharge of duties and prompt payment to proper sources of moneys collected by him (Laws of N. C. 1786, ch. 14, sec. 8; P.A. 1824, ch. 10, sec. 1; 1837-38, ch. 152; 1839-40, ch. 63, sec. 2). He is required to take oath to keep the peace of the state "to the best of his power; that he will arrest all such persons as go in his sight armed offensively, or who commit any riot, affray, or other breach of peace, that he will use his best endeavor, on complaint made, to apprehend all felons, rioters, or persons riotously assembled; and, if such persons flee or make resistance, he will pursue, and make hue and cry, according to law; that he will faithfully, and without delay, execute and return all lawful process to him directed, and that he will well and truly, according to his power and ability, do and execute all other duties of his office" (Laws of N. C. 1741, ch. 5, sec. 2).

The constable may, in the absence or incompetence of the sheriff or the coroner, execute process of any court (P.A. 1807, ch. 104, sec. 13). When appointed to wait upon the grand jury, the constable may execute and return all process for enforcing attendance of witnesses (P.A. 1857-58, ch. 29). He may be required to collect delinquent taxes, if directed, or make due returns (P.A. 1907, ch. 602, sec. 49). He may execute writs of replevin in the manner the sheriff is required to do (P.A. 1851-52, ch. 32, sec. 3), and execute writs of habeas corpus (C 1858, 3731; C 1932, 9681).

He is not required to keep any records.

XV. TAX ASSESSOR

The office of tax assessor is the product of a long historical development. Under North Carolina, territorial, and early Tennessee laws, a justice for each captain's company received once a year from each resident of his district a statement of the resident's taxable property and turned it over to the court of pleas and quarter sessions for recording (Territorial Acts 1794, ch. 1).

The Haywood County court of pleas and quarter sessions at its first meeting, March 8, 1824, divided the county into three assessment districts, north of the Forked Deer River, south of the Forked Deer, and "the waters Hatchie", and appointed a justice to take a list of taxables in each ("Day Book", p. 7, in "Minute Book", entry 4).

The Constitution of 1834 divided each county into civil districts instead of into captain's districts (Const. of 1834, art. 6, sec. 15), and in 1836 the legislature authorized the quarterly court to appoint as a revenue commissioner one justice or other person for each district (P.A. 1835-36, ch. 14), whose duty it was to make annually a list of taxable property and polls (ibid., sec. 1). The commissioner was subject to removal at any time by the court for failure to perform faithfully his duties (ibid., sec. 2).

An 1855 act made the appointing of a tax assessor by the court mandatory. He was appointed for two years. Although he could not receive tax payments, his duties were basically the same as those of the justice and revenue commissioner (P.A. 1855-56, ch. 74, sec. 14). Since then, frequent assessment acts have regulated the office.

The tax assessor of today is a creation of an act of 1907. He is elected by popular vote and holds office for four years (P.A. 1907, ch. 602, sec. 9, subsecs. 1, 3). His salary is fixed by the quarterly county court, but can not exceed pro-rata schedules set forth by law (P.A. 1907, ch. 602, sec. 9 (5). Failure of the tax assessor to observe the assessment laws constitutes a breach of duty (ibid., sec. 18), and he may for such failure be removed by proceedings in equity (P.A. 1915, ch. 11; 1933, ch. 94; 1937, 3rd ex. ses., ch. 3). Vacancies are filled temporarily by the quarterly county court until the regular August election (P.A. 1907, ch. 602, sec. 9, subsec. 2). He is required, upon entering office, to give bond and oath (ibid., ch. 602, sec. 10; 1929, ch. 86, secs. 7, 10).

Board of Equalization (207)

The assessor is required to visit the realty to be assessed and assess it once every two years (P.A. 1907, ch. 602, secs. 12, 13; 1921, ch. 62, sec. 1), to see personally each taxpayer and take his statement of all property, real, personal, or mixed (P.A. 1907, ch. 602, sec. 12); to administer oaths and compel witnesses to testify if he has reason to believe a taxpayer conceals any property or misrepresents its value (ibid.), to require oaths of persons returning schedules (ibid.), to furnish each taxpayer a blank schedule and to demand its return, properly and truthfully executed (ibid.); to submit to the district attorney-general for prosecution the names of all persons failing to return schedules or refusing to swear to them (ibid., sec. 10), to compute totals of acreage, assessments, number of pieces of property, and other important sums and submit them to the county court clerk along with all assessments--real, personal, polls, and privileges--for review by the board of equalization (ibid., secs. 11, 18); and to meet with the board of equalization and report all changes in assessments made by the board to the state board of equalization (P.A. 1921, ch. 113, sec. 12).

The tax assessor's books are deposited with the county court clerk and are required records of the clerk (ibid., sec. 18). Only the tax schedules might be considered records required of the tax assessor. The latest assessment figures for Haywood County--those for 1938--show that the tax assessor assessed 1053 town lots at $1,383,370, 328,789 acres of land at $4,600,640, and personalty at $154,700, for a total property assessment figure of $6,138,710, plus poll tax assessments at $10,586.00 ("Tax Book 1938 District 12 Haywood County", p. 13, entry 209).

207. ASSESSMENT BOOKS, 1933--. 36 vols. (no. by civil districts). Record of assessments made against property, both real and personal, showing name of property owner, civil district number, location and description of property, acreage of farm lands, number of town lots, assessed valuation, assessed value of personal property, number of polls, and date of assessment. Arr. chron. No index. Hdw. on ptd. form. Aver. 64 pp. 12x9½x½. 12 vols., 1933-34, trustee's vault; 12 vols., 1935-36, tax assessor's home, east of Brownsville; 12 vols., 1937--, co. ct. clk's. office.

XVI. BOARD OF EQUALIZATION

The equalization of property assessments for purposes of taxation has been the subject of considerable legislation. Under an act of 1883, the district tax assessors, after making assessments in their respective districts, were required to meet as a board of equalization to make comparisons of assessments lists, hear grievances and petitions, and make the necessary corrections in the lists before finally submitting them to the county court clerk (P.A. 1883, ch. 105, secs. 36-39). The assessment law of 1887, which substituted a single county tax assessor for the district assessors (P.A. 1887, ch. 2, secs. 26, 27), created a board of equalization composed of the tax assessor, the chairman of the county court, and three persons appointed by the tax assessor (ibid., secs. 41-45).

The assessment act of 1889 created a board of equalization to be composed of the chairman and four persons elected by, but not from, the quarterly court (P.A. 1889, ch. 96, sec. 42). Its duties were substantially the same as were those of the previous board (ibid., secs. 42-47). Legislation in 1895 largely reaffirmed the 1889 law (P.A. 1895, ch. 120, secs. 49-54), but clarified its proceedings so as to permit review by certiorari (C 1896, 802, citing 4 Pickle 1).

The board of equalization as it functions today is part of the assessment and revenue machinery set in motion in 1907 (P.A. 1907, ch. 602, sec. 32). The present board is composed of five persons elected by the quarterly court (ibid.) for terms of two years (P.A. 1909, ch. 495, sec. 1). By special act, at least one half of the membership of the Haywood County revenue commission must be "dirt farmers" or persons who both own and operate farms (Pr.A. 1925, ch. 335). The members are compensated on a per diem basis (P.A. 1907, ch. 602, sec. 32; 1921, ch. 135). For violation of the equalization laws, a member is subject to heavy fine (P.A. 1907, ch. 602, sec. 33).

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

208. REPORT OF COUNTY BOARD OF EQUALIZATION, 1932--. 1 vol. Copies of summary reports submitted to the state board of equalization, showing civil district number, number of acres assessed, amount of assessment, number of town lots assessed, amount of assessment, personal property assessed, total of all property assessed, adjustments by the board, number of polls, and remarks. Arr. chron. No index. Hdw. on ptd. form. 30 pp. 17x14x½. Co. ct. clk's. office.

XVII. TRUSTEE

The trustee is a constitutional officer (Const. of 1796, art. 6, sec. 1; Const. of 1834, art. 7, sec. 1), and prior to the creation of Tennessee, functioned under authority of North Carolina legislation (Laws of N. C. 1777, ch. 36). The 1777 act empowered the court of pleas and quarter

sessions to elect a trustee, whose duty it was to disburse for contingent expenses the money collected by tax collectors, at the direction of the court. The appointment was for one year (ibid.). In 1796 the office became constitutional in Tennessee and the court of pleas and quarter sessions was directed to elect a trustee for a two-year term (Const. of 1796, art. 6, sec. 1). The Constitution of 1834 provided that the office be filled by popular vote, the practice today. The term of office is two years (Const. of 1834, art. 7, sec. 7; P.A. 1870, ch. 23, sec. 6). The trustee is compensated on a commission basis (P.A. 1907, ch. 602, sec. 72). He may be removed by successful prosecution in equity for a violation of the law (P.A. 1915, ch. 11; 1933, ch. 94; 1937, 3rd ex. ses., ch. 3). Vacancies are filled by the quarterly county court (C 1858, 818; C 1932, 1905).

The office in Haywood County dates from March 8, 1824, when the court of pleas and quarter sessions, on the day it organized, unanimously elected Richard Nixon trustee, although he was already chairman of the court ("Day Book", pp. 4-6, in "Minute Book", entry 4).

The trustee is required by law to make bonds (P.A. 1868-69, ch. 41, sec. 1; Const. of 1870, art. 7, secs. 1, 2; P.A. 1835-36, ch. 15, secs. 1, 2; 1835-36, ch. 2, sec. 5; 1847-48, ch. 55, sec. 11) payable to the city, county, and state (city, P.A. 1875, ch. 91, sec. 2; county, P.A. 1835-36, ch. 12, secs. 2, 5; P.A. 1907, ch. 602, sec. 39; state, P.A. 1911, ch. 46).

Among his many duties, the trustee is required to collect all state and county taxes on property and polls, a duty assumed from the sheriff in 1875 (P.A. 1875, ch. 91, sec. 1); to pay claims against the county (P.A. 1821, ch. 33, sec. 1), to deliver lists of uncollected warrants (P.A. 1821, ch. 17), to deliver all records of the office to his successor (P.A. 1827, ch. 49, sec. 26), to make settlement with the county judge on going out of office (P.A. 1859-60, ch. 11; P.A. 1827, ch. 49, sec. 24), to make settlements with the county judge and the comptroller before the tenth of each month (P.A. 1907, ch. 602, sec. 68), to publish a full financial statement the first Monday in September of each year (ibid.), and to release periodic financial statements to be spread on the minutes of the quarterly county court (ibid.).

He is further required to keep accounts of all money received (P.A. 1796, Mar. ses., ch. 15, sec. 6), to receive all vouchers for which the county is indebted (P.A. 1797, ch. 14, sec. 4), and to keep a warrant book (P.A. 1827, ch. 49, sec. 19).

The growing importance of the office of trustee, as a fiscal agency, is demonstrated by comparative figures on the county's finances. In 1828, four years after Haywood County was organized, the sheriff, then the chief collector, was held accountable to the trustee for the sum of $1214.62½, or $948.00 on 137,889 acres of land, $28.12½ on 225 polls, $108.75 on 435 black polls, $25.12½ on sixty-seven town lots, and double assessments for 1827 of $91.12½ on 8100 acres of land and $13.50 on town lots ("Revenue

Docket, A, 1828", p. 1, entry 14). For the current fiscal year, the trustee, himself now the chief collector, is accountable for $145,637.62 ("Tax Book 1938 District 12 Haywood County", p. 13, entry 209). The Haywood County trustee's receipts from September 1, 1937 to September 1, 1938 were $356,785.12, his disbursements $386,346.23. This deficit was absorbed by a September 1, 1937 balance of $73,478.20, leaving a September 1, 1938 balance of $43,917.09 ("Annual Report of Haywood County Trustee, Period Sept. 1st., 1937 to Sept. 1st., 1938", in "Miscellaneous Papers," entry 1; States-Graphic, Brownsville, September 16, 1938). During the preceding fiscal year ending September 1, 1937, he brought forward a balance of $30,979.24, received $384,817.37, disbursed $342,318.37, and carried forward a balance of $73,478.20 ("Minute Book 17", p. 42, entry 4).

Tax Records

Realty, Personalty, and Polls - (See also entries 14, 214-216).

209. TAX BOOKS, 1853-69, 1875--. 629 vols. (4 vols. dated; 625 vols. no. by civil districts). Partially missing 1878.
Record of all taxable property in the county, showing civil district number, name of property owner, location and description of property, number of town lots, number acres of farm land, assessed valuation of each, value of personal property over $1000, total value of all property, amounts of state, county, city and poll taxes; total of all taxes, and date paid. 1853-76, 1880, 1882-1934, 1936--, arr. alph. by name of property owner; 1877-79, 1881, 1935, arr. num. by civil districts and alph. thereunder by name of property owner. No index. Hdw. on ptd. form. Aver. 75 pp. 8½x12x1. Vault.
For duplicate tax rolls, see entry 15.

210. POLL TAX BOOKS, 1921-24. 4 vols.
A record of poll tax paid, showing name and address of taxpayer, date of payment, number of receipts, and amount paid. Arr. chron. No index. Typed on ptd. form. Aver. 150 pp. 14x9x1½. Vault.
For other records of poll tax payments, see entry 211.

211. TAX RECEIPTS (Duplicate), 1910--. 259 vols. (no. by civil districts).
Receipts issued for payment of taxes on real and personal property and polls, showing receipt number, name of taxpayer, date of payment, description, location and assessed valuation of property; amounts of poll, county, and state tax; interest and penalties, if any, and total amount paid. Arr. num. and chron. No index. Hdw. on ptd. form. Aver. 75 pp. 14x9x1. 240 vols., 1910-33, vault; 19 vols., 1934--, office.

Drainage - (See also entry 169)

212. DRAINAGE RECORD, 1914--. 4 vols.
A record of tax paid on drainage projects, showing name of property owner,

location and description of property, percentage of benefits, number years assessed, amount, date paid, and receipt number. Overlapping of dates in the location reference of this entry is due to the fact that drainage taxes were not collected simultaneously but at different times within the different drainage districts. Arr. chron. No index. Hdw. on ptd. form. Aver. 300 pp. 16x12x1½. 1 vol., 1914-32, vault; 3 vols., 1916--, office.

213. DRAINAGE RECEIPTS, 1918--. 14 vols.
Duplicates of receipts issued for payment of drainage tax, showing number and date of receipt, name of taxpayer, number of acres assessed, drainage district, year for which payment is made, and signature of trustee or deputy. Arr. chron. and num. No index. Hdw. on ptd. form. Aver. 150 pp. 13½x8½x1. Office.

Delinquency

214. DELINQUENT TAX BOOKS, 1931. 6 vols.
A record of taxes which have become delinquent, showing name of taxpayer, number of town lots, number acres farm land, location and description of property, assessed valuation, amount of assessment, number of polls, total taxes due, fees, interest, and penalties, and date of payment. Arr. num. by civil districts and alph. thereunder by name of taxpayer. No index. Hdw. on ptd. form. Aver. 36 pp. 5½x9½x½. Vault.

215. RECORD OF TAX SALES, 1903-4, 1916-20. 2 vols.
A record of property sold for delinquent taxes or redeemed by the owner, showing name of property owner, location and description of property, assessed valuation, amount of taxes assessed, total amount of delinquent taxes, interest, penalties, and fees due on date of sale; accrued interest and penalties since date of sale, clerk's commission, and fees due on date of redemption, date redeemed, and by whom. Arr. chron. No index. Hdw. on ptd. form. Aver. 250 pp. 16x22x1½. Vault.
For other records, see entry 219.

216. DELINQUENT POLL TAX LISTS, 1931-33. 29 vols. (no. by civil districts).
A record of delinquent poll tax payments showing name of taxpayer, total amount of tax due, amount of trustee's and constable's fees, and date payment is made. Arr. chron. No index. Hdw. on ptd. form. Aver. 50 pp. 7x4x½. Vault.

217. DELINQUENT POLL TAX RECEIPTS, 1922, 1924-25, 1928-29, 1931-33. 24 vols.
Stubs and duplicates of receipts issued to delinquent poll taxpayers, showing receipt number, date issued, name of taxpayer, amount of tax, year for which payment is made, civil district number, and signature of the trustee or deputy. Arr. num. and chron. No index. Hdw. on ptd. form. Aver. 100 pp. 8½x3½x½. Vault.

Financial Records
(See also entries 61, 106)

Receipts and Disbursements

218. DAILY COLLECTIONS, 1896-1900, 1909-34. 6 vols. (1-3, 5; 2 vols. not labeled).
Daily record of collections made by the trustee, showing receipt number, date received, source, distribution of collection, and totals. Arr. chron. No index. Hdw. on ptd. form. Aver. 500 pp. 17x13x2. Vault.
For subsequent records of collections, see entry 219.

219. TRUSTEE'S RECEIPTS (Day Book), 1934--. 1 vol.
A daily record of money received by the trustee from various sources, such as taxes, land sales, and redemptions, showing date, amount received, source of collection, and account credited, such as state, county and poll tax, school funds, road funds, public utilities tax, hospital, highway and funding bonds, and various county officials. Arr. chron. No index. Hdw. on ptd. form. 300 pp. 22½x16x1. Office.
For prior records of receipts, see entry 218.

220. DISBURSEMENTS, 1934--. 1 vol.
Record of money received in this office, and prorated by the trustee to the different funds, showing source of money received, date, and fund to which credited. Arr. chron. No index. Hdw. on ptd. form. 100 pp. 12x17x1. Office.

221. LEDGER, 1914-31, 1933--. 8 vols.
Record of financial transactions of this office, posted daily, showing dates of receipts, source of funds received, and amount; dates of disbursements, to whom paid, purpose of payment, and amount. Arr. chron. 1914-26 indexed alph. by name of account; 1927-31, 1933--, no index. Hdw. on ptd. form. Aver. 150 pp. 14x9x1½. 4 vols., 1914-31, vault; 4 vols., 1933--, office

222. ROAD TIME RECEIPTS, 1934--. 2 vols.
Duplicate receipts issued for payment of road tax in lieu of work, showing name of taxpayer, amount assessed, civil district number, and signature of trustee or deputy. Arr. num. and chron. No index. Hdw. on ptd. form. Aver. 150 pp. 14x9½x1. Office.

223. MISCELLANEOUS RECEIPTS, 1916, 1918-20, 1922--. 7 vols.
Duplicate receipts issued for miscellaneous collections, showing number and date of receipt, to whom issued, amount and purpose of payment received, and signature of trustee or deputy. Arr. num. and chron. No index. Hdw. on ptd. form. Aver. 300 pp. 13½x8½x1. 5 vols., 1916-30, vault; 2 vols., 1931--, office.

Warrants Paid

224. CANCELED COUNTY WARRANTS, 1930--. 2 file boxes (dated), 20 bundles.
Original warrants that have been paid and canceled by the trustee, showing

warrant number, date issued, to whom payable, amount and purpose of payment, account chargeable, and signature of issuing officer. Also shows trustee's stamp of cancellation. Arr. chron. No index. Hdw. on ptd. form. File boxes, 24x10x3½; bundles, 5x5x4. 2 file boxes, 16 bundles, 1930-34, vault; 4 bundles, 1934--, office.

225. (REGISTER OF WARRANTS), 1911--. 6 vols. (1, 2; 4 vols. not labeled).
A record of all warrants paid by the trustee, showing date issued, date paid, warrant number, to whom issued, purpose of payment, and amount paid. Arr. chron. No index. Hdw. on ptd. form. Aver. 400 pp. 16x13x2. 3 vols., 1911-23, vault; 3 vols., 1924--, office.

Bond Issues

226. FUNDING BOND - HIGH SCHOOL BOND, 1922-25. 1 vol.
Original bonds and coupons issued to cover school indebtedness, and for funding general indebtedness of the county, showing date of issue, date of maturity, amount of issue, denomination of bond, rate of interest and how payable, number of coupon, and date canceled. Canceled coupons and bonds are pasted in the volume. Arr. chron. No index. Ptd. 300 pp. 17x13x8. Office.
For register of bonds, see entry 229.

227. FEDERAL AID, COURTHOUSE IMPROVEMENT BOND, REFUNDING BOND, 1922--. 1 vol.
Original bonds and coupons issued by the county, showing date of issue, date of maturity, amount of issue, denomination of bond, rate of interest, how payable, number of coupon, and date canceled. Canceled bonds and coupons are pasted in volume. Arr. chron. No index. Ptd. 300 pp. 17x13x8. Office.
For register of bonds, see entry 229.

228. HARD ROAD BOND, 1931--. 1 vol.
Original bonds and coupons issued by the county for maintenance of roads, showing date of issue, date of maturity, amount of issue, denomination of bond, rate of interest, how payable, number of coupon, and date canceled. Canceled coupons and bonds are pasted in the volume. Arr. chron. No index. Ptd. 300 pp. 17x13x8. Office.
For register of bonds, see entry 229.

229. RECORD OF BONDS, 1894--. 2 vols. (1; 1 vol. not labeled).
Title varies: 1894-1929, Bond Register.
Record of all county bond issues, such as funding, road, and school, showing date of issue, date of maturity, amount of issue, denomination of bond, rate of interest, and how payable. Arr. chron. Indexed alph. by name of bond issue. Hdw. on ptd. form. 250 pp. 14½x7x1. Office.
For original bonds and coupons, see entries 226-228.

(Next entry 230, p. 115)

XVIII. REVENUE COMMISSION

Haywood County's revenue commission, the county's auditing agency, is a product of the general revenue and assessment act of 1907 (P.A. 1907, ch. 602, sec. 76), although there were similar agencies created by the numerous revenue acts of the latter part of the nineteenth century. The present day revenue commissioner is not, however, to be confused with the revenue commissioner who once received tax lists before the creation of the office of tax assessor.

The act of 1907 directed the quarterly county court to designate, every two years, a revenue commission of three members, one of whom must be an expert accountant and none of whom may be members of the court. At the moment there are only two members on the Haywood County revenue commission. The commissioners are entitled to compensation on a per diem basis (ibid.; 1921, ch. 135, sec. 2). The statutes do not specifically provide for the removal of a revenue commissioner but should he resist action of the quarterly county court, removal could be accomplished by successful prosecution in equity (P.A. 1915, ch. 11; 1933, ch. 94; 1937, 3rd ex. ses., ch. 3).

The commission is required to meet and critically examine the settlements of the county judge with all collecting officers of the county, to inspect the books of these officers, if necessary; to examine the financial report of the county judge, to examine the checks and warrants on which disbursements from the treasury have been made and compare these with the books of the county judge, and to determine which have been paid, registered, or registered and remain unpaid; to compare balances reported by the county judge with balances shown by the trustee; and to report in writing, each quarter the result of the investigations and call attention to any neglect or violation of duty on the part of any officer (P.A. 1907, ch. 602, sec. 7).

The sale of bonds may be conducted by the revenue commissioners acting with the county judge, if not held by the quarterly court or a finance committee (P.A. 1913, 1st ex. ses., ch. 26, sec. 4; 1919, ch. 175, sec. 4). The revenue commission may lend out the sinking fund if the county judge does not or if there is no finance committee (P.A. 1913, 1st ex. ses., ch. 26, sec. 6; 1919, ch. 175, sec. 5).

No records are required of this agency.

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

The Constitution of 1796 made no provision for the establishment and maintenance of any kind of system of education for the inhabitants of the state. Children orphaned by the War of 1812 furnished the first example of free public education in the state, when the court of pleas and quarter sessions was directed to make contracts with individuals for the board and education of such orphans (P.A. 1815, ch. 49). An 1817

act of the legislature directed the court, through commissioners, to use the lands made available by the congressional land grant act of 1806 for educational purposes (P.A. 1817, ch. 124).

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

In 1838, the 1829 act was repealed and a board of school commissioners created (P.A. 1838, ch. 148). The 1838 act defined a school district as a civil district and provided for five commissioners to be elected from each district to administer the finances and initiate policies in their respective districts (ibid.). The machinery for the administration of the schools during the period was, however, more pretentious than the amount of money expended for education. In 1845 a total of $1199.41, of which the state contributed $240.00, was alloted to the twelve school districts of Haywood County. The largest amount received by a district was $149.39, the least $40.18. In 1846 a total of $1199.70 was similarly alloted ("Revenue Docket A 1828", pp. 4-6, entry 14).

Legislation creating and regulating the office of superintendent of schools in 1867, 1871, and 1873 was directed at bringing about a more responsible and uniform system of public instruction (P.A. 1867, ch. 27; 1870-71, 2nd ex. ses., ch. 110; 1873, ch. 25). Statutes of 1873 and 1881 provided for the popular election of three directors from each school district, each group to visit schools in its district, to explain and enforce school laws, to manage and control school property, to draw warrants upon the trustee in favor of teachers, to make annual reports to the superintendent of schools, to employ teachers and dismiss them when necessary, to determine the length of term, and to see that schools were lawfully and efficiently run (P.A. 1873, ch. 25; 1881, ch. 113).

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

In 1925 Haywood County, like most of the counties of the state, was included under the provisions of the general education bill of that year (P.A. 1925, ch. 115). Under the 1925 statute, the board of education is composed of seven members elected by the quarterly county court for seven years, one vacancy occuring each year (ibid., sec. 6). Presumably a board member may be removed by proceedings in equity (P.A. 1915, ch. 11; 1933,

ch. 94; 1937, 3rd ex. ses., ch. 3). Vacancies are filled by appointments for the unexpired term by the quarterly county court (P.A. 1925, ch. 115, sec. 6). Compensation of board members is likewise fixed by the court (ibid.). A board member must be a citizen of "recognized integrity, intelligence, and ability" (ibid.).

Some of the board's duties are to hold meetings to transact school business, to manage and control all public schools, to purchase supplies, to direct the superintendent to perform certain specified duties, to elect principals, teachers, supervisors, attendants and clerical assistants; to fix salaries of persons elected or employed, to employ janitors and other necessary persons, to order warrants drawn on the trustee, to equalize the length of the terms of the various schools, to visit the schools as often as necessary, to dismiss teachers, principals, or other employees when necessary; to suspend or dismiss pupils if necessary, to provide suitable quarters, equipment, and record books for the superintendent; and to require the superintendent to prepare and propose a budget. The board may consolidate schools, provide transportation for pupils, require pupils and employees to stand physical examinations, establish night and part-time schools, and spend money for transportation of pupils if provided for in the budget (P.A. 1925, ch. 115, sec. 6).

The chairman of the board of education is elected by and from the membership of the board for a one year term. He is required to preside at all meetings of the board, to serve as chairman of the executive committee, which is composed of the chairman and the superintendent; to countersign all warrants authorized by the board and issued by the superintendent; and to serve as a member of the teachers' examining committee (ibid.).

The executive committee, composed of the chairman and the superintendent, is required to meet as often as necessary, to advertise for bids and let contracts authorized by the board, to constitute a purchasing agency, to see that the department lives within its budget, to report to the board all business transmitted since the last meeting of the board, and to transact any other business assigned to it by the board (ibid.).

The superintendent of schools, who is in active and direct charge of the school system, is regulated structurally by acts of 1867, 1871, 1873, 1917, and 1925. Under the general law, he was formerly elected by the quarterly county court for a term of two years (P.A. 1873, ch. 25, sec. 8), but by a special act the Haywood County superintendent since 1917 has been elected by popular vote, for a term of four years (Pr.A. 1917, ch. 399). The superintendent may be removed from office by successful prosecution in equity (P.A. 1915, ch. 11; 1933, ch. 94; 1937, 3rd ex. ses., ch. 3). His compensation is ignored by the statutes, the matter being left to the quarterly county court. The superintendent must "be a person of literary and scientific attainments and, when practicable, of skill and experience in the art of teaching" (P.A. 1873, ch. 25, sec. 8. See also 1867-68, ch. 27; 1869-70, ch. 110).

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Under the 1925 act, which both clarified the superintendent's duties and in effect re-enacted previous statutes, the superintendent is required to see that the school laws are observed and executed, to attend meetings of the board, to serve as a member of the executive committee, to issue all warrants authorized by the board, to make recommendations to the board, to have general supervision of all county schools, to visit the schools when necessary, to see that the courses of instructions prescribed by the state department of education are observed, to sign all certificates and diplomas, to recommend persons for employment by the board, to recommend salary rates of employees, to assign teachers to posts pending approval of the board, to require all teachers to submit their credentials to him, to file all contracts made by the board, to furnish teachers with lists of pupils taken from scholastic census, to examine applications of minors to work in suspension of the child labor laws, to receive subscriptions for benefit of county libraries, to serve as chairman of teachers' examining committee, to require average daily attendance reports from superintendents of city schools, to make a quarterly financial and general report to the quarterly county court, to be present when the trustee and county judge settle accounts quarterly and annually, to report to quarterly county court and state commissioner of education any irregularities in the handling of the school funds, to make an annual statistical report to the state commissioner of education, to prepare and propose a budget for the board and present it to the quarterly county court, to give his full time to his duties, to deliver all records to his successor, to transmit a copy of the adopted budget to the state commissioner of education, and to furnish the state commissioner a list of teachers elected by the board and their salaries on standard forms (P.A. 1925, ch. 115, sec. 6).

The superintendent is required to keep a well-bound book to record the proceedings of the board and his official acts, and to keep in a well-bound book an account of all receipts and disbursements for elementary schools and high schools (ibid., subsecs. 3, 4).

During the fiscal year ending September 1, 1938, receipts for school purposes were $125,308.22 and disbursements $123,590.57 ("Annual Report of Haywood County Trustee, Period Sept. 1st, 1937 to Sept. 1st, 1938", in "Miscellaneous Papers", entry 1, and States-Graphic, Brownsville, September 16, 1938; Reports of Superintendent of Schools to Quarterly County Court, January 3, 1938, March 1, 1938, July 5, 1938, October 3, 1938, in "Miscellaneous Papers", entry 1, and "Minute Book 17", pp. 70, 150, entry 4). Seventy-three cents of the present tax levy of $2.20 per $100.00 of taxable real estate goes directly for school purposes ("Minute Book 17", p. 156, entry 4), compared with the same amount from a total levy of $2.01 for the previous fiscal year (ibid., p. 6).

The superintendent's annual report for the year ending June 30, 1938, shows county elementary school enrollment was 4927, high school 528, for a total of 5455 pupils enrolled in the county schools. To

this may be added city figures of 788, making the grand total of the scholastic population of the county 6243. Of this last total, 2101 is white, 4142 colored. There were, for this reporting period, 143 county elementary teachers, twenty-two city elementary teachers, and twenty-one county high school teachers, a total of 186. Twenty-three school buses were in service ("Annual Statistical Report for the School year Ending June 30, 1938", in "Annual Statistical Report", entry 239).

Minutes

230. MINUTES OF THE BOARD OF EDUCATION, 1921--. 1 vol.
A detailed record of the proceedings of the board in session, showing date of meeting, members present, subjects of action, such as election of teachers, reading and approving of reports, receiving petitions, and decisions of the board determined by vote. Arr. chron. No index. Hdw. 100 pp. 16x10½x½.

Record of Teachers

231. TEACHERS' CERTIFICATES, 1920--. 1 file box.
Certificates of employed teachers, showing name and address, type of certificate held, date issued, date of expiration, certificate number, subjects qualified to teach, and signatures of teacher, chairman of board of education, and superintendent of schools. Arr. alph. by name of teacher and chron. thereunder. No index. Hdw. on ptd. form. 8x8x14.

232. TEACHERS' APPLICATIONS, 1936--. 1 file box.
Applications for teaching positions, showing name and address of applicant, number of certificate held, extent of training, subjects and grades qualified to teach, number of years experience, age and marital status of applicant, condition of health, names and addresses of at least two references, and signature of applicant. Arr. chron. No index. Hdw. on ptd. form. 12x3x11½.

233. TEACHERS' CONTRACTS, 1930--. 1 file box.
Contracts entered into by county board of education and employed teachers, showing name of teacher, salary, date contract becomes effective, date of expiration, school assignment, general provisions of the contract, and signatures of teacher, superintendent, and chairman of the board. Arr. alph. by name of teacher. No index. Hdw. on ptd. form. 6x8x14.

234. TEACHERS' RECORDS, 1930--. 1 file box.
Personnel cards of teachers, showing name, address, and age of teacher; extent of training and experience, other qualifications, number and kind of certificate held, date issued, and date of expiration. Arr. alph. by name of teacher. No index. Hdw. on ptd. form. 6x8x14.

Record of Pupils

235. TENNESSEE SCHOOL REGISTER, 1925--. 734 vols.
A daily record, kept by teachers employed in the county schools, and submitted to the county superintendent at the end of each term, showing name, grade, age and address of each pupil; distance from residence to school, name and occupation of parent or guardian, school pupil last attended, daily record of attendance, monthly scholastic record, record of promotion or retardation. Also contains a summary of the teacher's monthly reports on enrollment and attendance, transportation of pupils, and the teacher's record, showing kind of certificate held, extend of training, type of position qualified to fill, and number of years experience. Arr. alph. by name of pupil. No index. Hdw. on ptd. form. Aver. 75 pp. 11x8½x½.

236. ELEMENTARY PUPILS' RECORD, 1936--. 1 file box.
Monthly reports of teachers of elementary pupils, showing name of each pupil, age, sex, color, date of birth, grade in school, days attended last session, physical condition, and general health record. Arr. alph. by name of school and thereunder by name of pupil. No index. Hdw. on ptd. form. 7x8x16.

Reports
(See also entries 235, 236, 241)

237. MISCELLANEOUS PAPERS, 1925--. 5 file boxes.
Principals' annual statistical reports to the superintendent, showing value of grounds, buildings, and equipment; number of pupils enrolled, average daily attendance, number of teachers employed, kind of certificate held by each, and extent of training. Also contains letters, bills, and pupils' attendance records. Arr. alph. by subjects and chron. thereunder. No index. Hdw. and typed. 11x4x12.

238. ENUMERATION OF SCHOLASTIC CENSUS, 1935--. 22 bundles.
Reports on enumeration of scholastic population by districts, showing district number, name, age, sex, color, and address of pupil; physical and mental condition of child, whether literate or illiterate, and names and address of parents or guardian. Arr. num. by civil districts and alph. thereunder by name of child. No index. Hdw. on ptd. form. 8½x6½x2.

239. ANNUAL STATISTICAL REPORT, 1923, 1925--. 15 vols.
Copies of superintendent's reports to state department, showing a list of all schools, date of erection, value of buildings, grounds, and equipment; total number of pupils in each school, average daily attendance, names of teachers, kind of certificate held by each, extent of training, years of experience, total enrollment of each school, and average daily attendance of all pupils in the county. Arr. chron. No index. Hdw. on ptd. form. Aver. 50 pp. 14x8½x½.

Financial Records

Accounts

240. JOURNAL, 1926-31. 1 vol.
A record of funds received from the sale of tuberculosis stamps and from tobacco tax, showing date, source and collection, and amount received. Arr. chron. No index. Hdw. 300 pp. 14x9xl.

241. FINANCIAL REPORT, 1929--. 1 file jacket.
County superintendent's original report to the board, of receipts and expenditures made by him, showing date, source, and amount of collections; date, to whom issued, purpose, and amount of disbursements. Arr. chron. No index. Hdw. on ptd. form. 10x7½x½.

Warrants

242. CANCELED SCHOOL WARRANTS, 1924--. 23 bundles.
Canceled warrants issued by the secretary of the board, and countersigned by the chairman, to the trustee, ordering payment of school expenses, showing warrant number, date issued, to whom payable, amount of payments, purpose of payment, account chargeable, and signatures of the secretary of the board and superintendent of schools. Also shows stamp of cancellation. Arr. chron. and num. No index. Hdw. on ptd. form. 9x3½x2.

243. HIGH SCHOOL WARRANTS (Stubs), 1923, 1926, 1928--. 17 vols.
Stubs of warrants issued by the superintendent for payment of high school expenses, showing warrant number, date issued, to whom payable, amount and purpose of payment, and signature of person receiving same. Arr. num. and chron. No index. Hdw. on ptd. form. Aver. 200 pp. 14x8½xl.

244. ELEMENTARY SCHOOL WARRANTS (Stubs), 1925, 1928--. 16 vols.
Stubs of warrants issued by the superintendent for elementary school expenses, showing warrant number, date issued, to whom payable, amount and purpose of payment, and signature of person receiving same. Arr. num. and chron. No index. Hdw. on ptd. form. Aver. 200 pp. 14x8½xl.

245. REGISTER OF SCHOOL WARRANTS, 1917--. 6 vols.
A register of all warrants issued by the superintendent, showing date of issuance, to whom payable, name of school charged, amount and purpose of payment, date paid, and amount. Arr. num. and chron. No index. Hdw. on ptd. form. Aver. 250 pp. 17x14½xl½.

Contracts - (See also entry 233)

246. BUS OPERATORS CONTRACTS, 1930--. 1 file box.
Contracts between bus drivers and the school board, showing name of

driver, route assigned, date and duration of contract, salary stipulation, obligations and conditions to be fulfilled by each party, and signatures of driver and county superintendent. Arr. chron. No index. Hdw. on ptd. form. 6x8x14.

Miscellaneous

247. CORRESPONDENCE FILE, 1930--. 1 file box.
General correspondence and miscellaneous data received by the superintendent, and copies of replies thereto, showing date, name of person to whom addressed, subject matter, and name of person by whom written. Arr. alph. by names and subjects and chron. thereunder. No index. Hdw. and typed. 12½x5x11½.

XX. COUNTY PHYSICIAN
(And Board of Health)

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

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

In 1877 the sheriff was relieved of this duty and the legislature declared it to be the exclusive power and duty of the quarterly court to arrange for medical care of prisoners, the compensation still to be determined by agreement between the court and the jail physician. The act did not, however, void contracts already held by attending jail physicians (P.A. 1877, ch. 160, secs. 1, 2).

In 1885 the legislature directed the quarterly county court to elect or appoint, for a four year term, a jail physician or county health officer to render medical or surgical attention to inmates of the county jail (P.A. 1885, ch. 95, sec. 4). The physician's term of office has remained four years (P.A. 1935, ex. ses., ch. 37). His compensation, still fixed by the quarterly county court, is $1200.00 per year (P.A. 1885, ch. 95, sec. 5; "Minute Book 17", pp. 69, 70, 148, entry 4;

County Judge's Quarterly Report, October 3, 1938, in "Miscellaneous Papers", entry 1). Presumably he may be removed by proceedings in equity (P.A. 1915, ch. 11; 1933, ch. 94; 1937, 3rd ex. ses., ch. 3). The physician must be a graduate of a "reputable medical school" (P.A. 1915, ch. 50, sec. 1).

Haywood County has no full time health department, a bureau authorized in 1921 (P.A. 1921, ch. 89), but the county physician, in addition to his regular duties, performs some functions, such as holding vaccination and inoculation clinics, which are done by the health department in counties having such a department.

Under an amendatory act of 1933, the county physician is required personally to attend to the medical needs of jail inmates (P.A. 1933, ch. 140) and may no longer merely "order" medical care for the inmates, as was allowed by the old statutes (ibid.; P.A. 1885, ch. 95, sec. 4; 1891, ch. 181; 1895, ch. 206; C 1932, 5778).

A statute of 1935 (P.A. 1935, ex. ses., ch. 37, amending C 1932, 5775-5778) completely re-defined the local public health laws including those relating to the county physician. The 1935 law makes it the duty of the county physician further to care for inmates of the county jail and of the home for the indigent and other persons as may be ordered by the quarterly county court, and, in the absence of a health department, to enforce and execute the orders of the state commissioner of public health. The physician's election by the quarterly county court for a four year term is re-affirmed by this act (ibid.).

The 1885 act declared that the chairman of the county court, the county court clerk, and the county physician should constitute a county board of health, with the physician or health officer presiding over the board, and as presiding officer he was charged with the management of the general health of the county, empowered to institute any necessary measures and, in instances of actual or threatened epidemics, ordered to consult the state board of health for instructions (P.A. 1885, ch. 4, sec. 1). Expenses incurred were borne by the quarterly court (ibid., sec. 5). Under the 1935 act, the board of health is composed of the county judge, the superintendent of schools, the county physician if there is no health officer and health department, two medical doctors, and one dentist (P.A. 1935, ex. ses., ch. 37). The Haywood County board, however, is composed of the county judge, the superintendent, the county court clerk, and the county physician.

The board is charged with the management of the general health of the county, and is required to institute necessary measures for the public safety, to adopt and enforce rules necessary to protect the health of the county, and to notify the state commissioner of public health of active or threatened epidemics (ibid.).

248. ANALYSES, 1928--. 9 bundles.
Record of analyses made by the county physician, showing name and address

of patient, kind of specimen examined, results, remarks, names of patient's physician and bacteriologist. Arr. chron. No index. Hdw. on ptd. form. 6x4x4.

249. RECORD OF TREATMENTS, 1928--. 3 vols.
Physician's record of treatments given as authorized by the county court, showing name and address of patient, date of diagnosis and treatment, and amount charged. Arr. chron. No index. Hdw. Aver. 350 pp. 14x9x1½.

XXI. SURVEYOR

In the early history of the county, under the government of the proprietors, the making of land surveys was under the authority of the high steward's court. The office of surveyor is not a constitutional one, but it was a very short time after the framing of the North Carolina Constitution of 1776 definitely established as a permanent county office.

This office grew out of the need for establishing title to land in the public domain when an entry-taker was provided for each county. The claimant made affidavit to his claim and upon its being recorded, the surveyor received an order from the entry-taker to survey the territory described in the affidavit. The court of pleas and quarter sessions was authorized to elect a surveyor to serve during good behavior; compensation was on a fee basis (Laws of N. C. 1777, ch. 1).

The surveyor continued on this basis except for minor changes until 1806, when the state was divided into six land districts and a surveyor for each district was elected by joint ballot of the legislature. He was allowed deputies, chain carriers, and other necessary helpers (P.A. 1806, ex. ses., ch. 1). An act of 1823 provided that there be a surveyor for each county, elected by joint ballot of the legislature (P.A. 1823, ch. 49, sec. 8), the district surveyor apparently being retained. Nevertheless, in July, 1825, nearly a year and a half after the county was organized, the court of pleas and quarter sessions elected a surveyor, one Lawrence McGuire, a member of the court which elected him ("Day Book", pp. 90, 91, in "Minute Book", entry 4).

Following the cession of the western territory and the evacuation of the Indians, other districts were created until a total of thirteen was reached. In 1835 a legislative act provided for the election of a surveyor by the quarterly court for a term of four years (P.A. 1835-36, ch. 2, sec. 4; ch. 73, sec. 2), the practice today. Presumably the surveyor may be removed from office by proceedings in equity under the general provisions providing for the removal of unfaithful public officials (P.A. 1915, ch. 11; 1933, ch. 94; 1937, 3rd ex. ses., ch. 3). The quarterly court may fix the surveyor's compensation (P.A. 1859-60, ch. 120, sec. 4).

The surveyor's chief duties are to make surveys directed to him by any court of record in the state, to survey any lot or piece of land in the

county for any person paying the required fee (P.A. 1873, ch. 9, sec. 3), and to test his surveying instruments by the Meridian line every six months (P.A. 1871, ch. 120, secs. 2, 3).

The office is not a vital one, as far as the county organization is concerned. The surveyor is not required to keep any records, but such records as he may have must be kept at the county seat (P.A. 1835-36, ch. 2, sec. 4; 1871, ch. 58; 1868-69, ch. 40, sec. 4) and delivered by the surveyor to his successor in office (P.A. 1837-38, ch. 149, sec. 1).

250. FIELD NOTES, 1896--. 53 vols., 2 file boxes.
Field notes made by the surveyor on land measurements and surveys, showing name of owner, description of property by metes and bounds, date of survey, rough drawings, and amount of fee. Arr. chron. No index. Hdw. Vols. aver. 65 pp. 6x4x¼; file boxes, 18x12x6. Surveyor's residence, E. Main St., Brownsville.

251. ENTRY-TAKER (Record of Surveys), 1825-36, 1842-1902. 2 vols. (E; 1 vol. not labeled).
A record of surveys made, showing name of property owner, location of property, date of survey, description of property by metes and bounds, and specific land marks; also sketches drawn by the surveyor, showing boundaries and measurements of property surveyed. Surveys dated 1825-1836 are recorded in a volume titled "Grants" which probably is a record made by district or other state surveyors, dating from 1785. Arr. chron. Indexed alph. by name of property owner. Hdw. Aver. 337 pp. 7x14x2. Register's vault.

XXII. HIGHWAY DEPARTMENT
(Highway Commission and Superintendent of Roads)

Throughout the nineteenth century and well into the twentieth, county highway and road construction and maintenance were organized in a casual and cumbersome system that proved almost totally ineffective with the coming of motorized transportation.

Practically all authority concerning roads and bridges was lodged in the court of pleas and quarter sessions and its successor, the quarterly county court (P.A. 1804, ch. 1, secs. 17, 89; 1883, ch. 128, sec. 1). Sometimes turnpike, bridge, and ferry corporations were chartered and allowed to build roads and bridges and maintain ferries and collect tolls (Hamer, op. cit., pp. 385-387; P.A. 1877, ch. 101), but generally road construction and maintenance depended on requiring male residents of the county to work on roads a specified number of days or pay a commutation tax (P.A. 1804, ch. 1; 1881, ch. 38; 1882, 2nd ex. ses., ch. 18; 1883, ch. 128; 1891, ch. 1).

The administrative set-up in the county was changed and re-defined from time to time but there were no fundamental changes in the system. Roads were classified either as turnpikes or as district roads (P.A. 1883,

ch. 167; 1881, ch. 38; 1891, ch. 1). A district commissioner, operating through section overseers, summoned residents of the district and section to work on the roads or pay a commutation tax (P.A. 1881, ch. 38; 1883, ch. 128). Turnpike commissioners, provided for in 1883, had general supervision over turnpike roads throughout the county and expended the turnpike levies (P.A. 1883, ch. 167). The road tax, payable in labor and money, was fixed by the quarterly county court (P.A. 1891, ch. 1). Commissioners and overseers received small salaries (P.A. 1881, ch. 38, sec. 36).

Various road and highway taxes were levied on property. Head taxes were frequently levied and sometimes assessments were made on property within a single improvement district (P.A. 1804, ex. ses., ch. 1; 1881, ch. 38; 1891, ch. 1; 1913, 1st ex. ses., ch. 25, sec. 6; 1919, ch. 175, sec. 5; 1921, ch. 134).

A general law of 1891 declared all prisoners confined in the county workhouse available to the highway authorities (P.A. 1891, ch. 1, sec. 37). The general workhouse law, passed simultaneously, authorized the county to establish a workhouse or to declare the jail a workhouse (P.A. 1891, ch. 123, secs. 1, 2).

Since 1903 there have been at least eighteen special road laws for Haywood County (P.A. 1903, ch. 572; 1909, ch. 456; Pr.A. 1911, ch. 168; 1913, chs. 163, 164; 1915, ch. 486; 1917, chs. 82, 227, 406; 1920, ex. ses., ch. 62; 1921, ch. 525; 1927, ch. 331; 1929, chs. 188, 189, 474; 1931, ch. 180; 1933, ch. 480; 1937, ch. 561; 1937, 3rd ex. ses., ch. 30).

On January 1, 1902, Haywood County went under the provision of the general road law of 1901 for all counties with a population under 70,000, which provided for the election of a road commissioner from each civil district by the quarterly county court (P.A. 1901, ch. 136). Legislation in 1903 gave the Haywood County quarterly county court, through a committee, much closer control over the road contracts (P.A. 1903, ch. 572). A special act of 1909 created a board of public roads composed of three members elected for three years by the quarterly county court and having complete control of county roads and bridges (P.A. 1909, ch. 456). This body was followed by single road commissioner in 1911 (Pr.A. 1911, ch. 168) and he in turn was followed by a board of four district commissioners, elected by the quarterly court, in 1913 (Pr.A. 1913, ch. 164). The amendatory acts which followed were of minor importance (Pr.A. 1915, ch. 486; 1917, chs. 82, 227, 406; 1920, ex. ses., ch. 62).

Special legislation in 1921 created the office of supervisor of public roads and highways. The supervisor was a full time, salaried official, elected by the quarterly county court for a two year term. He was required to file a quarterly report with the court and to keep an account of all funds in his hands (Pr.A. 1921, ch. 525).

The 1921 statute was repealed in 1929 (Pr.A. 1929, ch. 189). In place of the abolished agency, there were created a board of highway commissioners (Pr.A. 1929, ch. 188) and a hard road commission (Pr.A. 1929, ch.

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474). The highway commission, which was meant to be a permanent body, consisted of five members elected by popular vote, one member from each of four road districts and a chairman elected from the county at large. The term of office was two years (Pr.A. 1929, ch. 188, sec. 2). The commission in turn elected a highway superintendent for a term of one year (ibid., sec. 8). The superintendent was ex-officio secretary of the commission, and as such was required to keep, in a well-bound book, a record of the proceedings of the commission (ibid., sec. 9 (6) and a complete financial account (ibid., sec. 15). He was further required to keep an account of all tools, implements, machinery, and other property (ibid., sec. 9 (11).

Creation of the hard road commission in 1929 was conditioned on the approval by the electorate of the issuance of $500,000 special road bonds. The issue was approved and the commission, which supervised the spending of the funds, died a natural death in 1931. The commission consisted of four members elected by the quarterly county court for theoretical terms of four years and of the county judge who was ex-officio chairman. The chairman was required to keep a bond register (Pr.A. 1929, ch. 474).

A new highway commission replaced the 1929 commission in 1933 (Pr.A. 1933, ch. 480). The new commission consisted of the county judge, the trustee, and the county court clerk, all serving as commissioners ex-officio (ibid., sec. 1). In addition, the office of road supervisor was created. The supervisor was elected by popular vote for a two year term (ibid., sec. 3).

The commission had general control over the construction and working of public roads, bridges, and levees and had the power to make contracts, assign road hands, appoint foremen and overseers, open, change, close or condemn roads; classify roads, remove obstructions, work county prisoners (ibid., sec. 4), and to exercise the right of eminent domain (ibid., sec. 24). The commission was required to report to the quarterly county court at each term all receipts and disbursements, the reports to be filed with the county court clerk (ibid., sec. 9). The 1933 act provided for district overseers to be appointed by the commission (ibid., sec. 11), re-assessed the road tax payable in labor or money (ibid., secs. 12-15), and directed the quarterly county court to levy road taxes annually (ibid., sec. 18). The superintendent was required to make reports to the commission when called upon, to make emergency repairs without delay, to inspect all roads, levees, and bridges, to act as secretary of the commission and as secretary to keep records in a well-bound book of the proceedings of the commission (ibid., sec. 3); to keep an account of all property coming into his hands, and to make, revise, and keep, in a "substantial" book, lists of persons subject to road duty (ibid., sec. 19). The commission was further required to see that the secretary kept a detailed account of all receipts and disbursements (ibid., sec. 9).

The Haywood County highway department is now regulated by an act of 1937, which abolished the commission created in 1933 (Pr.A. 1937, ch. 561). Effective June 1, 1937 (ibid., sec. 38), the 1937 act created a highway

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commission of five members who are elected by popular vote for two year terms. There is one member from each of four road districts, and a chairman who is elected from the county at large (ibid., secs. 1-5). A commissioner may be removed by trial in quarterly county court for incompetency, neglect of duty, or misconduct in office after a petition has been filed with the court. Either the petitioner or the defendant may appeal to circuit court from the decision of the quarterly court in an ouster case (ibid., sec. 2). Each commissioner must make a $2,000 bond before entering office; the bonds are filed with the county court clerk (ibid., sec. 6). The commissioners receive $200 per year, except the chairman, who receives $1200 (ibid., sec. 18).

The commission is required to employ a highway superintendent, who must be a qualified road expert. The superintendent, to hold office, must take an oath and give bond. He is employed for one year but may be removed by the commissioner for reasons satisfactory to the commission, and it is the commission's duty to remove him for neglect of duty or incompetence (ibid., sec. 8). The superintendent is paid $1200 per year (ibid.). It is the joint duty of the commission and the superintendent to care safely for all property entrusted to the department (ibid., sec. 9).

The commission exercises "general supervision, control, and management directly of all public roads, levees and bridges of the county, and of all workings of roads, the laying out and construction of same, and the construction of bridges, levees, culverts and other work and construction and maintenance of same." Specifically, the commission has the power to make contracts, to assign roads, to appoint foremen and overseers, to open, close, change, widen, and restore roads; to condemn lands for roads, to make plans and specifications, to take measures for the protection of roads, bridges, and levees; to classify roads, to designate location of telephone poles, and to work inmates of the workhouse on roads, bridges, and levees (ibid., sec. 11). The commission is required to take receipts for all expenditures made and to give receipts for all funds received, to make a report of all receipts and expenditures to the quarterly county court each term (ibid., sec. 20), and to report quarterly to the quarterly county court all expenditures of Federal and state money (ibid., sec. 32).

The chairman is required to keep an office in the courthouse with all the records and books of the office, to give his full time to his duties, to visit any section of the county when called upon to do so by a commissioner, to require the superintendent to make a monthly report to him, showing number of persons employed, the amount of salary of each, and any other information called for; to cooperate with all state and Federal agencies, and to make a quarterly report to the quarterly county court showing receipts and disbursements in detail (ibid., sec. 12).

The superintendent, in addition to the duties imposed by the commission, is required to report to the commission any actual or threatened obstruction to roads or drainages, to make immediate emergency repairs, to

inspect roads, bridges, and ferries and report these inspections to the commission; to see that roads are kept at the maximum state of repair allowed by his resources, to keep an account of all property coming into his hands and report the condition of such property to the commission, if required by the commission; to serve the commission as its secretary, and if required, to keep in a well-bound book, a record of all proceedings of the commission (ibid., sec. 10); and to make annually a list of persons subject to road duty (ibid., sec. 31).

All male inhabitants between twenty-one and fifty, living outside of incorporated areas, are required to perform road work, or pay a road commutation tax, unless excused because of physical disability.

Road taxes are levied by the quarterly county court, collected and credited by the trustee, and paid out by him on order of the commission (ibid., sec. 28). It is the duty of the quarterly court to levy taxes sufficient to keep the roads in good repair, but the rate can not exceed forty cents per $100.00 value of taxable real estate (ibid., sec. 30).

According to the present chairman of the highway commission, there are in the county about 255 miles of gravel road, 1200 of dirt and gravel, and forty-nine of pavement (Estimates by Mr. T. D. Russell, chairman of the highway commission).

During the fiscal year ending August 31, 1938, Haywood County collected approximately $61,485.00 for road purposes and spent approximately $64,500.00 (Annual Report of Trustee to the Quarterly County Court, for year ending August 31, 1938, in "Miscellaneous Papers", entry 1, and States-Graphic, Brownsville, September 16, 1938; Quarterly Reports of Highway Commission to the Quarterly County Court, April 14, 1938, October 3, 1938, January 3, 1938, July 5, 1938, in "Miscellaneous Papers", entry 1, and "Minute Book 17", pp. 70, 71, 120, 121, 149, entry 4). At any rate, road administration is considerably more orderly than when the Haywood County court of pleas and quarter sessions, as its first action touching roads, on March 9, 1824, ordered that Lawrence McGuire, "be appointed overseer of the road leading from Jackson to McGuire ferry lately established by the County Court of Madison as far as the road runs in the county, and that all hands on the waters Hatchie do assist him in keeping same open and in repair" ("Day Book", p. 10, in "Minute Book", entry 4).

Personnel Records
(See also entry 265)

252. WORK CARDS, 1929--. 17 file boxes (lettered).
Time cards submitted by foremen for each worker, showing date, name, address, and occupation of worker; number of hours worked, rate of pay per hour, amount due, and name of foreman. Arr. alph. by name of worker. No index. Hdw. on ptd. form. 5x6x16. Office.

253. ROAD LABOR, 1929-30. 2 vols.
A record of time worked on county roads in each district, showing name

of laborer, location of road worked, and number of days worked. Arr. num. by civil districts. No index. Hdw. Aver. 200 pp. 16x11x1½. Trustee's vault.

254. (PAYROLL HARD ROAD COMMISSION), 1930-31. 1 vol.
A record of salaries paid by hard road commission, showing date, check number, name of payee, occupation, number of days or hours worked, rate of pay, total amount of salary, and signature of payee. Arr. chron. No index. Hdw. on ptd. form. Aver. 50 pp. 21½x13½x½. Chrmn's. office.

Financial Records

Material and Equipment - (See also entry 265)

255. PURCHASE ORDERS, 1930-31. 2 vols.
Record of purchase orders issued by the hard road commission, listing items, quantity, description of articles, unit price, and total. Arr. chron. No index. Hdw. on ptd. form. Aver. 150 pp. 10x12x1½. Office.

256. INVOICE FILES, 1934--. 3 file boxes.
Receipted bills and bills payable, showing name of firm, date of purchase, items purchased, unit price, total price, and date paid. Arr. alph. by name of firm. No index. Hdw. and typed on ptd. form. 13x12x13. Office.

257. (FILES OF GAS TICKETS), 1934--. 4 file boxes.
Carbon copies of tickets turned in to the commission by truck drivers, representing purchase of gas, oil, grease, tires, and repairs to county trucks and tractors, showing date, name of driver, number of truck or tractor, tank number, amount of purchase and signature of purchaser. No arr. No index. Hdw. on ptd. form. 5x5x18. Office.

258. OIL AND GAS ACCOUNTS, 1930-35. 6 vols.
Record of oil and gas used by vehicles operated by this department, showing name of account, date, truck number, amount of gas and oil purchased, and total cost. Arr. chron. No index. Hdw. Aver. 88 pp. 12x7x½. Office.

259. GRAVEL HAULING, 1935. 1 vol.
Record of gravel hauled for road construction and repair, showing date, truck number, name of driver, gross, tare, and net weight of gravel. Arr. chron. No index. Hdw. 100 pp. 9x5x1. Office.

Warrants

260. WARRANTS (Duplicates), 1929--. 40 vols. (no. by civil districts).
Duplicates of warrants issued by the chairman of the highway commission for payment of general operating expenses, showing warrant number, date issued, to whom payable, purpose and amount of payment, and signature of chairman. Arr. num. and chron. No index. Hdw. on ptd. form. Aver. 100 pp. 19x10x½. Office.

261. WARRANT REGISTER, 1930-31, 1935--. 2 vols. Title varies: 1930-31, Register of Warrants.
A register of warrants issued in payment of highway expenses, showing date issued, warrant number, to whom payable, purpose of payment and amount. Also includes a list of claims incurred by the department. Arr. chron. No index. Hdw. on ptd. form. Aver. 200 pp. 16x11x1½. 1 vol., 1930-31, trustee's vault; 1 vol., 1935--, office.
For other expense accounts, see entry 264.

262. (RECORD OF WARRANTS, HARD ROAD), 1930-31. 1 vol.
A record of warrants issued by the hard road commission, for such items as supplies, equipment, repairs, surfacing and resurfacing, showing voucher number, warrant number, date issued, to whom issued, purpose of payment, and amount. Arr. chron. No index. Hdw. on ptd. form. 100 pp. 26x14½x1. Chrmn's. office.

Ledger Accounts

263. (HARD ROAD LEDGER), 1930-31. 2 vols.
A financial record of the hard road commission, showing name of account, date of entry, folio number, debits, credits, totals, and balances. Alph. tab. arr. by name of account and chron. thereunder. No index. Hdw. on ptd. form. Aver. 550 pp. 10x12x1½. Chrmn's. office.

264. EXPENSE LEDGER, 1929-34. 8 vols.
A record of expenses incurred by operations of the commission in each district and disbursements in payment of same, showing date, name of account, and amount of expense; date, purpose, and amount of disbursements. Arr. num. by civil districts and chron. thereunder. Indexed alph. by name of account. Hdw. Aver. 200 pp. 12½x14x1. 3 vols., 1929-30, trustee's vault; 5 vols., 1931-34, office.
For subsequent records, see entry 261.

Miscellaneous

265. MISCELLANEOUS PAPERS, 1929--. 8 file boxes.
Miscellaneous papers, such as invoices, receipts, copies of field reports, and duplicate payrolls, showing dates, names, and amounts involved. Arr. alph. by subjects. No index. Hdw. and typed. 11½x14x27½. Office.

Miscellaneous

266. CORRESPONDENCE FILES, 1930--. 3 file boxes.
Letters and copies of replies thereto pertaining to the business of this office, showing date, names, and subject matter. Also contained are copies of contracts for construction and maintenance of roads, and orders for supplies and equipment. Arr. alph. by name of correspondent. No index. Hdw. and typed. 12x12x13. Office.

(Next entry 267, p. 130)

XXIII. WORKHOUSE COMMISSION
(Poor and Workhouse Commission and Superintendent)

Since 1915 the Haywood County poor and workhouse commissions have been combined under the title of workhouse commission which is regulated in most respects by the general law for the workhouse commission (Pr.A. 1915, ch. 119). Prior to 1915, the duties now performed jointly by the commission were performed separately by the poor commission, probably from 1826 (P.A. 1826, ch. 56, sec. 2), and the workhouse commission probably from 1891 (P.A. 1891, ch. 123).

When Haywood County was organized in 1824 there were already several statutes on the books for the benefit of the county poor. An act of 1797 required the court of pleas and quarter sessions "to take cognizance of all the poor persons in the county" (P.A. 1797, ch. 5, sec. 1) and "if necessary assess and levy a tax, on the taxable property and polls, ... for the maintenance and support of such poor persons" (ibid., sec. 2). The poor tax was collected by the sheriff and paid out by the trustee on the signed order of the court and the clerk (ibid., secs. 3, 4). In 1809 the court was again directed to levy the poor tax (P.A. 1809, ch. 25).

In 1826, two years after the organization of Haywood County, the court of pleas and quarter sessions was authorized to appoint a poor commission to erect and maintain buildings "for the accommodation of the poor." The commission consisted of three members, serving until they died, resigned, or moved out of the county (P.A. 1826, ch. 56). The following year, the 1826 statute was re-enacted and the commission made a perpetual body. The court of pleas and quarter sessions was again authorized to levy a poor tax (P.A. 1827, ch. 112, secs. 1, 2) and appoint a "committee" of three members to examine all applicants for admission to the poor home (ibid., secs. 3-5). The committee members served until they died, resigned, or moved, and the court filled vacancies so occurring (ibid., sec. 2). The committee, if appointed, was required to fix rules completely covering the manner in which the poor home was operated and to appoint a "keeper or superintendent ... to superintend and manage" the poor home under the rules set out by the committee (ibid., sec. 6). The superintendent held office during good behavior (ibid., sec. 8), and, like the commissioners, received "a reasonable compensation" (ibid., sec. 12). The superintendent was required to make an annual report to the court of pleas and quarter sessions (ibid., sec. 9).

An 1831 act made the appointment of a poor committee by the court of pleas and quarter sessions mandatory if the county established a poor home (P.A. 1831, ch. 89, sec. 1). The committee consisted of three members, one of them treasurer, all appointed for one year by the court (ibid.; C 1858, 1597); its powers and duties were set out in prior legislation. In addition, the treasurer received the poor tax funds directly from the sheriff and collector (P.A. 1831, ch. 89, sec. 4, repealing P.A. 1827, ch. 112, sec. 11). An act of 1889 changed the term of office of the poor "commissioners", as the committeemen were designated in the Code of 1858, from one to three years (P.A. 1889, ch. 150).

Workhouse Commission (Next entry 267, p. 130)

As the poor commission ex-officio, the Haywood County workhouse commission, under the general law, is required to keep a record of its proceedings (C 1932, 4801; C 1858, 1600), to keep an account book (C 1932, 4803; C 1858, 1602), to submit the account book to the county judge annually (C 1932, 4804; C 1858, 1603), and to examine applicants for admission to the poor home (C 1932, 4807; C 1858, 1606). However, the dual functions of the present body are so closely interwoven that a single records system suffices.

The Code of 1858 authorized the quarterly county court to provide land and buildings for "a workhouse, or house of correction" and to "appoint suitable persons for the management" (C 1858, 5410). In 1875 the quarterly county court was authorized to contract with other counties for the employment of prisoners if the former county had no workhouse (P.A. 1875, ch. 83, sec. 2), and to declare the jail a workhouse (ibid., sec. 3). The superintendent of the workhouse was to be elected by the quarterly county court if the court established a workhouse (ibid., sec. 10). Prisoners committed to the workhouse were to be worked on "streets, alleys, roads, public grounds, buildings and bridges, or in any manner inside or outside of said workhouse, as the Superintendent may direct, and ... for private persons or corporations" (ibid., sec. 5). An act of 1883 required the superintendent to keep a record, in a well-bound book, of all convicts hired out on contract and to make quarterly reports on such contracts to the quarterly county court (P.A. 1883, ch. 23, sec. 1).

The controlling general workhouse law is a statute of 1891 which created a workhouse commission for each county in which a workhouse had been established or the jail declared a workhouse (P.A. 1891, ch. 123, sec. 3). Under this act the workhouse commission is composed of four members appointed by the quarterly county court for two year terms and of the county judge who is the ex-officio chairman of the commission (ibid., sec. 4). The workhouse law does not provide for the removal of a commissioner but removal can be accomplished by proceedings in equity (P.A. 1915, ch. 11; 1933, ch. 94; 1937, 3rd ex. ses., ch. 3). A commissioner's compensation was fixed by the quarterly court from 1891 until 1931; a 1931 special act set the amount at $2.50 per day for active service (P.A. 1891, ch. 123, sec. 6; Pr.A. 1931, ch. 695). The commissioners are required to make bond and file it with the county court clerk who is required to record the bonds on the minutes (ibid., sec. 5).

The commission has "charge, supervision, and control of the workhouse in all of its department, the convicts, the appointment or selection of a superintendent of the workhouse, all necessary guards and other employees ... and generally to regulate and to control that department of the county's business" (ibid., sec. 3). The commission is required to meet at least once a month, to examine accounts submitted by the superintendent so that the county judge may issue his warrants and to visit and inspect the workhouse and inmates (ibid., sec. 6).

The commission is required to keep in "a well-bound book ... full and complete minutes" of its proceedings. The minute book and the

superintendent's book must be delivered to the county judge before each term of the quarterly county court (ibid.).

Under the general law, the superintendent is appointed by the commission for a two year term, and may be removed by the commission (ibid., secs. 3, 7), but in Haywood County the superintendent's term of office has been one year since 1931 (Pr.A. 1931, ch. 695, sec. 4). He receives "a reasonable compensation", fixed by the quarterly court (C 1932, 4815).

The superintendent is required to take oath and give bond, to discharge prisoners at the expiration of their terms, to see that they are properly guarded, humanely treated, properly fed, clothed, and housed; given medical care, and, if they die, decently buried. His quarterly report to the commission must show "the amount of work done and its estimated value; the amount of current expenses for supplies and for tools and implements, and any other matter deemed necessary by him or ordered by the Commissioners of the County Court" (P.A. 1891, ch. 123, secs. 7-9). The superintendent is supposed to receive a certified statement of sentence before receiving a prisoner for commitment (ibid., sec. 15).

The superintendent is required to keep an account of all "supplies, implements and tools purchased", and, when making purchases, to obtain a bill which he must enter on his books and present to the commission for approval (ibid., sec. 9).

Thus, structurally, the Haywood County commission, although performing the duties of the poor commission, is regulated by the workhouse laws. The only amendatory legislation, aside from the 1915 act, is an act of 1931 which makes one of the commissioners purchasing agent, fixes each commissioner's compensation at $2.50 per diem, gives the commission authority to rent or lease land for the purpose of operating a workhouse or asylum, and fixes the superintendent's term of office at one year (Pr.A. 1931, ch. 695).

For the fiscal year December 1, 1936 to November 30, 1937, the workhouse commission's financial statement showed a total operating cost of $7077.08, from which was deducted $3960.45, the value of crops produced, leaving a net operating cost of $3,116.63. An inventory increase of $925.37 made the total net expenditure for the year $4046.00 (Report of Workhouse Commission, January 3, 1938, in "Minute Book 17", p. 71, entry 4).

Workhouse

267. (WORKHOUSE SENTENCE), 1926--. In Reports of Circuit Court Clerk and Bills of Cost, entry 16.
Original papers committing prisoners to county workhouse, showing name of prisoner, date of sentence, offense charged, term of sentence, and amount of fine and cost.

268. WORKHOUSE RECORD, 1920--, 3 vols.
A register of prisoners committed to the workhouse, showing name of

prisoner, date admitted, date of dismissal, nature of conviction, length of sentence, and amount of fine and cost. Arr. chron. No index. Hdw. on ptd. form. Aver. 200 pp. 15x9x1. Co. j's. office.

Poor Home

269. INMATES REGISTER, 1935--. 1 vol.
Record of inmates of the poor home, showing name and physical description of each, by whom recommended, date admitted, personal effects taken in charge, condition of health, treatments given, when and how discharged. Arr. chron. No index. Hdw. on ptd. form. 120 pp. 16x10½x1. Supt's. residence.

270. SUPERINTENDENT'S DIARY, 1935--. 3 vols.
Daily record of activities at the poor home, showing expenditures for supplies, quantity of seed and acreage planted, livestock on hand, and amount received from sale of farm products. Arr. chron. No index. Hdw. Aver. 120 pp. 4x6x1. Supt's. residence.

271. ANNUAL REPORT TO COUNTY COURT CHAIRMAN (County Judge) AND COMMISSION, AND MITTIMUS PAPERS, 1935--. 1 file box.
Copies of annual financial reports made by the superintendent to the county judge and workhouse commission, showing date, source, and amount of receipts; date, purpose, and amount of disbursements. Also contains papers committing persons to this institution, showing date of commitment, name of individual, and signature of chairman of workhouse commission. Arr. chron. No index. Hdw. on ptd. form. 10x12x18. Supt's. residence.
For original report to the judge, see entry 22.

XXIV. RANGER

The ranger was a police officer of a type who received stray cattle and stock from finders and attempted to locate the owners. Not much is known about the Haywood County ranger except that there was one, apparently from 1824 to 1922. At its first session, March 8, 1824, the Haywood County court of pleas and quarter sessions elected one of its own members, Jonathan T. Jacocks, ranger over William Dodd another member ("Day Book", p. 6, in "Minute Book", entry 4). Although the office remains a constitutional one (Const. of 1870, art. 7, sec. 1), it apparently died a natural death in Haywood County in 1922.

When Haywood County was organized in 1824 there had already been several statutes regulating "strays", as lost cattle were termed (Laws of N. C. 1715, ch. 444; 1729, ch. 5, sec. 6). A ranger, first provided for by a North Carolina law in 1777 (Laws of N. C. 1777, Nov. ses., ch. 9), was automatically carried over in Tennessee, and given constitutional status in 1834 (Const. of 1834, art. 7, sec. 1). Under North Carolina's law and the Tennessee Constitution of 1796 he was elected by the court of pleas and quarter sessions, to hold office during good behavior (Laws of N. C. 1777-78,

Nov. ses., ch. 9, sec. 2; Const. of 1796, art. 6, sec. 1). The Constitutions of 1834 and 1870 made him elective by the quarterly county court and fixed his term of office at two years (Const. of 1834, art. 7, sec. 1; 1870, art. 7, sec. 1). An oath was required by North Carolina law (Laws of N. C. 1777-78, Nov. ses., ch. 9, sec. 2), and a bond by Tennessee (P.A. 1819, ch. 38, sec. 5; 1829, ch. 37, sec. 1).

The ranger either received strays directly from "takers-up" or from justices of the peace, who appraised the stray, and entered a description in his books and advertised the stray (Laws of N. C. 1777-78, Nov. ses., ch. 9; P.A. 1829-30, ch. 37). On failure of the owner to claim the stray, its ownership passed to the "taker-up", after he paid the county and the ranger a substantial part of the value of the stray (ibid.).

The ranger was required to make a financial settlement with the county chairman or judge twice a year, to transmit money in his hands to the trustee, and to deliver an "abstract of strays" annually to the county judge or chairman who entered the statement on his revenue docket as the sums due the county from strays (P.A. 1859-60, ch. 11, secs. 4-6; C 1858, 830-832).

He was required under North Carolina law to keep a record of strays (Laws of N. C. 1777-78, Nov. ses., ch. 9, sec. 2), and, if the office should still exist, the ranger would be required by Tennessee law to record each certificate of appraisement in the "stray book" (P.A. 1829-30, ch. 37, sec. 6).

272. RANGER'S RECORD, 1875-1922. 2 vols. Title varies: 1875-1901, Ranger's Ledger.
A record of stray livestock as reported by taker-up to the ranger, and to be advertised by him for the purpose of locating rightful owner or a buyer for same, if not claimed by owner within a limited amount of time, showing name of taker-up, description and estimated value of animal, disposition, and report of sale if not claimed by owner. Arr. chron. No index. Hdw., 1875-1911; typed, 1912-22. Aver. 250 pp. 14x9½xl. Co. ct. clk's. vault.

XXV. AGRICULTURE DEPARTMENT
(Farm and Home Demonstration Agents and Agricultural Extension Committee)

The county agriculture department is composed of the farm agent, the home demonstration agent, and the quarterly county court's agricultural extension committee (P.A. 1929, ch. 81, sec. 5).

A farm agent was first provided for in Haywood County on October 6, 1913, when the quarterly county court, under authority of a legislative enactment of September 27, 1913 (P.A. 1913, 1st ex. ses., ch. 27), appropriated $800.00 to supplement the United States Department of Agriculture's conditional grant of $500.00 to pay a "County Demonstration Agent" for the ensuing year. The agent's term of office was, in effect,

one year and his salary $1300.00." The agent's duties were to establish and to visit once every three weeks twenty-five demonstration farms. He was required to devote all his time and effort to the farms of Haywood County and to render an annual report to the quarterly court ("Minute Book 12", p. 3, entry 4).

The appointment of a farm agent and other demonstrators was made much easier by a 1914 act of Congress, the Smith-Lever bill, which provided for the giving of financial aid to counties which had appointed demonstration agents or which desired to do so, and by a legislative enactment of 1915 which allowed the quarterly court to appropriate funds to cooperate with the University of Tennessee College of Agriculture, the medium between the county and the United States Department of Agriculture (P.A. 1915, ch. 149).

A home demonstration agent was first appointed October 1, 1917 ("Minute Book 12", p. 449, entry 4), and the bureau was discontinued in 1919 when the agent resigned (ibid., January term, 1919). Her appointment too, in effect, was for one year. The office was vacant until 1935 when the court ratified the appointment of another agent ("Minute Book", January term, 1935, entry 4).

The "Agriculture and Home Economics Co-operative Extension Act" of 1929, the controlling act, is designed to allow the counties of the state to take advantage of the Federal grants authorized by the Smith-Lever bill of 1914 and the Capper-Ketcham bill of 1928, to promote such activities as "practical demonstration instruction in agriculture and home economics; conducting 4-H boys' and girls' clubs for teaching farm and home practices, ... to introduce new crops and new systems of farming in various areas of the state as development in industry necessitates such changes in existing crops and systems of farming; develop improved methods of marketing farm products and in general improve rural life with the object of making farming more prosperous and farm life more desirable and attractive." To carry this aim into effect, the legislature appropriated $160,000.00 annually to be used to supplement Federal and county funds (P.A. 1929, ch. 81).

After making an appropriation for agricultural demonstration purposes, the quarterly county court is required to elect an agriculture extension committee, composed of at least three members of the court and of other persons, not exceeding seven in all, to act with the University of Tennessee agriculture extension service "in employing agents, or removing agents for unsatisfactory service or other cause, and otherwise aid in guiding and directing the work in the county" (ibid., sec. 5). In Haywood County the committee consists of three members of the court; a new committee is appointed when the need arises. The action of the committee is formally ratified or disapproved by the quarterly court. Since the life of the department is conditioned on an annual appropriation by the court, the term of office of the agents is one year.

The farm agent's contact is mainly with the men, instructing and advising them on such matters as cultivation and marketing, and encouraging the boys to stay on the farm. The home demonstration agent, a woman, is

in charge of rural home economics, such as canning, sewing, handicraft, home improvement, and other matters of interest to the farm women and girls.

The department is an important one in Haywood County for the county is very close to the soil. Of a total 1930 population of 26,063, 21,851 is "rural farm" (Fifteenth Census of the United States, 1930, Population, III, pt. ii, 926). In 1930 there were 5,079 individual farms in the county; in 1935 there were 5,324. From 1930 to 1935 the average size of farms in the county increased from 43.9 acres to 47.7 acres, total acreage from 223,158 to 254,181. Nearly seventy-eight per cent of the land area in Haywood is in farms. The total value of farm lands and buildings fell from $9,205,199 in 1930 to $6,934,706 in 1935; the average value per acre, from $41.25 to $27.28 (United States Census of Agriculture, 1935, Washington, 1935, 8).

County Farm Agent

Contracts with the Government

273. (COTTON, CORN-HOG, AND SOIL CONSERVATION CONTRACTS), 1933—. 111 folders, 1 bundle.
Farm owners' and tenants' contracts with the Agricultural Adjustment Administration to control production of farm commodities, showing name of farmer or tenant, date and number of contract, agreements as to production, statement concerning previous average yield, and signature of producer. Cotton and corn-hog contracts are contained 1933-35. Arr. num. by contract no. and chron. thereunder. No index. Hdw. on ptd. form. Folders, 15x9x1; bundle, 12x16x4. Vault.

274. COMPLIANCES, 1934-36. 6 file boxes.
Reports submitted to the agent as proof that farmers and tenants have complied with agreements of the crop adjustment contracts, showing names of owner and tenant, crop acreage, distribution of crop, and yield of the several crops. Arr. num. by contract no. No index. Hdw. on ptd. form. 15x12x2. Vault.

275. ADJUSTMENTS, 1934-35. 26 file boxes.
Certifications, agreements, marketing cards, dealers' and purchasers' receipts of parity and subsidy payments on cotton and corn-hog reduction contracts, showing name of producer, contract number, and previous record of production. Arr. num. by contract no. No index. Hdw. on ptd. form. 14x12x24. Vault.

276. RECEIPTS, 1933-36. 16 folders.
Record of payments on contracts made to producers for crop adjustments and control of production, showing contract number, date of payment, check number, name of payee, amount of payment, and signature of person receiving the check. Arr. num. by contract no. No index. Hdw. on ptd. form. 11½x14x1. Vault.

Agriculture Department - Home Demonstration Agent (277-281)

4-H Club Work

277. 4-H CLUB WORK (Boys), 1934--. 2 file boxes.
Club membership cards showing name of community where club is located, name, age, and address of member; agreement as to productive project, and names of parents and club leader. Arr. alph. by name of member. No index. Hdw. 6½x5x16. Office.

Miscellaneous

278. SALES (Co-operative), 1934--. 32 jackets.
Record of co-operative sales of farm products, showing contract number, names of seller and buyer, quantity of product, unit price, and total amount of sale. Arr. num. by contract no. No index. Hdw. on ptd. form. 8x11x2. Office.

279. REGISTER OF BORROWERS, 1934. 1 bundle.
Record of loans made on cotton in storage, showing name and address of person to whom loan is made, serial number, warehouse code, number of bales, provisions for repayment of the loan, and amount borrowed. Arr. num. by contract no. No index. Hdw. on ptd. form. 14x14x1. Office.

Home Demonstration Agent

280. 4-H CLUB WORK (Girls), 1934--. 3 file boxes.
Club membership cards, showing name of community where club is located, name and age of club member, agreement as to productive project, and names of parents and club leader. 1934-35, arr. chron.; 1936--, arr. alph. by name of club member. No index. Hdw. on ptd. form. 6½x5x16. Office.

281. MISCELLANEOUS PAPERS, 1935--. 1 file box.
Correspondence pertaining to activities of the agent, showing names of correspondents, contents of letters and replies; also a list of members of home demonstration clubs, showing name and address of each. No arr. No index. Hdw. and typed. 15x12x28. Office.

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