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INVENTORY
—of the—
**COUNTY ARCHIVES
OF MISSISSIPPI**

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

No. 3. AMITE COUNTY
(LIBERTY)

Jackson, Mississippi
The Historical Records Survey
September, 1937

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PREFACE

The Survey of state and local historical records, known as the Historical Records Survey, was established in January, 1936, under the national direction of Dr. Luther H. Evans. It was inaugurated as a part of the Federal Writers' Projects and work was started in Mississippi in February, 1936. Later the Mississippi survey was made a separate unit to continue under the state direction of W. B. Haynie who had acted as supervisor from the beginning of the work. Mr. Haynie headed the Survey until July 15, 1937. C. C. Fisher, formerly editor-in-chief is now State Director.

The general objective of the Historical Records Survey has been to locate, preserve, and make accessible material for research into American history by gathering information on the existence and general character of collections of historical data throughout the United States.

To accomplish this purpose specifically, the Survey has undertaken to check public records kept by state, county, and municipal governments and prepare descriptive, uniform inventories of these records. Work to follow will be the compilation of lists of historical manuscripts and maps in depositories and private collections. Another task will be locating and inventorying the records of all churches in all counties and arranging an historical sketch of each church building together with important facts about the development of the religious and social life of each county as revealed by the records. An inventory of a portion of the records, books, and papers in the State Department of Archives and History has been put under way.

The Survey plans to publish an Inventory of the County Archives of Mississippi in 82 units, one for each county in the state. Each county inventory will be numbered separately from 1 to 82, the numbering depending on the relative position of each county in an alphabetical list of all the counties in the state. Thus, the number for the inventory of Amite County is 3. The inventories of the state archives, church records, and of municipal and other local records will be published separately.

The various units of the Inventory of the County Archives of Mississippi will be mimeographed for free distribution to state and county officers, to public libraries in Mississippi and to a limited number of libraries and government agencies outside the state.

In Mississippi, stress has been placed on completing a state-wide examination of county records with the view to preserving them and making them more accessible to the public. By assembling and preparing concise, detailed inventories of, or guides to the archives of each county, the Survey will make available an instrument which will: display for comparison the records system of the 82 counties of the state, the study of which may lead to the adoption of a simplified, standardized method that will eliminate unnecessary and overlapping records; give a comprehensive medium which will familiarize the general public with history as shown by records and arouse interest in it; and help office holders to a better understanding of the exact scope of their office records and show them the record work of their predecessors.

The survey of the records of Amite County was started January 8, 1937 and was finished March 25, 1937. Mrs. Norma Hardy, Historical Records Survey field worker, completed the work unaided by other paid assistants. Between May 1, 1936 and November, 1936, preliminary work had been done in the county by Mrs. Ruby Toler Hazelwood. Mrs. Hardy's husband, W. H. Hardy, voluntarily helped Mrs. Hardy examine the records and by doing so, expedited the survey in this county. No advisory committee was formed but all county officers showed great interest in the work and gave valuable assistance. E. G. Nelson, chancery clerk; H. G. Gordon, circuit clerk; and J. N. Steel, superintendent of education, all cooperated with the Survey. John Parker, who is writing a history of Amite County, generously furnished much information and many facts. Miss Alma Causey, Amite County director of the WPA state-wide Historical Research Project, was likewise helpful.

The records of Amite County are in as good condition as could be expected under the circumstances. The historic courthouse, built in 1840, is small and does not provide enough storage space to care for the accumulated records of 128 years. However, through a WPA project an attempt has been made to enlarge the facilities, and only the lack of money has prevented the completion of the much-needed improvement.

The inventory of county records of Amite County was prepared in the state office in Jackson, Mississippi, by an editorial staff of which Robert E. Strong is editor-in-chief.

C. C. Fisher
C. C. Fisher
State Director
Historical Records Survey
for Mississippi

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1. HISTORICAL SKETCH OF AMITE COUNTY

Amite County was established February 24, 1809 with an original area of 1,729 square miles (Turner's Digest of the Statutes of the M. T., p. 95, part 23, sec. 1). The county seat is Liberty, a small farming town with a population of 551. Amite was the fifth county to be organized in the Mississippi Territory and it is situated in the southwestern corner of the state in the old Natchez District. When the Territory was created April 7, 1798, its white population was concentrated in this fertile region where some 6,000 people lived. The section was first settled in 1716 by the French who lost it along with Canada to the English in 1763. In reality, a fourteenth colony of English when the seaboard colonies rebelled in 1776, it was seized in 1779 by Galvez, Spain's brilliant young Governor from New Orleans. The Natchez District, ruled by the Dons, was the center of a suave, punctilious civilization supported by the growing commerce of the River and the local raising of indigo and tobacco. In 1795 the Spaniards by the Treaty of San Lorenzo el Real recognized American Territorial rights as far south as the 31st parallel, but they would not evacuate and by a policy of procrastination attempted to retain the land contrary to the treaty. The Federal Government, urged on by Ohio Valley and Kentucky settlers, ousted the Spaniards in 1798 and took possession of the Natchez region. The cotton gin had been invented in 1793, cheapening the expensive process of separating the fiber from the seeds. The gin, slave labor, a mild climate, and fertile soil combined to make the Natchez country one of the first great cotton-producing areas in the South. The River swarmed with thousands of flatboats that drifted down from the upper Valley and disgorged cargoes of freight and settlers at the town of Natchez on the bluffs. The Natchez Trace, the age-old Indian Trail connecting Natchez and Nashville, opened up by the United States in 1801, teemed with intruding pioneers who came to claim a share of the cheap, plentiful land and the crop of white gold that could be raised on it. From this fecund country in 1799, within a year after the Mississippi Territory had been established, Adams and Pickering Counties were organized. Subsequently five additional counties arose in the District: Wilkinson, Amite, Franklin, Claiborne, and Warren. In 1802 the name of Pickering County was changed to Jefferson to honor Thomas Jefferson.

Wilkinson County, formed from Adams County in 1802, was divided to create Amite County. The boundaries of the new county, as specified in the original organization act were, "Beginning at the thirty mile post, east of the Mississippi River on the line of demarkation (the line running between the United States and Spanish West Florida) and running with the township line due north until it intersects the line of Adams County, thence with the said line east to the line of Washington County (the original Washington County, set up June 4, 1800, is now a part of Alabama) thence along said line to the aforesaid line of demarkation, thence west along the said line to the place of beginning; and all that country lying east of the dividing line shall compose one county by the name of Amite." (Original Acts of the Territorial Legislature, Series D. Vol. 6. Dept. of

Historical Sketch of Amite County

Archives and History, Jackson; Turner's Digest, 1816, p. 95, part 23, sec. 1). The Western boundary line of Washington County in 1809 was Pearl River (Turner's Digest, p. 87, part 21, Proclamation of Governor Winthrop Sargent). Marion County was established December 9, 1811 and took the eastern part of Amite County from the 60 mile post on the line of demarcation east to Pearl River (*ibid.*, p. 105, part 51, sec. 111). In turn, from the western portion of Marion County, Pike County was created in 1815 and Walthall County was established in 1914. Thus it can be said that these two counties were organized from land that originally belonged to Amite County. The remaining boundaries have been unchanged and at present Amite County is bounded on the north by Franklin and Lincoln Counties, on the east by Pike County, on the south by the Louisiana line, and on the west by Wilkinson County.

Early French explorers found peaceful Indians living along the small stream that flows through the region that is now Amite County so they named them the "amite" or friendly Indians and they called the stream the "amite" river. The district became known as the Amite country and that name was given to the new county in 1809.

The 1930 census showed the county to have a population of 19,712 of which 9,271 were native white and 10,417 were negro. It is an isolated, rural, and agricultural community that is industrialized only by a number of scattered cotton gins, saw mills, and grist mills. One railroad touches the county only on a portion of the western border where Gloster, population 1,139, the largest town in the county, was established in 1883. Approximately 22 percent of the county's 714 square miles of area is under cultivation and its assessed property value is \$4,200,323. Its rural-farm population is 17,054. (Biennial Report of the Secretary of State to the Legislature of Mississippi, 1933-35).

The original settlers of the Amite country came principally from the Carolinas, Georgia, Kentucky, Tennessee, and the upper portions of Mississippi. Most of them arrived with the heavy surge of immigration that followed the signing of the Treaty of Chickasaw Bluffs in 1801 whereby the Chickasaw Indians in return for being allowed to operate all taverns and ferries on the Natchez Trace, guaranteed the unmolested passage of immigrants and United States soldiers along the trail. Many others came the "Lake Route"; down the Atlantic Ocean, around Florida, across the Gulf of Mexico and the Mississippi Sound, through Lakes Ponchartrain and Maurepas, and up the Amite River, or through Bayou Manchac from the Lakes and up the Mississippi River to Natchez. Still many more drifted down the Mississippi River on flatboats with their families, slaves, livestock, and all their household possessions. The first census of the county made in 1810 and certified to by Gadesley Gayden, tax assessor and collector, placed the population at 3,692 of which 2,594 were white, 1,069 were slaves and nine were free colored (Original Acts of the Territorial Legislature, Series D, vol. 6, Department of Archives and History, Jackson, Miss.). The land they cleared was turned to cotton raising and the staple was hauled 70 miles over the old Liberty Road to Natchez to be sold. Cotton is still the leading product of Amite County.

Development of Counties in Mississippi

The county organization act provided for the appointment of five commissioners (James Robertson, Thomas Waggoner, Joshua Collins, Robert Montgomery, and James Chandler) to choose a site for the county seat "by purchase or otherwise, not less than 50 acres of land, and not more than half a mile from the center of the county, including a good spring; nearest to the center of the county whereon to erect public buildings." Reserving two acres for the building, the tract was to be laid out into half acre lots and sold at public auction, the money derived from the sale to be applied toward defraying the expenses of erecting the public buildings of the county (*ibid.*). The town, called Liberty, developed into a typical inland planters' business center influenced by wealth and culture based on the growing of cotton.

The first officers of Amite County were appointed by the Governor, March 24, 1809, and included the following: five justices of the peace who constituted the county court, one of whom was chief justice of the orphans' court; a clerk of county court, a surveyor, and a sheriff. A tax assessor and collector and a clerk of superior court were appointed January 1, 1810 (Register of Appointment of Militia and Officers from 1805 to 1812, Department of Archives, Jackson, Miss.).

The first courthouse, a log building, was erected in 1811. Until it was completed, court was held in the home of William Richardson on Connell's Mill Creek (Original Acts of the Territorial Legislature, Series D, Vol. 6). The costs of putting up a whipping post and stocks were included among the expenses incurred in constructing the first courthouse. Slave labor built a graceful, square, brick courthouse in 1840, the building that is still in use.

2. DEVELOPMENT OF COUNTIES IN MISSISSIPPI

Five established governments have controlled the territory that is now Mississippi and these governments have left their marks and their records as evidence of their domination.

France held Mississippi from 1699 to 1763 by claims of discovery and settlement. England took possession of it as conquered territory in 1763 and retained it until 1779. At that time Spain seized it while England was embroiled with the rebelling American Colonies. Spain relinquished the land above the 31st parallel to the United States in 1795 and lost the land below the line in 1812 after the revolting settlers had set up the government of Independent West Florida in 1810. Mississippi was part of the United States from 1798 until 1861, at which time the state seceded to join the Southern Confederacy. After the close of the War Between the States in 1865 Mississippi returned to the Union in 1870.

Mississippi was also involved in the claims and counter claims of Georgia and North Carolina, based on early English grants. Georgia went so far as to

Mississippi Official and Statistical Register, Department of Archives and History, Jackson, Miss., Centennial Edition, 1911.

Development of Counties in Mississippi

establish the county of Bourbon in 1785 in the southwestern part of Mississippi and to sell lands, the transaction being called the "Yazoo Fraud". Georgia's demands were not settled until 1802, four years after the Mississippi Territory had been established. At that time the Federal Government made many concessions to Georgia, giving that state lands and money in return for the relinquishment of its claims. South Carolina voluntarily gave up its demands in 1787.

The first two counties of the Territory, Adams and Pickering, were established in 1799 in the Natchez District in the southwestern corner of the state. In 1802 because of a shift in political opinions the name of Pickering was changed to Jefferson in favor of Thomas Jefferson. By 1809 five more counties had been organized: Wilkinson, Claiborne, Franklin, Amite, and Warren.

There still remained the task of extinguishing Indian titles within the limits of the Territory. The Choctaw Indians were eliminated by three treaties: the treaty of Mount Dexter, November 16, 1805; the treaty of Doak's Stand, October 20, 1820; and the treaty of Dancing Rabbit Creek, September 27, 1820. Two treaties, that of Chickasaw Old Fields, September 20, 1816, and that of Pontotoc Creek, October 20, 1832, ridded the state of the Chickasaw Indians.

On May 14, 1812, the United States formally annexed the coast section known as the Mobile District and ended the Spanish regime in Mississippi.

By 1836, 19 years after Mississippi became a state, its entire area had been converted into counties; those originating later being formed by dismembering and dividing counties already existing.

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3. GOVERNMENTAL ORGANIZATION AND RECORDS SYSTEM

Mississippi is made up of 82 counties. The first two were created in April, 1799, and the last one was organized in 1918. The largest county, Yazoo, contains 905 square miles, and the smallest, Alcorn, contains 386 square miles. The most populous, Hinds, has 85,212 inhabitants, and the least populous, Stone, 5,704. The population of the state is 2,009,821 of which 898,807 are native white and 1,009,718 are negro. Mississippi is the only state in which the number of negroes exceeds the number of whites (Fifteenth Census of the U. S., Vol. III, part 1).

An Agricultural Commonwealth

Government in Mississippi has developed to meet the economic and social requirements of a rural and agricultural community that has not been materially affected by urban and industrial influences. Early settlers were attracted by the fertile soil and the equable climate. Their descendants have clung tenaciously to the land and to the one-crop economy of cotton raising. The state has the largest rural population of any of the states, 83.1 percent being classed as rural and 67.7 percent being designated as rural-farm. Only 13 cities have a population of more than 10,000 and in 1930, Jackson, the capital and largest city, had a population of 48,282, followed by Meridian with 31,594 and Vicksburg with 22,943 (*ibid.*).

Cotton, politics and government have always been important features of social and economic life and the records reflect these influences.

Social Factors in the Organization of Counties

In the creation of counties in Mississippi, as in other states, administrative convenience was frequently considered; but perhaps more weight was given to local pride, to the ambitions of a growing center, to the desire of individuals to exercise greater influence in county administration and to have their friends and neighbors installed as county officials, to some transitory jealousy or antagonism, or to some considerations having to do primarily with the courts.

Governmental Organization and Records System

Tradition played an important part in the establishment of counties. The first settlers brought with them ideas of government to which they had become accustomed. Institutions existent in older states were frequently and with slight modification transplanted to Mississippi. In the minds of most people of the time, county government bulked larger and seemed more important than the central government of the state. It was the only government with which many persons ever came in contact. Thus, there are today in the county and in the internal organization of the county, survivals of institutions which can be traced through the original American colonies back to medieval England.

Furthermore, in the early history of Mississippi there was real need for the county. The people lived in separated communities, each with its own local needs. A high degree of centralization in government would at that time have been impractical. Roads were poor. Rivers were widely used for transportation. Communication was difficult and expensive. Judicial convenience contributed to the establishment of the county as a fact and a tradition.

Legal Status of the County

The county in Mississippi, as in other commonwealths, is a territorial area established by the state government for convenience of administration. The supreme court of Mississippi remarked that "A county is a governmental agency, created for local purposes;" but the court added that it is also "for many purposes, a corporation...or at least is clothed with corporate functions" in relation to certain subjects. (Rainey vs. Hinds County, 78 Miss. 313). Thus the county in this, as in other states, is not a municipal corporation, it is a quasi-municipal corporation. It cannot be sued, except by virtue of a law passed in the legislature (Miss. Code, 1930; sec. 214). (Report of the Brookings Institution on the Organization and Administration of State and County Government in Mississippi - 1932).

The 1890 constitution (sec. 260) stipulates that a new county cannot be created unless a majority of the qualified electors of the county or counties concerned, voting at a special election, approve of such creation. The same section specifies that no county contain less than 400 square miles and that no existing county be reduced below that size. Thus it appears that the legislature cannot abolish a county without the consent of a majority of the electors in the area concerned. However, the legislature is not prevented from changing county boundaries without the consent of the people.

Functions

The principal functions of the county in Mississippi can be classified as follows: (1) administering the fiscal and business affairs of the county; (2) enforcing state laws and decrees; (3) administering justice; (4) holding elections; (5) collecting taxes; (6) maintaining the peace; (7) acting as a recording agency; (8) administering education; (9) regulating health and sanitation; (10) supervising agricultural work.

Governmental Organization and Records System

Administration of Affairs

The board of supervisors, given extraordinary powers and duties, administers the business and fiscal affairs of the county. This semi-legislative body has exclusive and absolute disbursing power, may borrow money and issue bonds. On it are conferred general authority of organization, supervision and control; the power to levy taxes, purchase supplies, care for county buildings, and make all contracts for public works. It is given jurisdiction over all matters of county police and over many in the field of county education, public health and welfare, agriculture and forestry. As a matter of course, the board of supervisors occupies an all-important, paternalistic position in the political, economic, and social make-up of the county.

The chancery clerk has been delegated a multitude of unallied duties, functions and responsibilities which make his office unique in American county government. As the business of conducting the affairs of the county has grown in volume and complexity, more and more administrative burdens have been imposed on the chancery clerk. Consequently, he has become the most important and influential county official. In general the duties which have been conferred upon the chancery clerk, in addition to his functions as clerk of the court, are those of: clerk of the board of supervisors, recorder, auditor, clerk of the pension board of inquiry, treasurer, and accountant.

Enforcement of Laws

Laws are enforced through the district attorneys, the county attorneys, by the sheriffs, and by the constables. The coroner and ranger is also a law enforcement officer.

Administration of Justice

Justice is administered through justice of peace courts, county courts, circuit courts, and chancery courts. The justice of peace courts have been prominent in county government from the time the first counties were established in 1799. Their power and influence have been somewhat decreased in a small number of counties where county courts have been created, but they are still important in other counties. The county court, having jurisdiction in civil suits involving not more than \$1,000, is the court of origin of many important law-suits and prosecutions for serious criminal offenses and is the court of appeal from city and justice courts. The circuit court is the court of appeal from the inferior courts, has jurisdiction in litigation involving more than \$1,000, and is a court of criminal prosecution. The clerk of the circuit court is also clerk of the county court.

The chancery court is assigned cognizance in all cases in equity.

Elections

The clerk of the circuit court is registrar of elections and keeper of election records. The board of supervisors is required to call special elections when petitioned to do so by the electorate.

Governmental Organization and Record System

Tax Collection

The sheriff is the constituted collector of real property and personal property taxes in Mississippi.

Maintenance of Peace

The sheriff, as elsewhere, is charged with maintaining the peace in his county. Constables, regularly elective county peace officers, while primarily attached to the Justice of the Peace courts, are directed by law to assist other proper officials in preserving the peace. The coroner and ranger can be classified as a conservator of the peace.

Recording

The clerk of the chancery court is the recorder of deeds, deeds of trust, mortgages, wills, court proceedings, and a wide variety of other documents.

Education

The superintendent of education directs the county educational program as part of the state educational system.

The Health Department

The county health officer, appointed by the State Board of Health, but paid by the county, regulates health and sanitation work in the county.

Agricultural Program

The agricultural demonstration agent supervises local agricultural activities under the control of the Extension Department of Mississippi State College. The county agent of home economics, working under the direction of the county agricultural demonstration agent, carries on home demonstration work in the county. As prescribed by law this office is filled by a woman.

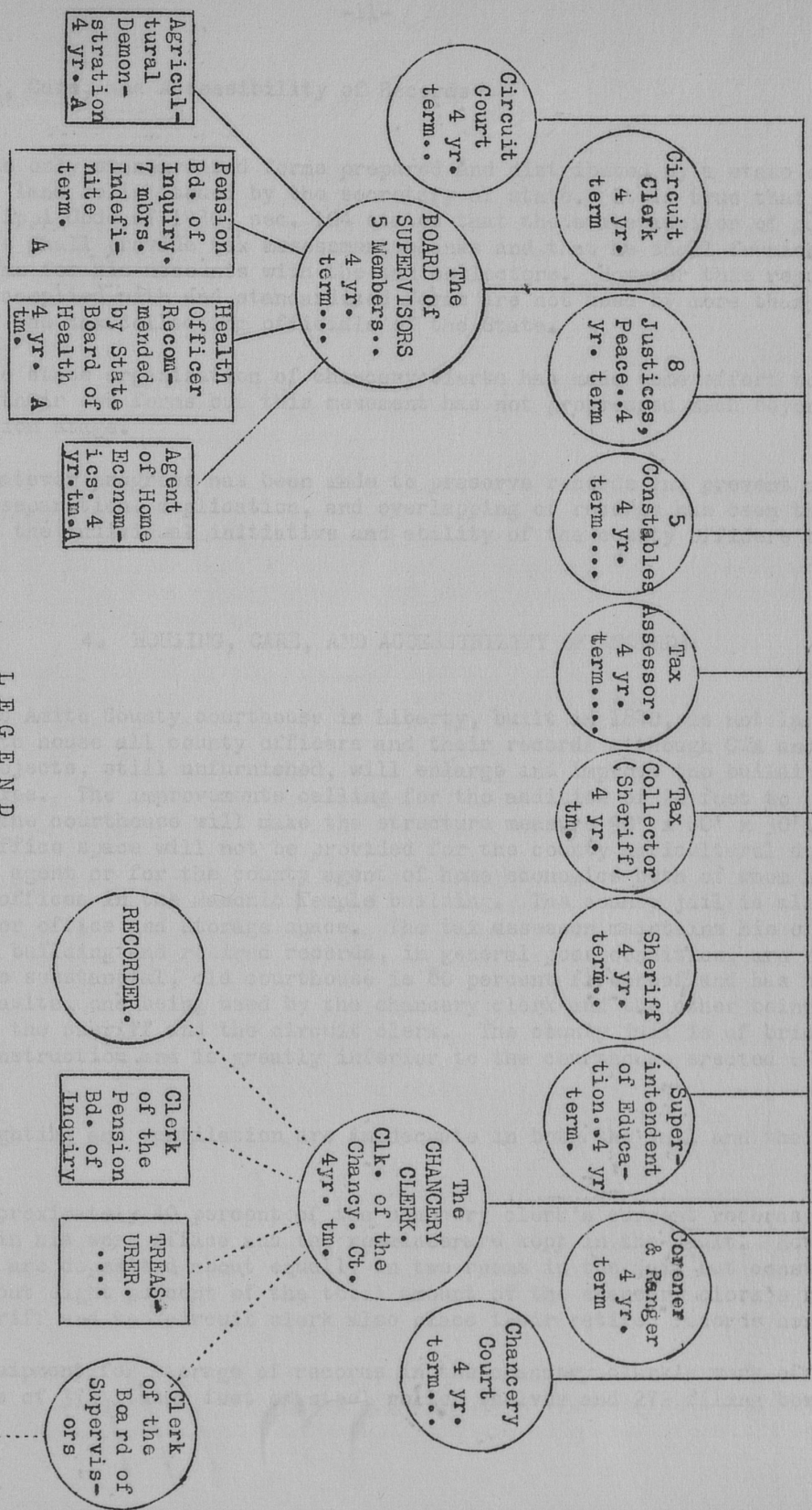
No Standard Records System

With respect to establishing a system of accounting and reporting there has been little advancement made in Mississippi since the first laws were drafted in 1799 under the direction of Territorial Governor Sargent. In this instrument the recorder was directed to "provide parchment or good, large books of royal or other large paper, well bound and covered, wherein he shall record in a fair and legible hand all deeds and conveyances."

For the most part the Mississippi Code of 1930 does not go much further than this as it merely specifies that officers shall keep "well bound books properly indexed."

CHART OF GOVERNMENT OF AMITE COUNTY...

ELECTORATE. . .



LEGEND

○ Established by Constitution. Made Elective by Statute.

□ Established and made Elective by Statute.

A. Appointive.

-- Dotted Lines indicate Ex-Officio Offices.

Housing, Care, and Accessibility of Records

The only standardized forms prepared and distributed by a state officer are the land rolls issued by the secretary of state. It is true that the Mississippi Code of 1930, sec. 104 states that the state auditor of public accounts shall provide tax assessment blanks and that he shall furnish standard forms for his accounts with the tax collectors. However this regulation is not complied with and standardized forms are not used by more than 50 percent of the tax collecting officials of the State.

The state organization of chancery clerks has made some effort to standardize their own forms but this movement has not progressed much beyond the discussion stage.

Whatever progress has been made to preserve records and prevent and eliminate separation, duplication, and overlapping of records has been the result of the individual initiative and ability of the county officers themselves.

4. HOUSING, CARE, AND ACCESSIBILITY OF RECORDS

The Amite County courthouse in Liberty, built in 1840, is not large enough to house all county officers and their records although CWA and WPA work Projects, still unfurnished, will enlarge and improve the building's facilities. The improvements calling for the addition of 22 feet to each end of the courthouse will make the structure measure 90' x 60' x 30'. However, office space will not be provided for the county agricultural demonstration agent or for the county agent of home economics both of whom have rented offices in the Masonic Temple building. The county jail is also utilized for office and storage space. The tax assessor maintains his office in this building and retired records, in general poor condition, are kept in it. The substantial, old courthouse is 80 percent fireproof and has two fireproof vaults, one being used by the chancery clerk and the other being shared by both the sheriff and the circuit clerk. The county jail is of brick and wood construction and is greatly inferior to the courthouse erected 67 years before.

Lighting and ventilation are inadequate in both the jail and the courthouse.

Approximately 40 percent of the chancery clerk's current records are stored in his work office and the remainder are kept in the vault. Retired records are deposited about equally in two rooms in the jail but constitute only about eight percent of the total amount of the chancery clerk's records. The sheriff and the circuit clerk also place their retired records here.

Equipment for storage of records in the chancery clerk's work office consists of 373 linear feet of steel roller shelves and 272 filing boxes.

Housing, Care, and Accessibility of Records

The office is too crowded to permit expansion of filing equipment without creating congestion and confusion. The vault is filled but is not unduly crowded. It has 500 linear feet of steel roller shelves and 268 filing boxes, and while additional filing equipment could not be easily added, a few more records could be stored in here without crowding.

If necessary, unimportant records could be moved from the vault and office of the chancery clerk and stored in the two offices in the county jail, as these offices contain 170 linear feet of wooden shelving that is not in use. The circuit clerk has about ten percent of his records in these offices, the sheriff slightly more.

The circuit clerk keeps only his current records in his work office, the remainder of his active records being in the vault he shares with the sheriff. Retired records are placed in the jail. Equipment in the office consists of 20 linear feet of wooden shelves built against the wall and 56 file boxes. The room is not crowded but it offers no space for an increase in equipment or for many additional records.

The vault shared by the circuit clerk and the sheriff contains 187 linear feet of steel roller shelves, 140 feet of wooden shelves against the walls and 56 file boxes. Approximately 70 percent of the circuit clerk's records are kept here, and approximately 80 percent of the sheriff's. The room is large enough but needs more shelves, which could be placed under the work table in the center of the room. An alternative would be to remove the table and erect a tier of shelves in the space it now occupies.

Only a small percentage of the records of the sheriff and tax collector is in his work office. The room has only 30 linear feet of shelves, steel roller type, for records, and no more are needed. The room is not crowded, needs no additional equipment for the records, and could contain more records if necessary.

All records of the tax assessor are kept in his temporary quarters in the county jail on 16 linear feet of shelves and 24 filing boxes. The office has ample space for the accommodation of this officer who has few permanent records. On completion of the extensions of the courthouse, the tax assessor will move into a room on its west end.

The superintendent of education has only one office at present, but another is almost complete, though unfurnished. This office has 36 linear feet of built-in shelves and a number of file boxes, ample equipment for his records. The problem of this officer has been to accommodate the many visitors, not storage of records, and upon completion of his new office, he will need neither space nor filing equipment.

The county agricultural demonstration agent and the county agent of home economics keep few records; so the 36 linear feet of wooden shelves in their office in the Masonic Temple building are adequate. Possibly additional

List of Abbreviations and Explanatory Notes

space could be used by the county agricultural demonstration agent who has many callers, but his problem is like that of the county superintendent of education, one of accommodation of visitors and not one of record shortage.

The justices of the peace and the coroner and ranger keep their current records in their homes or in the offices they rent and give them fairly good treatment. Retired records of the justices of the peace are kept by the circuit clerk.

5. LIST OF ABBREVIATIONS AND EXPLANATORY NOTES

Explanatory Notes

In this inventory the entries have been grouped under subject headings in the order of importance of the records to their office and to related matters. However, in arranging the records of the courts, this procedure was not followed. Here they are grouped so that the case records are followed through from their original filing to their consummation.

Insofar as possible, records have been listed under the office of their origin.

Where contents of certain entries are duplicated or similar records are found in other entries, cross references are made under these subject headings as follows: "see entry (number of entry)".

Whenever records have a numbered or lettered arrangement, it is designated on the first line of the entry.

Since measurements of records are always given in inches, the symbol for inches is omitted. The dimensions for volumes and bundles are given in sequence of height, width, and thickness; for file cases, and all other containers, in sequence of height, width, and depth.

Unless otherwise specified in the introductions to the offices or in the individual entries, it is to be assumed that the records are deposited in the county courthouse.

The condition of the records is assumed to be good unless otherwise stated.

All population figures are taken from reports of the United States Census Bureau.

List of Abbreviations and Explanatory Notes

Abbreviations

alph.	alphabetical, alphabetically
approx.	approximately
arr.	arranged
art., arts.	article, articles
ch. clerk	chancery clerk
chapt.	chapter
chron.	chronologically
cir.	circuit
Const.	Constitution
hdw.	handwritten
ibid.	Ibidem (the same as preceding)
Miss.	Mississippi
M. T.	Mississippi Territory
no., nos.	number, numbers
J. P.	Justice of the Peace
p., pp.	page, pages
ptd.	printed
sec., secs.	section, sections
Supt. of Ed.	Superintendent of Education
Survey	Historical Records Survey
twp.	township
vol., vols.	volume, volumes

I. BOARD OF SUPERVISORS

The county administrative body today in Mississippi is a five-member board of supervisors (Miss. Code, 1930; sec. 195). This board, having many mandatory and discretionary powers and duties, was established by the constitution of 1869 (art. VI, sec. 20), to replace a board of police created by the constitution of 1832 (art. IV, sec. 20). From 1799 to 1807 the court of general quarter sessions and the court of common pleas, both county courts, shared county governing responsibilities (Sargent's Code 1799; various laws in original holographic edition, Department of Archives and History, Jackson, Miss.). A legislative act of February 10, 1807 established a single county court and gave it the administrative duties that had been discharged by the quarter sessions and common pleas court (Turner's Digest, 1816; p. 131, part 1, sec. XI).

This court, consisting of five justices of the peace and of the quorum, appointed in each county by the governor to serve during good behavior, was authorized to levy taxes, disburse county funds, appoint superintendents of elections, supply clerks' offices with necessary equipment, and provide for the erection of courthouses and jails. It was empowered to lay out prison boundaries and it was given supervision of roads, ferries and bridges. Tavern keepers and sellers of spirituous liquors were required to obtain their licenses from the court (*ibid.*), (See County Court.).

The constitution adopted in 1817 when Mississippi Territory became a state, made no specific provision for the county court but it did stipulate that the legislature could establish such inferior courts of law and equity as it deemed necessary (Constitution of 1817; art. V, sec. 1). The county courts continued to function as legal and administrative bodies through direct legislation. In 1821 a board of road commissioners composed of five members appointed by the county court and presided over by the chief justice of the county court, was established in each county and given the powers of the county court in building and maintaining roads, highways, bridges, and ferries (Laws of Miss., 1821; p. 37).

The constitution of 1832 abolished county courts and delegated their administrative duties to a county board of police. Their legal jurisdiction was conferred on the justice of peace courts, on the circuit court, and a court of probate (Constitution of 1832; art. IV, secs. 1-13, 16, 18, 20). To this board composed of five members, one from each district or beat in the county, were given the additional duties of calling special elections and filling vacancies in county offices. The constitution further specified that the individual members of the board of police act as conservators of the peace, a duty which had been incumbent upon the justices of the previous county courts.

In 1869 the name of this five-member body was changed to board of supervisors and the term of office was fixed at two years (Constitution of 1869; chapt. 60, secs. 2129-2184). This board has been charged with the power and authority to administer all business and fiscal affairs of the county. In general in their respective counties the boards have full jurisdiction over roads, ferries, and bridges (except on state highways), and all other matters of county police. They have jurisdiction over the subject of paupers;

Board of Supervisors, Proceedings

(1-2)

they have power to levy such taxes as may be necessary to meet the demands of their respective counties, upon such persons and property as are subject to state taxes for the time being, not exceeding the limits that may be prescribed by law; they are authorized to erect and keep in good repair courthouses and jails, and they may exercise such further powers as are or shall be conferred upon them by law (Miss. Code, 1930; sec. 214).

The boards may establish county boards of agriculture, home economics, and health; borrow money in any one year up to \$100,000 in counties where the population exceeds 30,000 and up to \$85,000 in counties where the population is less than 30,000 and levy a special tax to pay the loan; insure public property and employ some one to safeguard it; call a special election to decide any issue affecting the entire county when petitioned to do so by 25 percent of the county's qualified electors; supervise public works, and contract with a physician to provide medical care for prisoners. In addition many other duties have been allotted to this board (Miss. Code, 1930, see Board of Supervisors, sec. 195-311).

The terms of the members of the board of supervisors were increased to four years by the constitution of 1890 (sec. 102), but in other respects this constitution did not change the organization of the board. Members receive compensation based on fees paid for days spent in meeting and in the discharge of their duties (Miss. Code, 1930; sec. 6504). By provision of the constitutions of 1869 (art. VI, sec. 20) and 1890 (sec. 170), the clerk of the chancery court acts as clerk of the board of supervisors. In this capacity he keeps all records belonging to the board and issues warrants against the county for accounts allowed by the board.

The board of supervisors was established in Amite County in 1869 as provided for by the constitution of that year, to take the place of the board of police and has functioned continuously since that time. Prior to 1869 the fiscal and business affairs of the county were administered by the county court (1809-1832), by the county board of road commissioners (1821-1832), and by the board of police (1832-1869).

Proceedings

1. POLICE RECORDS, 1833-78. 6 vols. (1, 1-5).

Record of minutes and orders of the county board of police, containing complete record of claims, petitions, appointment of road overseers, county matters brought before the board and reports of financial, administrative, and judicial matters. Chron. arr. No index. Hdw. 375 pp. 18 x 12 x 2. 5 vols., 1833-64, county jail, 1 vol., 1865-78, ch. clerk's vault.

2. MINUTES OF THE BOARD OF SUPERVISORS, 1877--. 16 vols. (3, 5, 6-19). 1886-94, missing. 1870-78, in Police Records, entry 1.

Record of monthly meetings of board of supervisors, including amounts paid county officers, road and bridge work, supplies for courthouse, reports of county officers, claims against the county, and financial and governmental matters brought before the board. Chron. arr. No index. Hdw. and typed. 600 pp. 18 x 12 x 3. Ch. clerk's office.

Board of Supervisors, Claims

(3-9)

3. PROCEEDINGS OF BOARD OF SUPERVISORS, 1877--. 270 file boxes. Original documents and papers of the board of supervisors, including petitions for construction of schools, roads, and bridges, claims against the county for service rendered, invoices, and clerk's reports. Chron. filed. No index. Hdw. and typed. 4 x 4 x 10. Ch. clerk's vault.

Claims

4. SUPERVISORS DOCKET, 1886-94. 2 vols. (3, 4). Record of claims allowed by board of supervisors, showing no. of claim, and order of board of supervisors approving amount and purpose of allowance. Chron. arr. No index. Hdw. 600 pp. 18 x 14 x 3. Ch. clerk's vault.

5. CLAIM DOCKET, 1886--. 19 vols. (3, 5, 17 unnumbered). Record of accounts and claims against the county for materials, services, and damages, showing claim no., claimant's name, description of claim, amount, and disposition by board of supervisors. Chron. arr. No index. Hdw. and typed on ptd. form. 600 pp. 18 x 12 x 3. 6 vols., 1886-1918, county jail; 13 vols., 1919--., ch. clerk's vault.

Warrants

6. BUDGET AND WARRANT REGISTER, 1872-1928. 6 vols. (1, 2, 4-6, 1 unnumbered). 1879-1906, missing. Succeeded by following entry. Register of warrants issued by clerk of the board of supervisors in payment of county obligations, showing claim no., warrant no., date, payee, fund, purpose, debit, credit, total. Alph. indexed by name of fund. Hdw. and typed on ptd. form. 648 pp. 18 x 14 x 3. 2 vols., 1872-1916, county jail; 4 vols., 1917-28, ch. clerk's vault.

7. REGISTER OF WARRANTS AND DISBURSEMENTS, 1929--. 8 vols. Detailed record of warrants drawn on all county funds, showing date, name of payee, purpose, warrant no., amount, office or bureau. Chron. arr. No index. Hdw. on ptd. form. 300 pp. 38 x 18 x 3. 4 vols., 1929-33, ch. clerk's vault; 4 vols., 1934--., ch. clerk's office.

8. GENERAL FUND WARRANTS, 1858--. 103 vols. 99 vols. stubs, 4 vols. carbon copies. Stubs and carbon copies of general fund warrants issued in payment of all classes of county obligations, showing no. of warrant, date, name of payee, amount, purpose, claim or certificate no., clerk's signature. 1858-1932, chron. arr.; 1933--., numerically arr. by warrant no. No index. 1858-1932, hdw. on ptd. form; 1933--., typed on ptd. form. 400 pp. 18 x 12 x 2. 99 vols., 1858-1932, county jail; 4 vols., 1933--., ch. clerk's vault.

9. BRIDGE AND ROAD WARRANTS, 1932--. 3 vols. Carbon copies of warrants issued in payment of maintenance and construction costs of roads and bridges, showing no., date, payee, claim no., purpose, amount, vol. and page reference. Chron. arr. No index. Hdw. and typed on ptd. form. 125 pp. 16 x 14 x $\frac{1}{2}$. Ch. clerk's office.

Board of Supervisors, Bonds

(10-16)

10. PENSION FUND WARRANTS, 1932--. 4 vols.
Duplicate copies of warrants issued in payment of pensions to Confederate soldiers, their widows or servants, showing warrant no., amount, date, payee, fund, certificate no., receipt, signature of clerk. Chron. arr. No index. Hdw. and typed on ptd. form. 150 pp. 14 x 14 x 3/4. Ch. clerk's office.

11. SCHOOL WARRANTS, 1928--. 24 vols.
Stubs of warrants issued to teachers and for other school expenses, showing no. of warrant, name of school, date, payee, certificate no., amount, purpose, payee's signature. Chron. arr. No index. Hdw. and typed on ptd. form. 150 pp. 14 x 14 x 3/4. Ch. clerk's office.

12. CANCELLED WARRANTS, 1877--. 29 file boxes.
Cancelled school, bridge, road, pension, and general fund warrants returned to clerk by the depositories, showing no. of warrant, date, amount, payee, purpose, date cancelled. Numerically filed by warrant no. No index. Hdw. and typed on ptd. form. 14 x 5 x 18. Ch. clerk's vault.

Bonds

13. OFFICIAL BOND RECORD, 1872--. 2 vols. {1, 2}.
Record of official bonds of county officers, showing names of principal and sureties, amount of liability, term of office, name of officer, signatures of principal and sureties, approval of president of board of supervisors. Alph. indexed by name of officer. Hdw. and typed. 600 pp. 18 x 12 x 3. Ch. clerk's office.

14. BOND REGISTER, 1917--. 2 vols.
Registration of bonds issued by the county for roads, schools, and public buildings, showing total issue, date, no. of bond, purchaser, maturity, estimated valuation, rate of interest, denomination of bond, vol. and page no. of reference to minutes, record of coupons paid, amount, date redeemed and cancelled, to whom transferred. Alph. arr. by name of bond issue. No index. Hdw. and typed on ptd. form. 150 pp. 16 x 12 x 1 and 200 pp. 16 x 18 x 1 1/2. Ch. clerk's office.

15. CANCELLED BONDS AND INTEREST COUPONS, 1917--. 7 file boxes.
Redeemed and cancelled bonds and interest coupons of various county bond issues. Chron. filed by name of bond issue. No index. Ptd. 14 x 5 x 18. Ch. clerk's vault.

Road Overseers' Commission

16. ROAD OVERSEERS' COMMISSIONS, 1901. 1 vol.
Record of appointment and notification to road overseers, showing date, name of overseer, address, description of territory, road specifications, clerk's signature. Chron. arr. No index. Hdw. on ptd. form. 150 pp. 14 x 10 x 1. County jail.

II. RECORDER (Duties Discharged by the Chancery Clerk)

(17)

The office of recorder was first established on February 28, 1799 by Territorial Governor Winthrop Sargent and Judges Peter Bryan Bruin and Daniel Tilton (Sargent's Code, 1799; original holograph; A Law Respecting sheriffs, coroners, recorders, and treasurers). His duties were described as follows: "the recorder.....at his own proper costs and charges shall provide parchment or good large books of royal or other large paper, well bound and covered; wherein he shall record in a fair and legible hand, all deeds and conveyances which shall be brought to him for that purpose, according to the true intent and meaning of this law".

The same law set the recorder's fees at: "twenty cents per sheet of one hundred words for recording mortgages, and the like fees for recording all other deeds and instruments in writing; and for copies of all records and deeds, per sheet, sixteen cents".

By act of March 4, 1803, the clerk of the county court (court of quarter sessions) was made register of deeds and conveyances (Toulmin's Code, 1807; chapt. XXVIII, secs. 9-12, and 15). At the same time, since he was register of the orphans' court (ibid., chapt. XXXIV, sec. 23), he was designated and admonished to keep, preserve, and record all records of the orphans' court (wills, letters testamentary and of administration, accounts, inventories, etc.) separate and distinct from the records of the county court. In this manner the clerk of the county court became the recorder in 1803, and he continued as such until 1832.

At this time the constitution established county courts of probate with the elective office of clerk of probate, (Constitution of 1832, art. IV, secs. 18, 19). Both the recording and judicial duties of the clerk of the county court were given to the probate clerk (Laws of Miss., 1833; p. 505, sec. 2).

In 1869 the probate courts were superseded by chancery courts and the duties of the clerk of the probate court were given to the clerk of the chancery court (Constitution of 1869; art. VI, sec. 16). No changes have been made in this arrangement and at the present time all duties of the recorder are discharged by the chancery clerk.

The office of recorder has been maintained in Amite County since 1809 subject to all the changes and modifications in its name and functions. The chancery clerk is, and has been since 1869, the recorder, the duties of this office being among the many that have been delegated to this functionary.

17. ORIGINAL LAND ENTRY, 1807-71. 3 vols. (1-3).

Register of certificates granted in pursuance of law to purchasers of public lands, showing authorized changes of entry, date of certificate, no., by whom purchased, quantity, rate per acre, amount of purchase money. Chron. arr. No index. Hdw. on ptd. form. 50 pp. 18 x 12 x 1/2. Ch. clerk's vault.

Recorder, Abstracts

(18-25)

Abstracts

18. ABSTRACTS, 1816-1901. 2 vols. (1, 4).
Abstracts of title to land transfers, showing quarter sec., twp., range, grantor, grantee, description of land, nature of instrument, date filed, date recorded, vol. and page of reference to conveyance record. Sec. arr. No index. Hdw. 750 pp. 18 x 14 x 3. County jail.

19. ABSTRACT OF TITLE OF SCHOOL LANDS, 1809--. 1 vol.
Abstracts of title and leases to 16th section school lands, showing vol. and page of reference to deed record, date of instrument, grantor, grantee, nature of instrument, consideration, description of land, code authorization, plat, abstract of title. Chron. arr. No index. Hdw. 201 pp. 18 x 14 x 1½. Ch. clerk's office.

Deeds

20. CONVEYANCE RECORDS, 1810--. 76 vols. (1-76).
Record of land sales and transfers in the county, containing date of recording, verbatim copy of instrument of conveyance and acknowledgement. Hdw. and typed. 650 pp. 18 x 12 x 3. Ch. clerk's vault.

21. GENERAL INDEX TO RECORD OF CONVEYANCES, 1811--. 8 vols. (1-8).
Direct and reverse index to record of conveyances, showing grantor, grantee, nature of instrument, date and hour of filing, vol. and page of reference to conveyance record. Alph. indexed by names of grantor and grantee. Hdw. on ptd. form. 600 pp. 18 x 12 x 3. Ch. clerk's vault.

22. SECTIONAL INDEX TO RECORD OF CONVEYANCES, 1810--. 13 vols. (1-13).
Sectional index to conveyances, showing quarter sec., twp., range, grantor, grantee, division of quarter sec., nature of instrument, date of filing, date of recording, vol. and page of reference to conveyance record. Sectionally indexed. Hdw. and typed on ptd. form. 600 pp. 18 x 12 x 3. Ch. clerk's vault.

23. GENERAL INDEX TO RECORDS OF LAND AND CHATTEL MORTGAGES AND DEEDS OF TRUST, 1906--. 6 vols. (1-3, 3-5).
Direct and reverse index to mortgages and deeds of trust on land and personal property, showing grantor, grantee, nature of instrument, date filed, date recorded, date cancelled, by whom, clerk's attestation. Alph. indexed by names of grantor and grantee. Hdw. on ptd. form. 600 pp. 16 x 15 x 3. Ch. clerk's office.

24. LAND MORTGAGE RECORD, 1906--. 45 vols. (1-43, 1A, 7A).
Record of mortgages and deeds of trust on real estate, showing state, county, date, names of mortgagor and mortgagee, consideration, description of property, terms and conditions of contract, acknowledgement. Hdw. and typed. 600 pp. 18 x 12 x 3. Ch. clerk's office.

25. CHATTEL DEED RECORD, 1870--. 112 vols. (10-15, 1-96, 1A-6A, 1a, 3a, 4a, 6a).
Record of mortgages and deeds of trust on personal property, showing county, state, mortgagor, mortgagee, name of trustee or beneficiary, consideration, terms, conditions, acknowledgement. Hdw. and typed, and hdw. and typed on ptd. form. 600 pp. 18 x 12 x 3. 59 vols., 1870-1920, county jail; 53 vols., 1921--., ch. clerk's office.

Recorder, Homesteads

(26-32)

Homesteads

26. HOMESTEAD RECORD, 1893--. 1 vol.

Record of homestead declarations, showing name of person making declaration, description of land, acknowledgement, and certification of record by chancery clerk. Alph. indexed by name of homesteader. Hdw. on ptd. form. 579 pp. 18 x 12 x 2½. Ch. clerk's office.

Leases

27. RECORD OF OIL AND GAS LEASES, 1920--. 4 vols. (1-3, 61).

Record of leases for oil, gas, and mineral rights, containing verbatim copy of instrument or lease, acknowledgement, and date of filing. Hdw. and typed. 566 pp. 18 x 12 x 3. Ch. clerk's vault.

28. INDEX TO RECORD OF OIL, MINERAL AND GAS LEASES, 1920--. 1 vol.

Direct and reverse index to record of oil, mineral, and gas leases, showing names of grantor and grantee, date of instrument, date and hour of filing, vol. and page of reference to record of leases. Alph. indexed by names of grantor and grantees. Hdw. on ptd. form. 250 pp. 16 x 12 x 1½. County jail.

Land Sales and Redemptions

29. RECORD OF LAND SOLD TO STATE AND INDIVIDUALS FOR TAXES, 1812--.
11 vols.

List of lands sold for delinquent taxes, showing to whom assessed, to whom sold, description of land, statement of fees, total tax and costs, damages, commissions. Alph. indexed by name of owner. Hdw. and typed on ptd. form. 300 pp. 30 x 18 x 2. Ch. clerk's vault.

30. QUARTERLY REPORT OF LANDS REDEEMED, 1931--. 1 vol.

Copy of clerk's report to board of supervisors covering redemption of lands previously sold for taxes, showing date of sale, date of report, name of owner, description, valuation, state tax, damages, total, and fees collected. Chron. arr. No index. Hdw. on ptd. form. 300 pp. 10 x 14 x 2. Ch. clerk's vault.

31. RELEASE FROM DELINQUENT TAX SALES, 1932--. 4 vols.

Carbon copies of receipts for payment of taxes against previously forfeited lands and release from tax sale, showing years of taxes assessed, receipt from clerk for payment, description of land, itemized statement of taxes and cost. Chron. arr. No index. Hdw. on ptd. form. 300 pp. 18 x 12 x 4. Ch. clerk's vault.

Discharge Record

32. RECORD OF SOLDIERS' HONORABLE DISCHARGE, 1918--. 1 vol.

Enlistment, service, and honorable discharge records of men enlisted in U. S. military service during the World War, showing name, registration no., company, regiment, place of birth, age at enlistment, personal description and history, signature of commanding officer, enlistment and service record. Alph. indexed by name of veteran. Typed on ptd. form. 730 pp. 18 x 12 x 3. Ch. clerk's office.

Newspapers and Maps

33. THE SOUTHERN HERALD, 1880--. 43 vols.
Weekly publication of the official organ of the county containing legal notices and advertisements as required by law to be kept as a permanent record. Chron. arr. No index. Ptd. 39 vols., 1880-1931, county jail; 4 vols., 1932--, ch. clerk's vault.

34. TOWNSHIP PLAT BOOK, 1900. 1 vol.
Plat book containing 21 land tenure maps of the political subdivisions of Amite County, showing sec., twp., range, and owner's name. Author and publisher unknown. Ptd. Scales vary. 21 pp. 16 x 16 x $\frac{1}{2}$. Ch. clerk's vault.

Miscellaneous

35. INSURANCE CERTIFICATES, 1908--. 1 file box.
Copies of charters and financial statements of insurance companies authorized by the insurance commissioner to transact business in the county. Chron. filed. No index. Hdw. on ptd. form. 10 $\frac{1}{2}$ x 4 $\frac{1}{2}$ x 12. Ch. clerk's vault.

36. RECORD OF MARKS AND BRANDS, 1873--. 1 vol.
Record of individual owners' marks and brands on livestock, showing name, date, twp., description of brand, clerk's attestation. Chron. arr. No index. Hdw. on ptd. form. 150 pp. 14 x 10 x 1. Ch. clerk's office.

37. RECORD OF ASSIGNMENTS AND CHARTERS, 1930--. 1 vol.
Record of corporation assignments, contracts, charters, and amendments to charters, showing name of corporation, address, names and addresses of incorporators, names and addresses of directors, and trustees, nature of corporation, brief history of purpose, amount of capital stock, classes thereof, par value per share, no. shares of each class necessary to be subscribed and paid for before corporation shall commence business, duration of charter, signatures of president and secretary of corporation, date of recording, attestation of chancery clerk. Alph. indexed by name of corporation. Typed. 500 pp. 18 x 12 x 2. Ch. clerk's office.

38. INDEX TO FEDERAL LIEN TAX AND NOTICES AND CERTIFICATES OF DISCHARGE, 1930--. 1 vol.
Index to record of Federal Lien Tax, showing name of taxpayer, post office address, collector, serial no., date of filing, amount of tax, penalty, certificate of discharge, date. Alph. indexed by name of taxpayer. Hdw. on ptd. form. 390 pp. 18 x 12 x 2. Ch. clerk's office.

III. CLERK OF THE CHANCERY COURT (Duties Discharged by the Chancery Clerk)

The identity of the clerk of the chancery court as such, has been obscured by the many duties and functions that have been heaped upon him through more than a century of county governmental development. The term "chancery clerk" is applied to this functionary as the holder of a plethora of offices and it is synonymous with recorder, auditor, treasurer, clerk of the board of supervisors, clerk of the pension board of inquiry, and clerk in effect, of the county superintendent of education.

Clerk of the Chancery Court

The clerks of the Territorial supreme court and of the superior court of the district of Washington were the first clerks of the chancery court. By the act of February 10, 1807 the legislature empowered these courts to act as courts of chancery and gave the clerks of these courts the duties of keeping rolls, records, and proceedings of the chancery court separate from the proceedings in law in the other courts (Toulmin's Digest, 1807; chapt. II, secs. 43-48).

The act of December 22, 1809 transferred this judicial power to the superior courts of law and equity which name had been given to circuit courts previously established in each county. The clerks of the circuit courts were required to transfer all their records to the clerks of the superior courts of law and equity (Turner's Digest, 1816; pp. 178-179, arts. 116-118, secs. I, II, V).

On November 27, 1821, using the power granted it by the constitution of 1817 (art. V, secs. 4, 6), the legislature established a separate court of chancery for the state and divided the state into two districts, eastern and western. A clerk was provided for in each district, to be appointed by the chancellor (Poindexter's Code, 1824; chapt. XIII, secs. 1, 2), and he was given the power to appoint deputies, administer oaths and take affidavits.

The act of February 4, 1825 formed Monroe County into a separate chancery district and instructed the clerk of the eastern district to turn over all records to the clerk of the Monroe district (Laws of Miss., 1825; p. 133). This act was repealed on February 25, 1827 and four chancery districts were created in the state with a clerk in each appointed by the chancellor (Laws of Miss., 1827; p. 139).

The revised constitution of 1832 (art. IV, secs. 16, 22, 27), made provision for a separate superior court of chancery with full jurisdiction in all matters of equity and specified that a clerk be appointed in each district (Hutchinson's Code, 1848; chapt. 27, class III, art. 3).

The office of clerk of the chancery court was made elective by the act of February 26, 1848 (Laws of Miss., 1848; chapt. 68, p. 180). An amendment to the constitution of 1832 inserted by an act approved February 6, 1856, created a court of chancery in each judicial district to be held by the circuit judge, and the clerk of the circuit court was made clerk of the chancery court (Revised Code of 1857; chapt. LXII, sec. III, art. 12).

The office of chancery clerk, much as it is at the present, was established by the constitution of 1869 (art. VI, sec. 16). The probate court was abolished its jurisdiction was given to the chancery court and the duties of the clerk of the probate court were consolidated with those of the clerk of the chancery court.

No change has been made in the basic system put into effect in 1869 and the duties of the clerk of the chancery court are: to attend court and keep its minutes; to keep all records, files, papers, and proceedings belonging to his office; record all last wills and testaments which may be probated, all letters testamentary, of administration, and guardianship; all matters of

Clerk of the Chancery Court, Proceedings and Case Records

(39-42)

accounts allowed against estates; all inventories, appraisements, and reports duly returned; and all instruments which are duly proved, and which by law are required to be recorded in his office. He shall issue process, keep a general docket, an issue docket, a motion docket, a register of claims, and an execution docket. He may conduct proceedings during vacation and at rules during vacation, his acts, judgments, orders, or decrees being subject to the approval or disapproval of the chancellor. He is required to keep a register of sureties on bonds; furnish the circuit clerk with abstract of certain decrees; and record all pleadings, proofs, exhibits, and proceedings of finally terminated suits in a final record book. He is the custodian of all records, books, and papers belonging to probate court and boards of police formerly existing, except those required by law to be kept by the circuit clerk. He must also subscribe for newspapers in which appear publications ordered by the court (Code of Miss., 1920; secs. 326-349).

The office of the clerk of the chancery court has been maintained continuously in Amite County since 1869, subject to all retroactive and progressive changes and modifications that have been made in the office.

Proceedings and Case Records

39. RECORD OF ORPHANS' COURT, 1826-35. 1 vol.
Minutes and proceedings of orphans' court and orders of justice of probate in narrative form, including complete history of the trial and disposition of each case. Chron. arr. No index. Hdw. 447 pp. 16 x 12 x 2. Sheriff's vault.
40. MINUTE BOOKS, PROBATE COURT, 1835-70. 9 vols. (2-10). 1823-34, missing. See entry 42.
Record of proceedings of probate court, including transcript of papers filed, wills probated, settlement of estates, appointment of executors, administrators, and guardians, and complete case records. Hdw. 650 pp. 18 x 12 x 3. Ch. clerk's office.
41. INDEX TO RECORD OF PROBATE MINUTES, 1823-70. 1 vol.
Index to probate court minutes, showing case no., name of cause, vol. and page reference to minutes. Alph. indexed by name of estate. Hdw. 200 pp. 16 x 12 x 1 1/2. Ch. clerk's office.
42. MINUTES, CHANCERY COURT, 1856--. 9 vols. (1-9). See entry 40.
Record of proceedings of chancery court and certain probate matters for the period 1856-69, including complete history of trial and disposition of each case. These minutes are read daily in open court and are signed by the presiding chancellor at end of term. Alph. indexed by names of plaintiff and defendant. Hdw. and typed. 590 pp. 18 x 12 x 3. 2 vols., 1856-81, ch. clerk's office; 7 vols., 1882--, ch. clerk's vault.

Clerk of the Chancery Court, Dockets and General Court Records

(43-48)

43. CASE RECORDS, 1809--. 375 file boxes.

Papers pertaining to divorces, Confederate pensions, dissolutions and receiverships, lunacy hearings, wills and estates, injunctions, garnishments, and complete records of cases triable in orphans', probate, and chancery courts. Numerically filed by case no. No index. Hdw. and typed. $10\frac{1}{2} \times 4\frac{1}{2} \times 12$. 189 file boxes, 1809-1907, ch. clerk's office; 186 file boxes, 1908--, ch. clerk's vault.

Dockets and General Court Records

44. GENERAL CHANCERY DOCKET, 1856--. 10 vols. (1-9, 1 unnumbered).

Record of bills, motions, demurrers, complaints, and declarations filed in probate and chancery court cases, showing proceedings, style of case, no., plaintiff's and defendant's attorneys, date, orders, decrees, vol. and page reference to minutes. Chron. arr. No index. Hdw. on ptd. form. 639 pp. $18 \times 12 \times 3$. Ch. clerk's vault.

45. ISSUE DOCKET, 1856--. 4 vols. (1-4).

Record of cases, final hearings, proceedings involving insolvent estates, and final accounts of executors, administrators, and guardians, wherein order or decree of the court or issuance of process or notice is necessary to a final hearing, triable at approaching term of court in order in which they are numbered on general docket, showing case no., date of hearing, parties' names, bill set for hearing, attorneys' names, decree. Numerically arr. by case no. No index. Hdw. on ptd. form. 200 pp. $18 \times 12 \times 2$. 3 vols., 1856-96, 1921--, ch. clerk's office; 1 vol., 1897-1920, county jail.

46. PROBATE RECORDS (Docket), 1823-1914. 31 vols. (2-32).

Record of petitions and motions submitted to probate and chancery courts for ruling in administration of estates and guardianship of minors, showing case no., copy of instrument, date, and disposition. Hdw. and typed. 300 pp. $18 \times 12 \times 2$. Ch. clerk's office.

47. GENERAL INDEX TO PROBATE RECORDS, 1823-1914. 1 vol.

Index to records of probate and chancery courts, showing case no., parties' names, vol. and page reference to records. Alph. indexed by name of estate. Hdw. 300 pp. $18 \times 12 \times 2$. Ch. clerk's office.

48. MOTION DOCKET, CHANCERY COURT, 1856--. 4 vols. (1-4).

Record of motions, demurrers, petitions, separations, matters of administration or guardianship not directed to be placed on issue docket and matters brought before clerk during vacation, showing case no., parties' names, date, motion, disposition, names of attorneys. Chron. arr. No index. Hdw. on ptd. form. 241 pp. $18 \times 12 \times 2$. 3 vols., 1856-92, 1920--, ch. clerk's vault; 1 vol., 1893-1919, county jail.

Clerk of the Chancery Court, Apprentices

(49-54)

49. SUBPOENA DOCKET, 1905--. 1 vol.

Record of witnesses summoned in chancery court cases, showing case no., style, plaintiff's witnesses, date subpoena issued, sheriff's return, days, mileage, amount of fees, defendant's witnesses, date subpoena issued, sheriff's return, amount of fees. Alph. indexed by name of witness. Hdw. on ptd. form. 225 pp. 18 x 12 x 2. Ch. clerk's vault.

50. LIS PENDENS RECORD, 1893--. 1 vol.

Record of notices filed at beginning of suit in any court to enforce lien upon, right to, or interest in real estate when claim is not based upon an instrument previously recorded or judgment duly enrolled, showing names of plaintiff and defendant, description of land involved or levied upon, kind of suit or writ, brief statement of nature of lien, right, or interest sought to be enforced, date of filing and recording lis pendens notice, result of suit or levy, and remarks. Alph. indexed by names of plaintiff and defendant. Hdw. 300 pp. 18 x 12 x 3. Ch. clerk's vault.

51. FINAL RECORD (Chancery Court Record), 1856--. 9 vols. (1-6, 33, 34, 1 unnumbered).

Record of cases tried in chancery court involving real estate or estates, containing transcript of papers, proceedings, or exhibits, that have been requested by attorneys or parties in suits, and ordered by the chancellor to be entered and preserved in the book of final records. Alph. indexed by name of estate. Hdw. and typed. 581 pp. 18 x 12 x 3. Ch. clerk's office.

Apprentices

52. APPRENTICE RECORDS (Probate Court); 1865-67. 1 vol.

Record of minutes in apprentices' hearings, containing rulings of court, bond of party to whom person is apprenticed, terms of apprenticeship, description of apprentice. Chron. arr. No index. Hdw. 242 pp. 16 x 12 x 1. County jail.

Fees

53. CHANCERY COURT FEE BILLS, 1920--. 4 vols. 1925-31, missing.

Carbon copies of fee bills in chancery court cases, showing case no., style, itemized list of fees and costs, chancery clerk's certificate of correctness, receipt. Chron. arr. No index. Hdw. on ptd. form. 250 pp. 18 x 12 x 2. Ch. clerk's vault.

Certificates

54. WITNESS CERTIFICATES, 1909--. 1 vol.

Stubs of certificates issued to obtain warrants in payment of witness fees in chancery court, showing date, style of case, no., names of witnesses, party, days, mileage, amount, clerk's signature. Chron. arr. No index. Hdw. on ptd. form. 200 pp. 18 x 12 x 1. Ch. clerk's vault.

Wills and Estates

55. WILL BOOK, 1809--. 4 vols. (1, 1-3).
Exact copies of wills and testaments filed for probate and administration. Alph. indexed by name of decedent. Hdw. and typed. 420 pp. 16 x 11 x 2. Ch. clerk's vault.
56. REGISTER OF CLAIMS, 1833--. 2 vols. (1, 1).
Register of accounts and claims filed against estates, showing name of creditor, name of estate, date and nature of claim, date due, amount, remarks. Chron. arr. No index. Hdw. on ptd. form. 319 pp. 18 x 12 x 3. 1 vol., 1833-67, county jail; 1 vol., 1868--., ch. clerk's vault.
57. APPLICATION DOCKET, PROBATE COURT, 1846-54. 1 vol.
Record of applications to probate court for administration of estates, showing case no., name of estate, applicant, nature of application, citations, disposition. Chron. arr. No index. Hdw. 300 pp. 18 x 12 x 1. County jail.
58. ADMINISTRATORS' AND GUARDIANS' RECORDS, 1825-27. 1 vol.
Complete records and accounts of administration of estates and guardianship of minors. Chron. arr. No index. Hdw. 200 pp. 14 x 10 x 1. County jail.
59. ACCOUNT BOOK OF ESTATES, 1835-54. 1 vol.
Itemized accounts of fees and costs in administration and liquidation of estates. Alph. indexed by name of estate. Hdw. 240 pp. 14 x 10 x 1. Supt.'s office.
60. RECORD OF ADMINISTRATORS' BONDS AND LETTERS, 1830--. 3 vols. (1, 1, 2). 1869-71, missing.
Record of bonds and letters of administration granted administrators of estates, showing name of deceased, principal and sureties on bond, oath of administrator, letters of administration granted by the court, signatures of chancellor and clerk. Alph. indexed by name of estate. Hdw. on ptd. form. 450 pp. 18 x 12 x 3 and 200 pp. 13 x 10 x 1½. Ch. clerk's vault.
61. GUARDIANS' BONDS AND LETTERS, 1847--. 2 vols. (1, 1 unnumbered).
Record of guardians' bonds and letters of administration in the estates of minors or wards, showing name of ward, name of minor, name of guardian, guardian's bond and oath, chancery court's letter of guardianship. Alph. indexed by name of minor or ward. Hdw. on ptd. form. 580 pp. 18 x 12 x 3. 1 vol., 1847-71, county jail; 1 vol., 1872--., ch. clerk's vault.
62. RECORD OF EXECUTORS' BONDS AND LETTERS, 1872--. 1 vol.
Record of bonds and letters of administration granted to executors of estates, showing state and county, name of deceased, name of executor, amount of bond, date, oath of compliance, letter authorizing and instructing executor in his proceedings, signatures of chancellor and clerk. Alph. indexed by name of decedent. Hdw. on ptd. form. 575 pp. 18 x 12 x 2½. Ch. clerk's vault.

63. APPRAISEMENT RECORD, 1858-1924. 2 vols. (A, 1 unlettered).
1866-93, missing.

Record of appraisements of estates by duly appointed appraisers, showing warrant of appraiser, oath, detailed inventory and appraisement, report of appraiser. Alph. indexed by name of estate. Hdw. and typed. 190 pp. 18 x 14 x 2. 1 vol., 1858-65, county jail; 1 vol., 1894-1924, ch. clerk's vault.

IV. CIRCUIT CLERK

The office of clerk of the circuit court has existed in Mississippi since February 28, 1799. At that time Governor Winthrop Sargent and the Territorial judges wrote the act which established a court of common pleas possessed of jurisdiction similar to that of the present-day circuit court, (Sargent's Code, 1799; Original holograph in Department of Archives and History, Jackson, Mississippi; A law establishing courts of judicature). Thus, it can be said that the clerks of the common pleas court of Adams and Pickering (now Jefferson) Counties in 1799 were the first circuit clerks.

On January 26, 1802, an act was passed to "provide for the more convenient organization of the courts". (Original Acts of the Territorial Legislature, Series D, vol. 6, Department of Archives and History). By this legislation a superior court with a clerk to keep its records was held in each of the three districts then established, the counties of Adams, Jefferson, and Washington.

The law of February 10, 1807 set up circuit courts in Wilkinson, Adams, Jefferson, and Claiborne Counties, to be presided over by the Territorial judges. A clerk, "a person of skill and probity" was appointed in each to "do all things that appertain to the duties of a clerk of the court to which he is appointed". The law further provided that circuit court should be held in the district of Washington by an additional Territorial judge appointed by the President (Toulmin's Digest, 1807; chapt. II, secs. 8, 19, 23). In these courts the clerks' bonds were placed in the amount of \$7,000 and a \$20 fine was exacted in the event they did not make up and enter a full and complete record of the final determination of any suit or prosecution (*ibid.*, secs. 49, 50).

Two years later, the act of December 22, 1809 changed the name of the circuit courts of the county to "superior courts of law and equity", bestowing on them as the name indicates, jurisdiction in both law and equity. The clerks of the circuit courts were required to transfer all original papers, records, and other judicial proceedings to the newly organized courts (Turner's Digest, 1816; pp. 178, 179, secs. 116, 118).

The constitution of 1817, drafted the year the Mississippi Territory became a state, created a superior court for each county and provided that the judge should appoint a clerk for each court, (Constitution of 1817; art. V, secs. 5, 11). Acts in 1818 and 1819 organized the courts accordingly. On June 22, 1822 the legislature restored the name of circuit court, at the same time dividing the state into four judicial districts with a judge and

Circuit Clerk

a clerk for each district. The clerks of the superior courts then existing became the clerks of the circuit courts (Poindexter's Code, 1824; chapt. 13, sec. 1). Vacancies in clerkships were filled by appointment by the judge (*ibid.*, sec. 10); the clerks were made liable to fine and imprisonment for making false entry or raising a letter or changing any records in their keeping belonging to their officers (*ibid.*, sec. 15); clerks were given power to appoint deputies (*ibid.*, sec. 12); and they were required to keep a list of freeholders provided by the assessor and the collector from which petit and grand jurors were to be drawn (*ibid.*, sec. 122).

The revised constitution of 1832 made the office of clerk of the circuit court elective and set its term at two years (art. IV, sec. 19). In 1856 a constitutional amendment delegated to the judges of the circuit courts the duty of holding chancery court. The clerks of the circuit courts were required to keep the records of the chancery court in addition to those of the circuit court (Amendment to Revised Constitution of 1832; inserted by act of February 6, 1856). When the county courts were reestablished in 1865 (Laws of Miss., 1865; chapt. 11, sec. 1, p. 66), the circuit clerks were created custodians of their records as ex-officio clerks of the county court (*ibid.*, sec. 5). The county courts were abolished in 1870 releasing the circuit clerks of this duty (Laws of Miss., 1870; chapt. XIII).

The legislature of 1870 charged the circuit clerks with the task of issuing marriage licenses and keeping all records pertaining to the issuance of the licenses (Miss. Code, 1871; chapt. 8, sec. 570). It was at this time that circuit clerks were prohibited from practicing law (*ibid.*, sec. 567).

Between 1832 and 1869 the offices of clerk of the circuit court and clerk of the probate court could be held by the same person (Miss. Code, 1857; chapt. VI, art. 199). At present in counties where the population does not exceed 15,000 inhabitants the offices of chancery clerk and circuit clerk can be held by the same person (Miss. Code, 1930; sec. 2918).

The term of office was increased from two years to four years by the constitution of 1869 (art. IV, sec. 19). In 1892 the circuit clerk was made registrar of elections and custodian of election records (Laws of Miss., 1892; chapt. 68, p. 116).

The county court system was revived in 1926 (Laws of Miss., 1926; chapt. 131) making the circuit clerk in counties where a county court was established, again the clerk of the county court (*ibid.*, sec. 7).

The duties of the circuit clerk at present time (1937) can be separated into three principal divisions; clerical-judicial and judicial; recording and licensing; and the functions pertaining to registration and elections.

Circuit Clerk

As a judicial and judicial-clerical official the circuit clerk's chief duties are keeping circuit and county court records and issuing process in both circuit and county court matters. Many other mandatory obligations are attached to this office (Miss. Code, 1930; secs. 48, 49, 478-489, 722, 723).

As a recording and licensing official he issues marriage licenses (*ibid.*, secs. 2362-2363), and he is required to keep all papers and records connected with marriage licenses and certificates of marriage (*ibid.*, sec. 2368). He must make regular reports to the state registrar of vital statistics giving data concerning marriages (*ibid.*, sec. 4933-4941). Other duties include: enrolling abstracts of decrees of chancery court (*ibid.*, sec. 346); filing veterinary licenses (*ibid.*, secs. 7323-7324); filing a copy of a list of persons liable for military duty, prepared by the assessor (*ibid.*, sec. 5488); and reporting to the secretary of state all sums received as compensation and all office expenses paid from such receipts (*ibid.*, secs. 6955-6956).

As a registering officer the circuit clerk is most important as the registrar of qualified voters (*ibid.*, secs. 6182-6207), and he is required to keep, as an adjunct to this duty, a list of poll-tax delinquents (*ibid.*, sec. 3244) and a list of persons convicted of crimes (*ibid.*, secs. 4079, 6187). The clerk must attend meetings of the county election commissioners (*ibid.*, sec. 6212) and administer the absent voters' law (*ibid.*, secs. 6286-6300). Following primary elections the ballot boxes are deposited in his safekeeping (*ibid.*, sec. 5884) and he files the certified vote in such elections (*ibid.*, sec. 5896).

By the corrupt practices act of 1935 (Laws of Miss., 1935; chapt. 19, pp. 33-52), the circuit clerk was given several additional duties. Candidates for nomination to county and county district offices are required to file with the clerk an affidavit that they have read the corrupt practices act and that they will not violate any of its obligations and prohibitions and they must file also an itemized statement of their campaign expenses to be kept as a public record for four years. The distributor of the ballots is directed to deliver to the clerk a copy of the poll manager's receipt for the ballots and the books of duplicate poll tax receipts are delivered to the circuit clerk who receives, receipts and preserves them as a public record. He issues duplicate poll tax receipts and certifies that they are true and correct and he issues certificates of exemption to persons exempt from paying poll taxes, keeps a record of such issuances and receives \$100 per year for discharging these duties. The act stipulates that the ballot boxes be delivered to the circuit clerk and sealed by him in the presence of the poll manager making the delivery. In cases of contested elections the clerk must notify the chief justice of the supreme court or any other justice in the event the chief justice cannot be reached. The chief justice appoints a chancery or circuit judge from a district other than that in which the contest has arisen to hear and determine the case. The circuit clerk issues subpoenas to principals and witnesses. When either or both of the principals demand an examination of the ballots, the circuit clerk must be present in person or by deputy to see that the ballots are not tampered with. In cases of prosecution for violation of the act the sheriff makes arrests on warrants issued by the trial court, and delivers all papers to the circuit clerk who files them and personally delivers them to the foreman of the next grand jury.

Circuit Clerk, Proceedings and Case Records

(64-68)

The circuit clerk is paid mainly in fees but this income is augmented by a salary fixed by the board of supervisors to compensate him for his work as registrar (Miss. Code, 1930; sec. 6195).

The office of circuit clerk has been maintained in Amite County since May, 1809 when the first superior court was established in the county co-incident with its organization. The office has functioned continuously subject to all changes and modifications.

Proceedings and Case Records

64. RECORD OF SUPERIOR COURT, 1810-17. 1 vol.
Pleas or written statements of facts and answers submitted to the court for ruling, showing no., style of case, name of presiding judge, names of attorneys for litigants, verbatim record of pleas and answers submitted, rulings. Chron. arr. No index. Hdw. 250 pp. 16 x 12 x 1½. County jail.
65. PLEAS BEFORE CIRCUIT COURT, 1809-22. 1 vol.
Record of pleas filed before circuit and superior courts, minutes, empanelling of grand and petit juries, indictments, proceedings, and judgments in narrative form. Chron. arr. No index. Hdw. 200 pp. 12 x 10 x 1½. County jail.
66. RECORD OF SUPERIOR COURT, 1920-24. 1 vol.
Narrative record of state or criminal cases tried in superior court, containing style of case, copy of pleas, proceedings, and judgment. Alph. indexed by names of plaintiff and defendant. Hdw. 286 pp. 18 x 10 x 1½. Sheriff's vault.
67. MINUTE BOOKS, CIRCUIT COURT, 1809--. 28 vols. (1, 3, 10-16, 19, 18 unnumbered).
Record of organization of court, grand and petit juries, and complete history of court proceedings in narrative form, including trial and disposition of each case. Alph. indexed by name of subject. 1809-1933, hdw.; 1934--, typed. 651 pp. 18 x 12 x 2½. 27 vols., 1809-1933, sheriff's vault; 1 vol., 1934--, cir. clerk's vault.
68. CIRCUIT COURT STATE AND CIVIL CASES FILES (Case Records), 1810--.
224 file boxes and 180 bundles.
Original indictments, demurrers, answers, exhibits, motions, declarations or complaints, and pleas in criminal and civil cases closed and pending in circuit court. Numerically filed by case no. No index. Hdw. and typed. File boxes, 10 x 4 x 14; bundles, 10 x 2½ x 6. 180 bundles, 1810-99, county jail; 112 file boxes, 1900-09, 1931--, cir. clerk's office; 112 file boxes, 1910-30, sheriff's office.

Circuit Clerk, Dockets and General Court Records

(69-75)

Dockets and General Court Records

69. SUPERIOR COURT DOCKET, 1811-24. 3 vols.
List of cases triable in superior court, showing no. and style of case, nature, attorneys, parties' names, cause of action, amount of judgment, sheriff's returns, disposition. Chron. arr. No index. Hdw. 200 pp. 13 x 10 x 1. Sheriff's vault.
70. CIRCUIT COURT DOCKET, 1865--. 11 vols. (1-4, 4, 5, 5, 4 unnumbered).
Record of civil and criminal cases tried in circuit court, showing case no., parties' names, offense, plaintiff's attorneys, defendant's attorneys, returns, date of trial, court orders. Chron. arr. No index. Hdw. on ptd. form. 241 pp. 18 x 12 x 2. 10 vols., 1825-1919, sheriff's vault; 1 vol., 1920--., cir. clerk's office.
71. JUDGMENTS OF SUPERIOR COURT, 1816-23. 2 vols.
Record of civil cases tried in superior court, showing style of case, copy of pleas, proceedings, and judgment. Alph. indexed by names of plaintiff and defendant. Hdw. 400 pp. 16 x 12 x 1½. Sheriff's vault.
72. GENERAL DOCKET, CIVIL CASES, 1892--. 3 vols. (2, 2, 1 unnumbered).
List of civil cases triable in circuit court, showing attorney for plaintiff, attorney for defendant, parties' names, pleadings or papers in cause, date of filing, process, clerk's fees, sheriff's fees, orders, judgment. Alph. indexed by names of plaintiff and defendant. Hdw. on ptd. form. 201 pp. 18 x 14 x 2. 2 vols., 1892-1928, sheriff's vault; 1 vol., 1929--., cir. clerk's office.
73. STATE DOCKET, CIRCUIT COURT, 1847--. 12 vols. (1-5, 6, 6, 6-8, 2 unnumbered).
Record of state or criminal cases tried in circuit court, showing case no., parties' names, offense, plaintiff's and defendant's attorneys, return of process, court orders. Chron. arr. No index. Hdw. on ptd. form. 243 pp. 18 x 12 x 2. 11 vols., 1847-1929, sheriff's vault; 1 vol., 1930--., cir. clerk's office.
74. MOTION DOCKET, 1838--. 4 vols. (1, 2, 2, 1 unnumbered).
Record of motions filed in civil and criminal cases tried in circuit court showing case no., parties' names, attorney for motion, attorney against motion, date, disposition. Chron. arr. No index. Hdw. on ptd. form. 320 pp. 18 x 12 x 3. 3 vols., 1838-1909, sheriff's vault; 1 vol., 1910--., cir. clerk's office.
75. APPEARANCE DOCKET, 1891--. 1 vol.
Record of civil cases triable in circuit court in order of filing, showing case no., parties' names, action, amount, attorneys for plaintiff and defendant, date commenced, day set, judge's minutes. Chron. arr. No index. Hdw. on ptd. form. 200 pp. 18 x 12 x 1½. Cir. clerk's office.

Circuit Clerk, Dockets and General Court Records

(76-81)

76. SUBPOENA DOCKET, STATE AND CIVIL, 1849--. 10 vols. (2, B, C, 7 unnumbered and unlettered).

Record of subpoenas issued in civil and criminal cases in circuit court, showing case no., parties' names, plaintiff's and defendant's witnesses, county to which issued, date of service, date of forfeiture. Chron. arr. No index. Hdw. on ptd. form. 302 pp. 18 x 12 x 2. 9 vols., 1849-1932, sheriff's vault; 1 vol., 1933--, cir. clerk's office.

77. EXECUTION DOCKET, STATE, 1895--. 1 vol. See entry 93.

Record of fines and convictions in circuit court criminal cases and their execution, showing case no., defendant, plaintiff, date of judgment, amount of fine, date of sentence, amount of costs, name of officer to whom delivered, county, date of issue, return day. Alph. indexed by name of defendant. Hdw. on ptd. form. 227 pp. 18 x 14 x 2. Cir. clerk's office.

78. EXECUTION DOCKET, CIVIL, 1813--. 14 vols. (1, 2, 2, 4, 10 unnumbered). 1857-66, missing.

Record of judgments and executions rendered in civil cases in circuit court, showing case no., plaintiff, defendant, date of judgment, amount, amount of costs, officer to whom delivered, to what county directed, officer's return, date. Alph. indexed by names of plaintiff and defendant. Hdw. on ptd. form. 240 pp. 18 x 12 x 2. 4 vols., 1813-56, county jail; 9 vols., 1867-1935, cir. clerk's vault; 1 vol., 1936--, sheriff's vault.

79. FINAL RECORD, 1849-1908. 7 vols. (16, 18-22, A). 1810-48, missing.

Record of proceedings in suits involving title to real estate or cases ordered entered in the book of final record by the court, including motions, decree, final hearing, final judgment, proof of publication. 1853-1908, alph. indexed by names of plaintiff and defendant. Hdw. 460 pp. 18 x 12 x 3. Sheriff's vault.

80. INDEX TO FINAL RECORD, 1810-52. 2 vols. (2, 1 unnumbered).

Direct and reverse index to final records, showing case no., parties' names, vol. and page of reference to record. Alph. indexed by names of plaintiff and defendant. Hdw. 200 pp. 16 x 10 x 1½. 1 vol., 1810-41, sheriff's vault; 1 vol., 1842-52, county jail.

81. JUDGMENT ROLLS, 1838--. 8 vols. (1-7, 1 unnumbered).

Record of judgments rendered in civil cases tried in circuit court, showing case no., defendant's name, amount, judgment, costs, date of rendition, county and court, date of enrollment, vol. and page of reference to minutes, plaintiff's name, date and how satisfied, remarks. Alph. indexed by name of defendant. Hdw. on ptd. form. 239 pp. 18 x 12 x 2. 6 vols., 1838-1921, sheriff's vault; 2 vols., 1922--, cir. clerk's office.

Circuit Clerk, Indictments

(82-88)

Indictments

82. SECRET RECORD OF INDICTMENTS, 1883--. 5 vols. (1-5).

Secret record of indictments returned by the grand jury, showing name of party indicted, date of alleged crime, specific crime, signature of district attorney, names of witnesses before grand jury. Alph. indexed by name of defendant. Hdw. on ptd. form. 450 pp. 16 x 12 x 2. 4 vols., 1883-1921, sheriff's vault; 1 vol., 1922--, cir. clerk's office.

Fees

83. CIRCUIT COURT FEE BOOK, 1820-81. 26 vols. (1-26). 1813-19, missing.

Record of fees, costs, and judgments in criminal and civil cases in circuit court, showing case no., parties' names, verdict and itemized bill of costs. 1854-81, chron. arr. No index. Hdw. 320 pp. 14 x 12 x 2. Sheriff's vault.

84. GENERAL INDEX TO CIRCUIT COURT FEE BOOK, 1813-53. 2 vols.

Index to record of circuit court fees, showing parties' names, case no., vol. and page of reference to fee book. Alph. indexed by names of plaintiff and defendant. Hdw. 200 pp. 14 x 10 x 1. Sheriff's vault.

85. CRIMINAL FEE BILLS, 1921--. 2 vols. 1924-29, missing.

Carbon copies of original fee bills in criminal cases in circuit court, showing style of case, itemized list of costs and fees, fines, names of witnesses, fees, total, clerk's receipt for payment. Alph. indexed by name of defendant. Hdw. on ptd. form. 250 pp. 18 x 12 x 2. 1 vol., 1921-23, sheriff's vault; 1 vol., 1930--, cir. clerk's office.

86. CIVIL FEE BILLS, 1920--. 3 vols.

Carbon copies of original fee bills in civil cases in circuit court, showing case no., names of litigants, itemized list of fees, names of witnesses, amount due, clerk's certificates of correctness, clerk's receipt. 1920-29, chron. arr. No index. 1930--, alph. indexed by name of witness. Hdw. on ptd. form. 400 pp. 18 x 12 x 2. 2 vols., 1920-29, sheriff's vault; 1 vol., 1930--, cir. clerk's vault.

87. JUROR'S FEE BOOK, 1858--. 3 vols. (1-3).

Record of fees payable to jurors for service rendered in circuit court, showing juror's name, days served and per diem, amount, date certificate issued, to whom, warrant no. Alph. indexed by name of juror. Hdw. on ptd. form. 412 pp. 16 x 12 x 1 1/2. 2 vols., 1858-1928, sheriff's vault; 1 vol., 1929--, cir. clerk's office.

88. CIRCUIT CLERK'S CASH STATEMENT, 1920-22. 1 vol.

List of funds received by circuit clerk's office, showing month, items, amounts, total, clerk's affidavit to board of supervisors as to correctness. Chron. arr. No index. Hdw. on ptd. form. 100 pp. 14 x 10 x 1/2. Cir. clerk's office.

Circuit Clerk, Certificates

(89-94)

Certificates

89. JUROR'S CERTIFICATES, 1916--. 2 vols. 1926-29, missing. Stubs of certificates issued by circuit clerk to jurors to obtain warrants in payment of jury service, showing no., date, payee, days, mileage, and amount. Chron. arr. No index. Hdw. on ptd. form. 150 pp. 20 x 12 x 1. 1 vol., 1916-25, sheriff's vault; 1 vol., 1930--, cir. clerk's office.

90. STATE WITNESS CERTIFICATES, 1886--. 2 vols. 1890-1928, missing. Stubs of certificates issued to obtain warrants in payment of witnesses in criminal cases tried in circuit court, showing certificate no., case no., date, witnesses affidavit of appearance, payee, days, mileage, amount, and clerk's signature. Chron. arr. No index. Hdw. on ptd. form. 150 pp. 16 x 14 x $\frac{1}{2}$. 1 vol., 1886-89, sheriff's vault; 1 vol., 1929--, cir. clerk's office.

Poll and Registration Records

91. REGISTRATION BOOKS, 1867--. 101 vols. Registration of persons desiring to vote in the county, showing no., date of registration, name of elector, age, color, occupation, place of business, employer, residence, oath, elector's signature. Alph. indexed by name of registrant. Hdw. on ptd. form. 100 pp. 18 x 14 x $\frac{1}{2}$. 16 vols., 1867-75, county jail; 66 vols., 1876-1933, sheriff's vault; 19 vols., 1934--, cir. clerk's office.

92. PRIMARY POLL BOOKS, 1867--. 232 vols. Purged list of voters by districts and precincts obtained from the registration books, showing district no., registration no., date, name, sex, age, color, voting record. Alph. indexed by name of voter. Hdw. on ptd. form. 100 pp. 14 x 12 x 1. 14 vols., 1867-1912, county jail; 180 vols., 1913-33, sheriff's vault; 38 vols., 1934--, cir. clerk's office.

93. REGISTER OF CONVICTS, 1891-1928. 1 vol. Discontinued. For register of convicts 1929--, see execution docket, entry 77. Record of criminal convictions in circuit court, kept by clerk to prevent those found guilty of felonies from voting, showing name, offense, date indicted, court, date returned, date of trial, sentence, vol. and page reference to minutes, justice of peace court from which appealed, county to which certificate is issued, remarks. Alph. indexed by name of convict. Hdw. on ptd. form. 200 pp. 16 x 12 x $\frac{1}{2}$. Cir. clerk's office.

94. RECORD OF CERTIFICATES TO VOTE, 1935--. 1 vol. Carbon copies of certificates issued to voters who are legally exempt from paying poll tax because of age or infirmity, showing no., name, precinct, signature of circuit clerk, reason for exemption, affidavit of voter. Chron. arr. No index. Hdw. on ptd. form. 400 pp. 18 x 12 x 3. Cir. clerk's office.

Circuit Clerk, Marriages

(95-100)

95. POLL TAX RECEIPTS (Duplicates), 1935--. 2 vols.

Duplicate copies of poll tax receipts, showing receipt no., district, precinct, date, taxpayer, amount, sheriff's signature. Chron. arr. No index. Hdw. on ptd. form. 300 pp. 18 x 10 x 2. Ch. clerk's office.

Marriages

96. MARRIAGE RECORDS, 1809--. 32 vols. (1-31, 1 unnumbered).

Record of marriage licenses issued white and colored persons, and marriages performed in the county, showing names of contracting parties, age, address, color, affidavit of circuit clerk, record of license issued, record of marriage, certificate of person officiating. Hdw. on ptd. form. 500 pp. 20 x 12 x 2. 30 vols., 1809-1935, sheriff's vault; 2 vols., 1936--, cir. clerk's office.

97. INDEX TO RECORD OF MARRIAGES, 1807--. 3 vols. (1-3).

Direct and reverse index to marriage records, showing name of male, name of female, day, month, year, vol. and page of marriage record. Alph. indexed by names of groom and bride. Hdw. on ptd. form. 300 pp. 18 x 12 x 2. Cir. clerk's office.

Licenses

98. RECORD OF PHYSICIANS AND SURGEONS, 1824-27. 1 vol.

Record of licenses granted physicians and surgeons to practice in the county, showing state, district, authorization to practice, qualifications and name of applicant, signature of president of board of censors, date recorded. Chron. arr. No index. Hdw. 200 pp. 16 x 10 x 1. Sheriff's vault.

99. RECORD OF PHYSICIANS', PHARMACISTS', AND DENTISTS' LICENSES, 1882--. 3 vols.

Registration of licenses issued physicians, pharmacists, and dentists to practice in Amite County, showing license no., to whom issued, purpose, college attended, personal references, date issued by state board of health, and signature of clerk. Chron. arr. No index. Hdw. on ptd. form. 212 pp. 16 x 12 x 1. Cir. clerk's office.

Naturalization Records

100. NATURALIZATION RECORDS, 1917-20. 1 vol.

Record of persons naturalized as citizens of U. S., showing petition, oath of witness, final oath and certificate. Chron. arr. No index. Hdw. on ptd. form. 295 pp. 18 x 12 x 1½. Sheriff's vault.

V. COUNTY COURT

On February 28, 1799, three county courts, each with separate and distinct jurisdiction, were established in each of the two counties then existing in the Mississippi Territory, Adams and Pickering (now Jefferson). These courts were called the general quarter sessions of the peace, the court of common pleas, and the court of probate. This three-court system was set up by Territorial Governor Winthrop Sargent and the Territorial Judges, sitting as a judicial legislature. Governor Sargent who had been secretary of the Northwest Territory, was appointed by President John Adams and given extensive powers including the appointment of all civil officers. With the assistance of the judges he framed, promulgated, interpreted and executed the 36 laws written between February 28, 1799 and October 30, 1800 into "Sargent's Code", if it may be called by that name, Mississippi's first set of laws. The original holograph of this instrument is on exhibition in the State Department of Archives and History in Jackson, Mississippi and is the only copy available in the state.

When the Mississippi Territory was organized April 8, 1798, the Ordinance of the Northwestern Territory (1787) was made its basic law with the exception of the clause prohibiting slavery. The Ordinance required the Territorial officials to frame laws adopted from those of the Original Thirteen States, but from the first the officials favored enacting original laws contending that no state had laws suited to the needs of the western frontier posts. There has been much controversy as to the sincerity of Governor Sargent, for the laws he and the judges wrote gave to themselves and to the officials he appointed, a multiplicity of fees, mainly ferry tolls, tavern licenses, and court fees.

The code provided for the appointment of justices of the peace and of the quorum in every county and the records show that the same men often held the offices of justice of the peace, of the general quarter sessions of the peace, of the court of common pleas, and of the court of probate. The general quarter sessions met on the first Monday in May, August, November, and February, the court of common pleas on the following Wednesday (all or any three of the justices of each court constituting a quorum), and the court of probate on the succeeding Saturday. Appeal from these courts could be made to the supreme court of the Territory composed of the Territorial judges appointed by the President. Each and every justice of the inferior courts could hold hearings out of sessions and it was incumbent upon all of them to assist in quelling riots, routs, and unlawful assembles.

The county courts were established to meet the exigencies of a period characterized by persistent litigation, offenses against property, non-payment of debts, and the committing of petty misdemeanors. The heterogeneous population of the Territory was concentrated in and around Natchez, a typical Mississippi River town which had grown up under the successive dominations of France, Great Britain, and Spain. That Governor Sargent and the judges acted from necessity in assuming comprehensive powers for themselves and for the courts may have been unavoidable under the existing circumstances,

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but representatives of the people denounced his laws in Congress as voracious and disgraceful and he and his appointees were universally unpopular in the Territory.

The court of general quarter sessions of the peace as organized by Sargent's Code, 1799, was given, in addition to its judicial functions, powers of county administration and of equity.

As a court of oyer and terminer it was assigned cognizance in petit crimes and misdemeanors in which the punishment was fine only, not to exceed \$8 and costs and in all crimes and misdemeanors wherein the punishment did not extend to life, limb, imprisonment for more than one year or the forfeiture of goods and chattels or land and tenements to the Territorial government. Larceny cases in which the value of the articles stolen was more than \$3 were triable before this court. If the amount was under \$3, any justice of the peace had jurisdiction, but the trial could be held before the quarter sessions if the offender asked for it and could furnish acceptable bond. The court could direct writs or precepts and issue forth subpoenas and other warrants into other counties summoning or bringing witnesses into court to give evidence, and it could fine for refusal or failure to serve on a jury or an inquest. By the law written October 20, 1800, the justices of the general quarter sessions were directed to summon 32 freeholders to serve as jurors during sessions of the supreme court. At the same time the court was authorized to grant original attachments against the estates of fleeing debtors.

The law of April 12, 1799 made it mandatory when a prisoner or prisoners for debt escaped from an insecurely kept jail, that the court of common pleas pay the sum or sums for which the prisoner or prisoners stood committed and assess the amount against the county as taxes. In this connection the general quarter sessions was given power to appoint an agent or attorney to appear in behalf of, and defend the county in the event the court of common pleas did not pay the loss or losses and the complainant sued to recover.

As a county administrative body the court of general quarter sessions was empowered to divide the county into townships, and appoint annually in each township one or more constables and one or more overseers of the poor. It was assigned the important function of estimating the amount necessary to meet the average annual expenses of the county, and it was given complete jurisdiction over the building and maintenance of all public roads (Laws of April 12, 1799). Duties in this capacity included appointing a proper number of highway supervisors or overseers in each township; appointing three disinterested men to view and examine the route of a proposed road; ordering a surveyor with two other men to measure the route; and constructing and maintaining bridges. It was required to inquire into the state of prisoners in jails and see that the jails were clean and secure. The county coroner certified his inquisitions to this court and the sheriff and the jailer made regular reports to it.

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The Law of April 15, 1799 authorized the general quarter sessions to appoint men to adjust boundary disputes between individuals, and men to view and decide on the height and efficiency of fences. On May 25, 1799 an emergency measure gave the governor power to establish ferries and it specified that the court fix the ferry rates from time to time. The Law of September 21, 1799, recognizing the increasing importance of cotton-growing in the Territory, delegated the court to recommend suitable persons to be appointed by the governor as inspectors of cotton, cotton gins, and cotton presses.

The governor issued all licenses to taverns, alehouses, dramshops, and public houses but it was necessary for applicants to obtain a recommendation from the court of general quarter sessions and pay the clerk of the court a fee of \$25.

As equitable functions the quarter sessions could bind out minor children of the poor, the males until they were 21 years of age, and the females until they were 18, and the court could hear and determine all complaints of these minors bound out.

The court of common pleas, judicial and administrative rival of the quarter sessions of the peace, was the superior court of law with general original civil jurisdiction, the cognizance of high crimes being given to the supreme court.

As a court of judicature it was directed to "hold pleas of assize, scire facias, replevins, and hear and determine all manner of pleas, actions, suits, and causes of a civil nature, real, personal, and mixed" (Laws of February 28, 1799). Its jurisdiction in actions for debts extended to cases in which the amount involved was more than \$20. Under the provisions of an act entitled "A law for the easy and speedy recovery of small debts" written April 13, 1799 any justice of the court of common pleas (or any justice of the peace) could summarily render judgment in cases not exceeding \$20, and imprison debtors if the judgment were not paid. When the amount was \$8 and less, there was no appeal. The court as a whole, and the judges individually, had power to imprison for debt and grant writs of attachment. It could fine not in excess of \$50 any person appointed to the office of constable who refused to accept the office or fulfill its duties (Law of October 5, 1799). By the same act the court was authorized to try cases of violation of the law relative to the inspection of cotton, cotton gins, and cotton presses. On September 21, 1799, single justices were assigned the duty of hearing suits arising from the introduction of cattle infected with contagious distemper.

In administrative matters, the court of common pleas was given power to appoint biennially with the approbation of the governor, commissioners to apportion taxes. Likewise it could appoint three or more commissioners, also with the approbation of the governor, to assess the taxes, using the budget estimate made by the quarter sessions as the basis of the assessment.

The court of common pleas was given the power to borrow money (Law of April 12, 1799), to erect a courthouse and a jail, pillories, stocks and whipping post, to issue warrants to the county treasurer, and through its

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prothonotary to certify the accounts of commissioners. Together with the quarter sessions it shared the duty of providing bridges when the cost was considered too burdensome to the taxpayers.

The quarter sessions was charged with the responsibility of keeping the jail secure but the court of common pleas was directed to pay the sum or sums for which a prisoner or prisoners for debt stood committed if the prisoner or prisoners escaped, and assess the amount against the county as taxes. It could fine escaped prisoners not more than \$100 or sentence them to not more than 40 lashes.

By the law of February 28, 1799, the judge of the court of probate was required to call to his assistance in certain matters, two justices of the court of common pleas.

A judge of probate was appointed in each county (Law of February 28, 1799), whose duty it was to take proof of last wills and testaments, grant letters testamentary and of administration and "to do and perform every matter and thing, that doth, or by law may, appertain to the probate office, excepting the rendering of definite sentence and final decrees". This judge held four sessions each year and such special sessions as he deemed expedient, but in all cases in which it was necessary that he render a definitive sentence or a final decree and upon a contested point it was mandatory that two justices of the court of common pleas sit with him as the court of probate in making decisions in these matters (*ibid.*).

The law stipulated that the judge record last wills and testaments and make entries of granting letters testamentary and of administration, and that he receive, put on file, and carefully preserve all bonds, inventories, accounts, and other documents. He was given jurisdiction in the matter of minors, idiots, and of persons non compos mentis, and he could appoint guardians for them and their children.

On December 10, 1807, the Territorial general assembly established a single county court in each county to supersede the inferior court system set up by Governor Sargent (Toulmin's Digest, 1807; chapt. XXVIII). By the act the governor was empowered to appoint and commission five persons in every county as justice of the peace and of the quorum to hold county court. One of the justices was made chief justice of the orphans' court and all of the justices, or any three of them, held county court and orphans' court at designated terms. To this court were delegated many of the judicial, and all of the administrative and equitable functions vested in the three earlier courts.

As a court of law it was given cognizance in suits in which the principal of the amount involved did not exceed \$200 (Toulmin's Digest, 1807; part V, chapt. 1). In criminal procedure three of the justices sitting with two justices of the peace tried slaves charged with treason, felony, and other crimes and misdemeanors (Turner's Digest, 1816; p. 223, art. 43, sec. LVII), and in such cases, by a unanimous verdict the court could

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inflict the sentence of death. Out of sessions, single justices of the county court exercised powers comparable to those of the justices of the peace (see Justice of the Peace).

As a court of equity the county court and/or orphans' court, was allotted full authority to take the probate of wills and conveyances of real and other estates and record them. It could issue letters testamentary and of administration and administer the affairs of orphans (*ibid.*, p. 131, art. 2, sec. XII; pp. 432-451, arts. 1-47). Until December 19, 1815 the county court heard the petitions of slaves claiming their freedom (*ibid.*, p. 390, art. 33, sec. I). The orphans' court passed on the credentials of ordination of ministers and authorized them to solemnize marriage ceremonies (*ibid.*, p. 328, art. I, sec. I), and through its register or clerk issued marriage licenses (*ibid.*, p. 329, art. 4, sec. V).

In its administrative capacities the county court had full power and authority to establish and maintain roads, bridges and ferries, fix ferry rates (Turner's Digest, 1816; pp. 291-297, art. I-II), and mark and lay out prison bounds and rules of prisons (*ibid.*, p. 133, art. 6, sec. XXIII). As counties were established their county courts had been directed by the organization acts to erect courthouses and jails and keep them in repair (*ibid.*, pp. 85-124, Counties, Towns and Court-Houses). Similarly, the courts had been empowered to levy taxes, but on December 17, 1812, an act of the general assembly made the county court the tax-levying body with power to direct appropriation of the money which came into the county treasury (*ibid.*, pp. 411-412, art. 34, sec. 1; art. 36, sec. IV; art. 38, sec. VI). The court was authorized to clear and open navigable streams by the act of March 1, 1805 (*ibid.*, pp. 292-307, arts. 1-38) and from March 4, 1803 until December 12, 1812, it was commissioned to erect a public pound at the respective courthouses and appoint a keeper (*ibid.*, pp. 391-392, arts. 1-6). It licensed taverns and retailers of spirituous liquors, and fixed their rates and prices (*ibid.*, p. 397, arts. 1-2, sec. I-II); it licensed grist mills, saw mills, and cotton gins and fixed their rates (*ibid.*, pp. 344-347, arts. 1-12), and it licensed billiard tables, the fee being \$100 (*ibid.*, p. 241, art. 109, sec. VI). By the act of December 24, 1812 the county court was directed to appoint inspectors to superintend elections for members of the house of representatives (*ibid.*, p. 257, art. 6, sec. VII). It was assigned the duty of making reasonable allowance to clerks, sheriffs, and constables for their public services in either county court or superior (circuit) court, not to exceed \$50 yearly for sheriffs and clerks and \$1.00 a day to constables for necessary attendance in superior court (Turner's Digest, 1816; pp. 273-274, art. 12, sec. II).

The constitution adopted in 1817, the year Mississippi became a state, made no definite provision for the perpetuation of the county court other than specifying that the legislature could direct and establish such inferior courts as it considered necessary (Constitution of 1817, art. V, sec. 1).

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By the act of February 5, 1818 (Laws of Miss., 1818; p. 58), a county court was established consisting of a chief justice and two associate justices elected by a joint vote of both houses of the general assembly and commissioned by the governor as justices of the peace and of the quorum to serve during good behavior and to hold court four times annually.

This court had jurisdiction in probate matters and in the administration of orphans' business, control of county police, cognizance in the trial of slaves and all powers of county administration given by the laws of Mississippi Territory at the time of the adoption of the constitution of 1817. The court was authorized by the act to lease the lands given to Mississippi by the United States (sixteenth section lands) and provide for the erection of one or more schools. Leases were to be for no longer than three years and the lands were to be protected against improper waste of soil and timber. On February 20, 1819 (Laws of Miss., 1819; p. 72), two associate justices were added to the court. Authority was given it to recommend justices of the peace, county surveyors, rangers, and constables to the governor for appointment, and it was delegated exclusive original and final jurisdiction in capital crimes committed by slaves.

The county court was relieved of its probate powers on November 28, 1821 when the general assembly created a court of probate headed by a single justice. To this court were given the powers of the orphans' court and the registry of deeds (Laws of Miss., 1821; p. 37). By the same act a board of county commissioners was created in each county, a commissioner from each captain's district, and to this body was delegated all the power of the county court with respect to roads, highways, ferries and bridges. However, the court appointed these commissioners and the chief justice of the court served as president of the board.

The county court still retained, in addition to its civil jurisdiction, its powers in taxation, licensing, elections, and in the erection or purchase of public buildings.

On June 28, 1822 by a law entitled "An act to reduce into one, the several acts and parts of acts concerning the establishment, jurisdiction and powers of the inferior courts of law" a county court, composed of a judge of probate as presiding justice and two associate justices, was created (Laws of Miss., 1822; p. 128). Original jurisdiction in suits ranging between \$20 and \$50 was given this court together with administrative functions, including erecting public buildings, making allowances for clerks' supplies and equipment, caring for the poor, and auditing and allowing all accounts. For the first time the justices were not justices of the peace, the law specifying that no justice of the county court could hold concurrently the office of county treasurer, surveyor, ranger or justice of the peace (*ibid.*).

The civil cognizance of the county court was terminated by the act of January 23, 1824 when all causes and demands of more than \$20 were transferred to the circuit court (Laws of Miss., 1824; p. 106). Jurisdiction in

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the trial of slaves was retained by the county court as was the power to allow the county treasurer as salary five percent of all monies paid in except those levied for the use of the poor.

The constitution of 1832 abolished the county court by giving its administrative duties to a county board of police and dividing its judicial functions between a newly created court of probates, a superior court of chancery, a circuit court, and justices of the peace courts (Constitution of 1832; art. IV, secs. 1, 14-16, 18, 20, 23).

After a lapse of 33 years the county court was restored November 24, 1865 (Laws of Miss., 1865; p. 66) in the midst of the chaotic conditions that prevailed after the close of the War. The courts were held once a month in each county, and special courts with the same name and powers were established in the towns (called police districts in the act) of Jackson, Corinth, Grenada, Meridian, and Okolona.

The probate judge was made president of this court with two associates selected from their own number by the justices of the peace for the county. Civil jurisdiction given it embraced civil suits at law and equity, including ejectments, in which the principal of the amount in controversy did not exceed \$250, providing the debts were incurred after the passage of the act. No limit was placed on actions in replevin and the court was not given power to try cases of forcible entry and unlawful detainer. Criminal cognizance, concurrent with that of the circuit and chancery courts, extended to offenses less than felonies and the court was authorized to inflict the punishment of suspending convicted culprits by the thumbs not more than two hours in 24 over a period of not more than ten days. Jurisdiction in cases where the charge was obtaining goods, money or other property by false pretense was limited to \$100. The court was empowered to appoint a county prosecuting attorney who was given a fee of \$5 for each prosecution. It could render final decisions on cases appealed from justices' or mayors' courts. Suits and prosecutions originating in the county court could be appealed, under certain conditions, to the circuit court.

By the act of October 30, 1866 (Laws of Miss., 1866; p. 1), the probate judge was made the sole judge of the county courts including those in the towns. Cases of assault, assault and battery in which no deadly weapon was alleged to have been used, of petit larceny under \$10, and the trying of several other small offenses were given to the justices of the peace; the office of county attorney was made elective; and the terms of court were set at various intervals ranging from once a month to once in six months.

The constitution of 1869 conferred the jurisdiction of the county courts on the circuit courts, on the chancery courts, and on the justice of the peace courts (Constitution of 1869; art. VI, secs. 14, 16, 23), and in 1870 (Laws of Miss., 1870; chapt. XIII), the legislature abolished the county courts.

In 1926 the legislature enacted a law (Laws of Miss., 1926; chapt. 131), which made mandatory the establishment of a county court in any county having a permanent population of more than 35,000; or, not having such popula-

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tion, an assessed valuation of real and personal property exceeding \$17,000, 000; and in neither event, having a municipality of 5,000 or more inhabitants. Counties unable to meet these conditions may establish county courts by means of a special election (Miss. Code, 1930; sec. 693).

Jurisdiction given the county court in 1926 is concurrent with that of the justice of the peace court in both civil and criminal matters and is concurrent with jurisdiction of the chancery and circuit courts in matters of law and equity in which the principal of the amount involved in the litigation does not exceed \$1,000. The county court was also given exclusive jurisdiction in the following matters in which jurisdiction had been exercised by the justice of the peace courts; eminent domain, the partition of personal property, and in actions of unlawful entry and detainer (Miss. Code, 1930; secs. 693, 706).

The judge of the county court is elected every four years by the qualified voters of the county (*ibid.*, sec. 697). The circuit clerk is also clerk of the county court and as such keeps all its records (*ibid.*, sec. 699). Appeals from lower courts can be taken to the county courts (*ibid.*, sec. 705), and appeals from the county court may be made to higher courts (*ibid.*, sec. 704).

County court was maintained in Amite County from 1809, when the county was established, until 1832, when the court was abolished in favor of the courts of police and probate. It was revived again in 1865 and abolished again in 1870. No county court exists in Amite County at this time (1937). The county does not meet the conditions that make the establishment of the court mandatory, and the electorate has not seen fit to create the court through a special election.

101. RECORD OF COUNTY COURT OF JUSTICE, 1807-23. 3 vols.

Proceedings in criminal and civil cases tried in county court, showing style of case, organization of court, names of jurors summoned, criminal and civil matters presented, decrees, and orders of court. Alph. indexed by name of defendant. Hdw. 200 pp. 14 x 10 x 1 $\frac{1}{2}$ and 430 pp. 18 x 12 x 2. County jail.

VI. JUSTICE OF THE PEACE

Justice of the peace courts were established by Territorial Governor Winthrop Sargent and the Territorial judges on February 28, 1799 in the newly-organized counties of Adams and Pickering (now Jefferson). The justices of these courts were given power to hear and determine petit crimes and misdemeanors in which the punishment was fine only, and they were assigned cognizance in pecuniary matters in which the principal of the amount involved did not exceed \$8 (Sargent's Code, 1799; A Law Establishing Courts of Judicature; original holograph, Department of Archives and History, Jackson, Mississippi).

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They were further empowered to issue process to run throughout the Territory for the apprehension of criminals; to take all manner of recognizances with or without surety for good behavior, to keep the peace, and for appearance at a superior judiciary; and to issue writs of attachment (except for rents or where the title of real estate came in question), also to run throughout the Territory, returnable to the county court (*ibid.*). By the provisions of an act entitled "A Law for the Easy and Speedy Recovery of Small Debts", written April 13, 1799, any justice of the peace (or justice of the court of common pleas) could summarily render judgment in cases in which the demand was not more than \$20, and imprison debtors if the judgment were not paid. When the amount was \$8 and less, there was no appeal (*ibid.*).

The justices of the peace were delegated to sit in the court of general quarter sessions of the peace (see County Court), one of the three county courts organized by Governor Sargent, and they were given jurisdiction in the legal regulation of slaves except in capital offenses, the punishment consisting of not more than 39 lashes and/or fines imposed on the masters (*ibid.*). Complaints in cases of forcible entry and detainer and unlawful detainer were heard and determined by justices of the peace (*ibid.*), and by the act of February 10, 1805 trial by jury was made mandatory (Toulmin's Digest, 1807; p. 263). Appeals from judgments of the justices of the peace could be taken to the court of common pleas (Sargent's Code, 1799).

These officials were appointed by the governor to serve during good behavior and in their capacities as justices of the peace and of the quorum (court of general quarter sessions) they became important and powerful in county judicial and administrative affairs. They were not required to make bond and at first there was no restriction on their holding other county offices.

The law of February 10, 1807 which consolidated the three county courts established by Governor Sargent specified that the county court should be composed of "five persons in every county....who shall be justices of the peace and of the quorum" (Toulmin's Digest, 1807; p. 90), thus continuing the requirement that justices of the county court should be justices of the peace primarily. By the same act the civil cognizance of the justice court was extended to include debts under \$20 origination by contract (*ibid.*, p. 88, sec. 5); justices were authorized to act as coroners when there was no coroner in the county (*ibid.*, p. 223, sec. 6); the granting of original writs of attachment against estates of fleeing debtors, returnable to county court with the stipulation that the justice of the peace who tried the appealed case could not sit in the county court hearing the case (*ibid.*, p. 89, sec. 7).

On December 27, 1814 a law enacted by the general assembly gave the justices of the peace jurisdiction in pecuniary demands up to \$50 based on contract (Turner's Digest, 1816; p. 216, art. 5, sec. I); and authorized them to issue search warrants (*ibid.*, p. 225, art. 51, sec. XII); to take voluntary information (*ibid.*, p. 324, art. 22, sec. XXII); to fine for contempt not to exceed \$6 and imprison for contempt not more than six hours (*ibid.*, p. 324, art. 23, sec. XXIV). They were empowered likewise to act as notaries public when the notary was absent or incapable of acting (*ibid.*, p. 325, art. 26, sec. XXVIII). By art. 6, sec. II of the same act, justices of the peace

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were directed to "cause fair entries to be made in books to be by them provided for that purpose" of the proceedings of cases heard before them.

The first constitution of Mississippi provided for the appointment of a competent number of justices of the peace in each county, and allotted them jurisdiction in all civil causes in which the amount did not exceed \$50 (Constitution of 1817; art. V, sec. 8).

A movement to reorganize the judicial system of the state culminated in acts in 1822 which established not less than one nor more than two justices of the peace in each captain's (militia) district, to be appointed for three years by the governor on the recommendation of the county court (Poindexter's Code, 1823; chapt. 8, pp. 19-27). Justices were prohibited from acting as attorneys in the county for which they were appointed, but in 1827 this clause was repealed with the provision that no attorney could appear in any case which he had decided as justice of the peace (Laws of Miss., 1827; p. 116). In 1822 it was made unlawful for freeholders or householders to be sued in any civil case in any justice court out of the limits of the captain's district in which they lived or in which the debt or demand originated (Laws of Miss., 1822; p. 109). By the act of January 30, 1830 justices of the peace for the first time were required to make bond, the law stipulating that they give bond of not less than \$500 or more than \$5000 to be approved by the judge of probate (Laws of Miss., 1830; p. 215).

The legal authority of the county court was gradually diminished (see County Court) and in 1830 judgments obtained and executions issued in justice of the peace courts were given equal dignity with those of the circuit court except in matters involving land (Laws of Miss., 1830; p. 122), and appeals from justice courts were made triable before other justices of the peace or a single justice of the peace with a jury of five, the justice trying the case originally not to participate in the appeal hearings (*ibid.*, p. 119).

In 1833, pursuant to the provisions of the revised constitution of 1832 (art. V, sec. 8), laws were enacted making the office of the justice of the peace elective, shortening its term to two years, and giving it jurisdiction in civil causes up to \$50 (Laws of Miss., 1833; p. 57). By the same law not less than one not more than two justices were to be elected from each county district, the districts being the same as those laid off for the election of the members of the newly-organized board of police (see Board of Supervisors).

By the act of February 26, 1836 justices of the peace were made ex-officio notaries public and were required to keep a separate and distinct register of their acts in a notarial capacity (Laws of Miss., 1836; p. 99).

The number of justices for each district was increased to two (Code of Miss., 1857; chapt. LVIII, arts. 1, 2) and this provision was not changed until 1926 when an act was passed directing that there be only one justice of the peace for each district, except in districts subdivided by the board of supervisors, in which event there could be not more than three (Laws of Miss., 1926; chapt. 209).

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After the outbreak of the War Between the States an act was passed on August 5, 1861 suspending actions for the collections of debts in Mississippi and all courts were virtually closed as a result. In 1862 the running of the statutes of limitation was also suspended until after the war. These acts removed the motive for suing and litigation was practically eliminated. The disorganization of the period brought about the passage of an act on January 9, 1863 making provision for the speedy recovery of personal property wrongfully taken or detained by a summary replevin before two justices of the peace (Laws of Miss., 1863; p. 129).

Justices of the peace were delegated to sit in the county court that was reestablished on November 24, 1865. The court was composed of the probate judge as president and two associates chosen from among their own number by the justices of the peace for the county (Laws of Miss., 1865; p. 66). Appeals from the judgments of justices were to be taken to this court instead of to the circuit court, but no justice of the peace could sit on the court and hear a case he had decided originally.

In 1866 an amendment to this act conferred certain concurrent jurisdiction on the justices of the peace. Cases of assault, assault and battery in which no deadly weapon was alleged to have been used, petit larceny under \$10, and the unlawful carrying of arms were among the small offenses made cognizable by the justices (Laws of Miss., 1866; p. 1). Appeal could be taken to the next county court.

The constitution of 1869 did not provide for a county court but it increased the civil jurisdiction of the justices of the peace to \$150 value of principal (Constitution of 1869; art. 6, sec. 23). The Code of 1880 reaffirmed this provision and gave the justice of peace courts criminal jurisdiction concurrent with the circuit court wherein punishment did not exceed fine or imprisonment (Miss. Code, 188; chapt. 61, sec. 2216). This code also allotted the justices jurisdiction in the partition of personal property not to exceed \$150 in value (*ibid.*, chapt. 71, secs. 2580-84).

The constitution of 1890 (sec. 171) extended the jurisdiction of the justices of the peace to causes in which the principal amount in controversy did not exceed \$200, increased the term of office to four years, and gave them criminal jurisdiction concurrent with the circuit court in crimes in which punishment did not exceed fine and imprisonment. In 1892 special courts of eminent domain were established with the provision that a justice of peace selected by the circuit clerk preside over hearings before a jury (Miss. Code, 1892; chapt. 40, sec. 1680). The code also stipulated that mayors of cities having a population of less than 4,000 inhabitants should be ex-officio justices of the peace and have the same powers as the justices (*ibid.*, chapt. 2, sec. 300).

No important changes have been made in the general powers and duties of the justice of the peace since 1892. They lost their jurisdiction in the partition of personal property, actions of unlawful entry and detainer, and in eminent domain hearings in the counties wherein county courts were established after 1926 (Miss. Code, 1930; sec. 693) (see County Court). Appeals from courts of justices of the peace are made to the county court

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in counties where that court functions with the right of further appeal to the circuit court, but in counties where there is no county court appeals are made to the circuit court (*ibid.*, sec. 705). Justices of the peace act as coroner in many counties (Miss. Code, 1930; sec. 649).

These officers receive their compensation in fees as has been the case since the office was established in 1799.

Justices of the peace have functioned continuously in Amite County since 1809, when the county was established. Today eight justices of the peace are maintained in the county.

102. JUSTICE OF THE PEACE DOCKET, DISTRICT 1, 1823--. 17 vols.
Record of criminal and civil cases triable in justice of peace court, showing case no., style, charge or character of suit, affidavit, cause of action, itemized list of costs and fees, other proceedings, sentence or judgment. Alph. indexed by names of plaintiff and defendant. Hdw. on ptd. form. 320 pp. 20 x 12 x 2 $\frac{1}{2}$. 1 vol., 1823-33, ch. clerk's vault; 2 vols., 1841-75, sheriff's vault; 13 vols., 1873--, county jail; 1 vol., 1929--, in home of justice of peace, E. J. Fleming, near Zion Hill twelve miles north of Liberty.

103. JUSTICE OF THE PEACE DOCKET, DISTRICT 2, 1869--. 6 vols.
Record of criminal and civil cases triable in justice of peace court, showing case no., style, character of suit or charge, cause of action or affidavit, itemized list of fees, costs, and fines, judgment or sentence. Numerically arr. by case no. No index. Hdw. on ptd. form. 320 pp. 20 x 12 x 2. 3 vols., 1869-1935, county jail; 1 vol., 1875-1910, sheriff's vault; 1 vol., 1918-30, ch. clerk's vault; 1 vol., 1930--, in home of justice of peace, George T. Hazelwood, near Burnick seven miles southwest of Liberty.

104. JUSTICE OF THE PEACE DOCKET, DISTRICT 3, 1927--. 3 vols.
Record of criminal and civil cases triable in justice of peace court, showing case no., style, character of suit or charge, cause of action or affidavit, itemized list of fees, costs, and fines, judgment or sentence. Numerically arr. by case no. No index. Hdw. on ptd. form. 320 pp. 20 x 12 x 2. 1 vol., 1927--, home of justice of peace, L. C. Dawson, thirteen miles northwest of Liberty; 1 vol., 1933-35, ch. clerk's vault; 1 vol., 1936--, home of justice of peace, I. L. Toler, Gloster, Mississippi.

105. JUSTICE OF THE PEACE DOCKET, DISTRICT 4, 1929--. 2 vols.
Record of criminal and civil cases triable in justice of peace court, showing case no., style, character of suit or charge, cause of action or affidavit, itemized list of fees, costs, and fines, judgment or sentence. Numerically arr. by case no. No index. Hdw. on ptd. form. 320 pp. 20 x 12 x 2. 1 vol., 1929--, home of justice of peace, G. O. Burris, Smithdale eight miles north of Liberty; 1 vol., 1929--, home of justice of peace, E. L. Barron, near East Fork seven miles northeast of Liberty.

106. JUSTICE OF THE PEACE DOCKET, DISTRICT 5, 1908--. 6 vols. Record of criminal and civil cases triable in justice of peace court, showing case no., style, character of suit, cause of action or affidavit, itemized list of fees, costs, and fines, judgment or sentence. Numerically arranged by case no. No index. Hdw. on ptd. form. 320 pp. 20 x 12 x 2. 3 vols., 1908-22, county jail; 1 vol., 1922-32, ch. clerk's vault; 1 vol., 1933--, home of justice of peace, C. L. Cochran, Glading, about fourteen miles east of Liberty; 1 vol., 1936--, home of justice of peace, J. W. Bean, near Gillsburg, Mississippi.

The above dockets overlap certain periods in several districts because there are two justices of the peace in these districts, each having separate records.

VII. COUNTY PROSECUTING ATTORNEY

A county attorney, that is, an agent or attorney to appear on behalf of and defend a county, was provided for by a law written April 12, 1799 by Governor Winthrop Sargent and the Territorial Judges. The law directed the court of common pleas to pay and assess against the county as taxes the sum or sums for which a prisoner or prisoners for debt stood committed in case such prisoner or prisoners escaped from an insecurely kept jail. It also gave the creditors the implied right to sue the county in the event the court of common pleas did not pay the sum or sums by authorizing the court of quarter sessions to appoint an agent or attorney to defend the county in such suits (Sargent's Code, 1799; Original holograph, Department of Archives and History, Jackson, Mississippi).

In 1819, two years after the establishment of Mississippi as a state, a law was passed which gave the county court power to appoint counsel for the court in the prosecution of slaves in capital offenses (Laws of Miss., 1819; pp. 72-76), and pay him not more than \$20.

After the county courts were abolished in 1832 (see County Court), the district attorney handled all prosecutions. In 1865 after the close of the War Between the States, the county courts were established again. The entire judicial system of the state was disrupted and practically non-existent and to facilitate its work the court was given power to appoint a county prosecuting attorney who was allowed a fee of \$5 for each prosecution (Laws of Miss., 1865; p. 66). This act was amended in 1866 and the board of police of each county was directed to elect a county prosecuting attorney to hold office for two years (Laws of Miss., 1866; p. 2).

The office was established in 1910 and made elective with a four-year term (Laws of Miss., 1910; chapt. 112). An amendment in 1916 made the office optional with the electorate of the county by providing that any county could establish or abolish it at any time by a special election (Laws of Miss., 1916; chapt. 238).

Sheriff

The county prosecuting attorney, who must be a regular licensed and practicing lawyer (Miss. Code, 1930; sec. 4224), is required to act as prosecutor for the state in the justice of the peace courts and in the county court (if one is maintained in his county) and to assist the district attorney in the prosecution of state or criminal cases appealed from the county court to the circuit court (*ibid.*, sec. 4225). It is also his duty to assist in all civil cases where the services of the district attorney are required in which the state, his county or any municipality of his county is interested. The county attorney represents the state before the grand jury of his county and, subject to the ratification of the district attorney, passes on accounts against the county before they are allowed by the circuit court (*ibid.*, sec. 4225).

This officer may be attorney for the board of supervisors of his county (*ibid.*, sec. 4228), but in most counties in Mississippi other lawyers are generally appointed to fill the position.

Other duties of the county prosecuting attorney include representing the state plant board when requested to do so (*ibid.*, sec. 6792), and serving as ex-officio member of the county board of inquiry (*ibid.*, sec. 5812). His compensation is fixed by the board of supervisors (*ibid.*, sec. 6502).

The office of the county prosecuting attorney was maintained in Amite County from 1910 when the office was made mandatory, until 1916 when the office was made optional. The county has not considered it necessary to support either a county court or a county prosecuting attorney.

VIII. SHERIFF

One of the first acts of Territorial Governor Winthrop Sargent was to appoint and give extensive powers to a sheriff in each of the two newly-organized counties in the Mississippi Territory, a necessary step, as these counties lay in the center of the great southwest migration movement and much of the population was disorderly, turbulent, and lawless. The sheriff was directed to "quell and suppress all affrays, routs, riots, and insurrections,.....pursue, apprehend, and commit to gaol, all felons, and Traitors;execute all warrants, writs, and other process, which by law shall appertain to the duties of his office, and which shall be directed to him by legal authority....attend upon all courts of record, at their respective terms or sessions in his county", (Sargent's Code, 1799; A Law Respecting Sheriffs, Coroners, Recorders and Treasurers; Original holograph, Department of Archives and History, Jackson, Mississippi).

A law written April 3, 1799 and entitled "A Law Directing the Manner in Which Money Shall be Raised and Levied, to Defray the Charges Which May Arise Within the Several Counties", made the sheriff the collector of taxes, and under a distress warrant gave him power of imprisonment and distraint (see Tax Collector).

Sheriff

By 1807 the sheriff had been given the additional duty of advertising elections and acting as their returning officer (Toulmin's Digest, 1807; chapt. XIX, sec. 1). The office continued to be appointive until 1817, the year Mississippi became a state. The constitution of that year provided that the office be established in every county as an elective office with a term of two years (Constitution of 1817; art. 4, sec. 24), the duties remaining practically the same as they had been under the Territorial government.

The constitution of 1832 made no change in the office but in 1843 the sheriff was given the duty of collecting county taxes (Laws of Miss., 1843; chapt. 1, sec. 7), a function he has retained without interruption. The constitution of 1869 did not alter the status of the office. In 1871 a board of registrars was given the sheriff's duties of advertising elections and acting as their returning officer (Code of Miss., 1871; secs. 363, 378). The constitution of 1890 (sec. 135) lengthened the term of office to four years and prohibited an incumbent immediately succeeding himself.

With the development of county government since 1890 the sheriff has been given a variety of functions, many of them even more unrelated perhaps than those now assigned to the chancery clerk. He is peace officer, law enforcement officer, executive officer of the courts, executive officer of the board of supervisors, tax collector, sometimes treasurer, jailer, county librarian, caretaker of county buildings, forester, and investigator of fires. He has, as well, agricultural and welfare functions.

As peace officer the sheriff is obligated to keep peace within his county (Miss. Code, 1930; sec. 3329). He has charge of the courthouse and the jail and the pertinent premises and of the prisoners in the jail (*ibid.*, sec. 3331). He is required to act as jailer and has charge of feeding prisoners (*ibid.*, sec. 3334). It is mandatory that the sheriff keep a mesne process docket (*ibid.*, sec. 3326), an execution docket (*ibid.*, sec. 3327), and a jail docket (*ibid.*, sec. 3328). On requisition from the governor he must order out the militia (*ibid.*, secs. 5491-5492).

The law makes the sheriff the executive officer of the circuit and chancery courts of his county and of the county court if one is maintained, prescribes that he attend all court sessions either in person or by deputy (*ibid.*, secs. 493, 699, 3315). He must execute all process and orders either personally or by deputy (*ibid.*, sec. 3316), and he must execute coroner's process (*ibid.*, sec. 640).

The sheriff is required to be the reforestation warden and he must assist the state forester, the fire warden, and the agents of the United States Government in the prevention of forest fires (*ibid.*, sec. 6172). He has the further duty of investigating fires occurring outside incorporated cities and towns (*ibid.*, sec. 5189). He is obligated to assist in the work of cattle tick eradication and in the enforcement of the regulations of the State Livestock Board (*ibid.*, sec. 5437). He must help in the enforcement of fish and game laws and ordinances and with the enforcement of the Caustic Poison Act of 1930 (*ibid.*, sec. 4745). He is given authority to approve and register brands and labels (*ibid.*, sec. 4786).

Sheriff

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As executive officer of the county board of election commissioners (ibid., secs. 6199, 6203), the sheriff is required to provide voting compartments and furniture for polling places in general elections (ibid., sec. 6223). The library containing administrative, judicial, and general material, is given to his charge (ibid., sec. 3331).

On writ by the chancery court the sheriff must convey feeble-minded persons to a state institution and he is required to remove incurable but harmless insane from a state hospital (ibid., secs. 4586-4587). It is his duty to enforce in general the Child Labor Law and make monthly inspection of factories employing child labor (ibid., sec. 4648). He must enforce specific provisions of the law on reports of the county health officer (ibid., sec. 4649).

The sheriff is compensated almost entirely by fees and commissions (ibid., secs. 1789, 1804, 6507). However, in counties where the assessed valuation of all property is not more than \$5,000,000 and where the sheriff's fees total \$4,000 or less, he may be given an annual expense allowance of not more than \$1,000 (ibid., sec. 6508).

The office of sheriff has been maintained in Amite County since February 24, 1809, and has been filled continuously in accordance with constitutional and statutory provisions.

107. MESNE PROCESS DOCKET, 1892--. 3 vols. (A-C).

Record of writs other than executions of judgment to be served by the sheriff, showing case no., parties' names, court of issue, character of suit, date received, date executed, how executed, fees, amount, date and how returned. Numerically arr. by case no. No index. Hdw. on ptd. form. 245 pp. 16 x 12 x 2. 1 vol., 1892-1911, county jail; 2 vols., 1912--, sheriff's office.

108. SHERIFF'S EXECUTION DOCKET, 1834-1930. 3 vols. (2, 3, 1 unnumbered). 1841-92, missing.

Record of sheriff's executions to satisfy court orders or judgments, showing case no., writ no., date of judgment, amount, style of case, execution, name of defendant, list of fees and judgment, total, levies, proceedings and returns, receipts for returns. Alph. indexed by name of defendant. Hdw. on ptd. form. 184 pp. 18 x 12 x $\frac{1}{2}$. 1 vol., 1834-40, county jail; 2 vols., 1893-1930, sheriff's vault.

109. JAIL DOCKET, 1872--. 3 vols. (2, 3, 1 unnumbered). 1895-99, missing.

Record of persons committed to jail, showing name of prisoner, charge, date writ received, date of arrest, date of commitment, nature of writ, by whom issued, date discharged, description of prisoner, final disposition. Chron. arr. No index. Hdw. on ptd. form. 166 pp. 16 x 14 x $1\frac{1}{2}$. 1 vol., 1872-94, county jail; 2 vols., 1900--, sheriff's vault.

IX. CONSTABLE

The office of constable was established by the law of April 12, 1799 written by Governor Winthrop Sargent and the Territorial judges authorizing the court of general quarter sessions of the peace to appoint one or more constables in each township (Sargent's Code, 1799; original holograph, Department of Archives and History, Jackson, Mississippi). These officers were attached primarily to the justice of the peace courts and their duties included executing and returning all process directed to them, paying over all monies collected by them, levying executions, selling property seized by execution, taking care of livestock taken in execution, and acting as general peace officers (*ibid.*). By the act of December 11, 1811 constables were required to make bond in the amount of \$500 (Turner's Digest, 1816; art. 11, sec. IX, p. 319).

In 1822 the county court was empowered to appoint "not less than one nor more than two, fit and proper persons in each captain's district as constables to serve for a term of two years" (Laws of Miss., 1822; p. 260). The revised constitution of 1832 (art. IV, sec. 23), stipulated that a competent number of constables should be chosen biennially in each district of every county by the qualified voters of the district. The constitution of 1869 made no change in this provision. The constitution of 1890 increased the constable's term of office to four years (sec. 171), but made no other changes.

The duties of the constables have remained practically the same as those specified in 1799. The code of 1930 (sec. 632), describes the functions as follows: "It shall be the duty of every constable to keep and preserve the peace within his county, faithfully to aid and assist in executing the criminal laws of the state; and give information without delay, to some justice of the peace, or other proper officer, of all riots, routs, and unlawful assemblies, and of every violation of the penal laws which may come to his knowledge in any manner whatsoever; to execute and return all process, civil, and criminal, lawfully directed to him, according to the command thereof; and to pay over all moneys collected by him to the person lawfully authorized to receive the same". Each constable is required to enter into a bond of \$1,000 (*ibid.*, sec. 631). He is liable for failure to pay money on execution and for making false return (*ibid.*, sec. 634). He is directed to attend the justice of the peace courts of his district and he is liable for contempt for failure to discharge any of the duties required of him (*ibid.*, secs. 636-637).

The constable is and always has been compensated by fees (*ibid.*, sec. 1793). The office has been maintained continuously in Amite County since 1809. At present (1937), five constables hold office, one from each beat.

X. CORONER

The office of coroner was established February 28, 1799 by a law written by Territorial Governor Winthrop Sargent and Judges Peter Bryan Bruin and Daniel Tilton (Sargent's Code, 1799; original holograph, A law respecting sheriffs, coroners, recorders, and treasurers; Department of Archives and History, Jackson, Mississippi). The duties of the coroner were defined by this law as follows: "And it shall be the duty of the coroner, by a jury of the county, to enquire concerning the Death of a person slain, who dies

Tax Assessor

suddenly, or in prison; and his inquisition so taken shall certify to the next supreme court holden within the county, or to the court of general quarter sessions of the peace holden for the county. And it shall be the duty of the coroner, to execute process of every kind wherein the sheriff is a party or interested in the suit, or for other just cause is by law rendered incapable to execute the same. And in case the sheriff shall for any cause be committed to gaol, the coroner shall be himself or such person as he shall appoint, be keeper of the gaol, during the time the sheriff shall remain a prisoner."

The act of February 10, 1807, reaffirmed the original law, gave full and specific directions as to his procedure, and required him to keep a record of all inquisitions, to be certified at the next circuit or superior court (this court being established by the same act) (Turner's Digest, 1816; p. 378, 380, arts. 2, 3). The same act provided that the nearest justice of the peace could discharge the duties of the coroner in the event of sudden death or deaths in prison, if the coroner could not attend (*ibid.*, p. 380, art. 4, sec. VI).

The constitution of 1817 made the office elective with a two-year term of office (art. IV, sec. 24), and the constitution of 1869 lengthened it to four years (art. V, sec. 21). In 1871 the coroner was made ex-officio ranger when the office of ranger was abolished as a separate office (Laws of Miss., 1871; chapt. CCCXCIII). In this capacity he has general jurisdiction over estrays (see Ranger).

At present the duties of the coroner are, according to law: to investigate violent, sudden and casual death, to hold inquest with jury, to hold inquests on request of the prosecuting attorney or the district attorney (Miss. Code, 1930; sec. 639), and to act as sheriff under certain conditions (*ibid.*, secs. 651, 654). The law provides that the coroner, on the written request of a majority of the jurors, may summon a physician or surgeon to appear as witness at an inquest (*ibid.*, sec. 647).

The compensation of this office, based on fees, is, as a rule, small. For this reason the office is vacant in many counties because no candidates announce for it. When there is no coroner in a county any justice of the peace may perform the coroner's duties (*ibid.*, sec. 649).

The office of coroner was established in Amite County in 1810 and has existed intermittently since that time. It exists at present (1937) as the combination office of coroner and ranger.

XI. TAX ASSESSOR

The Territorial tax system set up by Governor Winthrop Sargent and the Territorial judges was inaugurated by a law written April 3, 1799 authorizing the court of general quarter sessions in each county to make an estimate of the average annual expenses of the county and submit it to the governor or one or more of the judges for approval. By the same act, commissioners appointed by the court of common pleas were directed to apportion the taxes

Tax Assessor

among the towns of the county and assess the property in the towns (Sargent's Code, 1799; original holograph, Department of Archives and History, Jackson, Mississippi. A law directing the manner in which money shall be raised and levied to defray charges which may arise within the several counties). These commissioners were the first assessors in Mississippi county government. They were directed to ascertain what persons and estates were taxable and to determine the yearly profit accruing from the estates and "have special regard to such profit, taxing all lands in just proportion to their value" except property exempted. Assessments were returned to the prothonotary of the court of common pleas who made up the assessment rolls (*ibid.*). The striking feature of this first tax system in Mississippi is that real estate was assessed on the basis of the profit or income it might produce rather than on its intrinsic worth or actual selling value, thus establishing what amounted to a graduated income tax.

In 1815 the taxation system was changed (Turner's Digest, 1816; arts. 46-64, pp. 414-424), and power was given the governor to appoint in each county an assessor whose duty it was "to apply to every person resident within his county, who hath therein any taxable property, for a list thereof", the list to contain also "the amount of sales of merchandize sold within the year ending on the last day of December immediately preceding" (*ibid.*, art. 47, secs. III, IV). A revenue act in 1817, the year Mississippi was admitted to the Union, consolidated the offices of tax collector and tax assessor, and made it appointive annually by the governor (Laws of Miss., 1817; p. 56). The assessors were directed to take the census of their respective counties by an act of 1820 (Laws of Miss., 1820; chapt. 1, p. 3) and were allowed a fee of two cents a person. In 1822 they were required to make an enumeration of births, deaths, and persons over 70 years of age at the time of making the next assessments, and for three succeeding years (Laws of Miss., 1822; chapt. XXI). For this work the assessors were paid a fee of five cents per person enumerated. The law was re-enacted in 1825 with the same provisions (Laws of Miss., 1825; p. 14).

The constitution of 1832 made all county offices elective biennially and in 1833 the legislature passed an act in accordance with the provision, united the offices of assessor and collector except in the counties of Warren, Jefferson, Wilkinson, Adams, and Claiborne where the offices were made separate and distinct (Laws of Miss., 1833; p. 447). The same act directed the assessor again to take the census for 1833.

In 1843 the sheriff was made the collector (Laws of Miss., 1843; pp. 41-48), and until 1846 the same person held the three offices of assessor, collector, and sheriff. At that time the offices of assessor and collector were made separate except in 12 counties; Clarke, Covington, Coahoma, Greene, Harrison, Hancock, Jackson, Jones, Washington, Neshoba, Issaquena, Marion, Scott, Perry, Simpson, Smith, and Wayne where the sheriffs remained ex-officio assessor and collector (Laws of Miss., 1846; p. 69). This act also stipulated that lands were to be assessed every two years. An act in 1856 directed the assessor to furnish to the president of the board of trustees a list of blind persons in their respective counties (Laws of Miss., 1856; p. 79).

The constitution of 1869 (art. V, sec. 21) provided for an assessor in each county and set his term at two years. Among the duties delegated to the assessor in each county by the code of 1871 were included: making out a list of persons qualified to serve as jurors and delivering it to the circuit clerk (sec. 736); returning a list of escheats to the auditor of public accounts and to the district attorney (sec. 1845); enumerating school children triennially (sec. 2007); and enrolling quadrennially the names of all able-bodied males subject to military duty (sec. 2180). This code also directed that personal property be assessed annually (sec. 1673) and that lands be assessed quadrennially (sec. 1675).

The constitution of 1890 (sec. 135) increased the term of office to four years. Under the present taxation system, although the assessor is required to assess, that is, discover property and value it, in reality he only assesses unreported property. Under Mississippi law the taxpayers list and value their property (Miss. Code, 1930; sec. 3132) on prescribed forms and deliver them to the assessor. The assessor is required to preserve these lists and deliver them to the board of supervisors (*ibid.*, sec. 3131), which fixes the taxable value. When a resident taxpayer fails to turn in a list and in the case of property owned by non-residents, or by someone unknown to the assessor, the assessor is required to assess such property at the highest value at which similar property is assessed and valued (*ibid.*, sec. 3142).

The duties in general of the assessor as prescribed by law are: assessing all taxes on all taxable real and personal property in the county; assessing poll taxes; enumerating ex-Confederate soldiers and widows of deceased Confederate soldiers in the county; and reporting to the sheriff, as escheator for his county, all property that may have escheated to the state within the preceding 12 months (*ibid.*, sec. 1512).

Assessment rolls made up by the assessor are sent to the chancery clerk who makes two copies. One of these is delivered to the tax collector (the sheriff) and the other is given to the state tax commission. The original roll is filed in the office of the chancery clerk as a public record (*ibid.*, sec. 3161).

The tax assessor is paid a salary which is determined by the legislature according to the assessed valuation of the taxable land in the county (*ibid.*, sec. 6499).

The office of assessor has been maintained in Amite County since January 1, 1810 subject to all constitutional and statutory changes and modifications.

Assessments

110. ASSESSMENTS, PERSONAL, 1932--. 42 vols.
Record of assessments on personal property in the county, showing name of taxpayer, list of chattels, rate, value, special assessments, poll tax, total, special tax for automobile or truck. Alph. indexed by name of political subdivision. Hdw. on ptd. form. 400 pp. 12 x 10 x 4. Tax assessor's office.

Tax Collector, Tax Rolls

(111-114)

111. ASSESSMENTS, LAND, 1932--. 9 vols.
Record of assessments on real estate in the county, showing name, address, and affidavit of taxpayer, legal description of land, value excluding buildings, value of buildings, total valuation, date, and signature of tax assessor. Alph. arr. by name of political subdivision. No index. Hdw. on ptd. form. 200 pp. 10 x 14 x 2. Tax assessor's office.

Tax Rolls

112. PERSONAL ROLL, 1855--. 45 vols.
Tax rolls of personal, poll, and commutation road taxes levied, showing no. of tax receipt, name, race, and post office address of taxpayer, poll tax, road tax, valuation of personal property, autos and trucks, watches, diamonds, jewelry, gasoline, itemized list of property, rate of taxation. Alph. arr. by name of political subdivision. No index. Hdw. on ptd. form. 350 pp. 24 x 18 x 2. 35 vols., 1855-1924, county jail; 10 vols., 1925--., sheriff's vault.

113. LAND ROLL, 1855--. 82 vols.
Record of taxes levied from assessments on lands in Amite County, showing no. of tax receipt, owner, sec., twp., range, east or west, acres, cleared land and value, no. acres uncleared land and value, total value of land cultivatable, state lands, acres and value of levee assessments, tax receipt no., year, acres, amount of increase and decrease of assessments, extension of value with computation of tax. 1855-1912, 1916--., alph. arr. by name of political subdivision. No index. Hdw. on ptd. form. 350 pp. 24 x 18 x 2. 72 vols., 1855-1924, justice of peace office; 10 vols., 1925--., sheriff's vault.

114. INDEX TO LAND ROLL, 1913-15. 3 vols.
Index to record of land rolls, showing no. of receipt, name of taxpayer, vol. and page of reference to land roll. Alph. indexed by name of taxpayer. Hdw. on ptd. form. 200 pp. 18 x 13 x 1. County jail.

XII. TAX COLLECTOR

In 1799 the sheriff was made the collector of taxes in the Mississippi Territory under a warrant of distress issued by the prothonotary of the court of common pleas (Sargent's Code, 1799; original holograph, Department of Archives and History, Jackson, Mississippi, A law directing the manner in which money shall be raised and levied to defray charges which may arise within the several counties).

The Territorial assembly provided for the appointment of a collector in 1807 who was also assessor and inquirer, thus transferring the functions of tax collector from the sheriff to this new officer (Toulmin's Digest, 1807; chapt. V, sec. 1).

The act of December 27, 1815 affirmed the law of 1807 by empowering the governor to appoint annually a tax collector in each county who was required to make bond in the penalty of \$12,000 in Adams County and \$6,000 in other counties (Turner's Digest, 1816; p. 418, art. 50, sec. IX). This act established a new system of taxation which replaced the scheme set up by Governor

Tax Collector

Sargent in 1799 (see Tax Assessor). In 1817 the office of tax collector was united with the office of tax assessor (Laws of Miss., 1817; p. 56) and directed as tax collector, to make distress and sale of goods and chattels, land and tenements of all delinquents who did not pay their taxes for the year ending the first of July. Separate offices of collector and assessor were maintained in several counties through special legislation (Hutchinson's Code, 1848; p. 174).

In accordance with the provisions of the constitution of 1832 a law was enacted in 1833 making the joint office of collector and assessor elective biennially (Laws of Miss., 1833; p. 477) but separate offices were established in 5 counties; Warren, Jefferson, Wilkinson, Adams, and Claiborne. In 1843 the sheriff was made tax collector again and since, in some counties, the same person acted as both assessor and collector, the sheriff until 1846 held the three offices. However, the collector was relieved of the duties of assessor in all counties except 12, Clarke, Covington, Coahoma, Greene, Harrison, Hancock, Jackson, Jones, Washington, Neshoba, Issaquena, Marion, Perry, Scott, Simpson, Smith, and Wayne, where the sheriff continued to act as both, ex-officio (Laws of Miss., 1846; p. 69).

A special act of the legislature (Laws of Miss., 1848; p. 77) permitted the election of a tax collector in Amite County whose office was separate from that of the sheriff and made it lawful for the same person to hold the offices of both assessor and collector.

The constitution of 1869 (art. V, sec. 21) directed that an assessor be elected in each county for a term of two years thus making the offices of assessor and collector separate except in counties where it was lawful for the two offices to be combined. The sheriff continued to be the collector of taxes as established by the law of 1846.

The constitution of 1890 (sec. 135) increased the term of office to four years. Under present conditions the most important function of the office of sheriff is the collection of real and personal property taxes. This clerical duty has developed in significance as the keeping of the peace has become less onerous. In general the duties of the sheriff as tax collector consist of collection of all taxes, real and personal (Miss. Code, 1930; Revenue), and issuing and registering automobile licenses and privilege licenses (*ibid.*, secs. 5602-5627). There is an office of sheriff in every county in the state and in every county it performs the function of tax collection. As tax collector the sheriff is required to give bond in a penalty equal to 25 percent of the taxes assessed in his county the preceding year but not to exceed \$100,000, and if he fails to qualify as tax collector he must vacate the office of sheriff (*ibid.*, sec. 3341).

The tax collector is allowed to deduct as fees and commissions for his services in making tax collections certain percentages of the amounts collected (*ibid.*, secs. 1789-1790).

The office of tax collector has been maintained in Amite County since 1809, and has been filled continuously in accordance with constitutional and statutory provisions.

Tax Collector, Cash Receipts

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Cash Receipts

115. AD VALOREM CASH BOOK, 1841--. 45 vols. 1842-82, missing. Record of collection of ad valorem tax, showing date, no. of receipt, name of taxpayer, poll tax, valuation, amount, distribution by districts. Chron. arr. No index. Hdw. on ptd. form. 250 pp. 16 x 14 x 2. 19 vols., 1841-1913, county jail; 26 vols., 1914--, sheriff's vault.

116. ROAD TAX CASH BOOK, 1914-33. 19 vols. Record of road tax collections, showing no. of tax receipt, date, name of taxpayer, amount, total. Chron. arr. No index. Hdw. on ptd. form. 200 pp. 16 x 10 x 3/4. Sheriff's vault.

117. CASH BOOK, BIRD, GAME, AND FISH FUND, 1926-31. 5 vols. Record of collections from sale of licenses for bird, game, and fish fund, showing license no., name, address, expiration date, amount. Chron. arr. No index. Hdw. on ptd. form. 81 pp. 16 x 12 x 3/4. Sheriff's vault.

118. TAX COLLECTOR'S MONTHLY SETTLEMENTS, 1932--. 2 vols. Carbon copies of tax collector's settlements with state and county for revenues collected by his department, showing month, date, itemized list of collections, total tax collector's commissions, amount due state, total paid, certification of tax collector. Chron. arr. No index. Hdw. on ptd. form. 100 pp. 16 x 16 x 1/2. Sheriff's vault.

Privilege Licenses

119. PRIVILEGE TAX RECORD, 1870--. 4 vols. Record of taxes paid for privilege licenses to practice a profession, or engage in business in the county, showing date, license no., to whom issued, post office address, business or profession, total, damages, amount of license. Chron. arr. No index. Hdw. on ptd. form. 200 pp. 18 x 16 x 1. 1 vol., 1870-1912, county jail; 3 vols., 1913--, sheriff's vault.

120. GAME AND FISH LICENSES, 1926--. 16 vols. Record of monthly reports to state of licenses issued for fishing, hunting, and trapping, showing date of license, no., name, address, amount, total collected, officer's fee, amount due commission. Chron. arr. No index. Hdw. on ptd. form. 25 pp. 24 x 8 x 1/4. Sheriff's vault.

121. LOG WAGON PRIVILEGE TAX, 1923-28. 1 vol. Carbon copies of privilege tax licenses issued to operate log wagons, showing amount, no., date, name, description. Chron. arr. No index. Hdw. on ptd. form. 100 pp. 16 x 10 x 1. Sheriff's vault.

122. AUTOMOBILE ROAD AND PRIVILEGE TAX LICENSE RECEIPTS, 1936--. 44 vols. Carbon copies of automobile and truck road and privilege tax license, showing motor no., county, receipt, tag no., name, address, amount, make of car, age of car, type, model, capacity, value, date. Numerically arr. by tag no. No index. Hdw. on ptd. form. 50 pp. 8 x 4 x 1/2. Sheriff's office.

Tax Collector, Tax Receipts

(123-129)

Tax Receipts

123. TAX RECEIPTS, 1870--. 341 vols.

Carbon copies of tax receipts issued upon payment of personal and real taxes, showing receipt no., name, list of personal property, total, real property, rate of tax, statement of real and personal tax levied, amount, division of sec., receipt, receipt form for partial payment, signature of tax collector. Hdw. on ptd. form. 267 pp. 18 x 14 x 3. 98 vols., 1870-1904, county jail; 242 vols., 1905--, sheriff's vault; 1 vol., 1936--, sheriff's office.

124. INDEX TO RECORD OF TAX RECEIPTS, 1870--. 119 vols.

Index to tax receipts, showing name, color, precinct, vol. and page reference to tax receipts, realty, poll, personal, valuation, school district, state tax, county tax, poll tax, damages, grand total, no. of tax receipt, poll. Alph. indexed by name of taxpayer. Hdw. on ptd. form. 300 pp. 16 x 12 x 2. 24 vols. 1870-99, county jail; 90 vols., 1900-35, sheriff's vault; 5 vols., 1936--, sheriff's office.

125. ROAD TAX RECEIPTS, 1908-32. 104 vols.

Carbon copies of road tax receipts, showing no., amount, date, name, district, precinct, tax collector's signature. 1908-12, chron. arr. No index. Hdw. on ptd. form. 160 pp. 18 x 9 x 1½. 62 vols., 1908-20, county jail; 42 vols., 1921-32, sheriff's vault.

126. INDEX TO RECORD OF ROAD TAX RECEIPTS, 1913-32. 4 vols.

Index to record of road tax receipts, showing name of taxpayer, no. of receipt, date. Alph. indexed by name of taxpayer. Hdw. on ptd. form. 125 pp. 16 x 9 x ½. Sheriff's vault.

127. POLL TAX RECEIPTS, 1934--. 6 vols. (1-6).

Carbon copies of poll tax receipts, showing date, no., name, voting precinct, tax collector's signature. Chron. arr. No index. Hdw. on ptd. form. 150 pp. 16 x 10 x 2. Sheriff's office.

Tax Sales Records

128. SHERIFF'S TAX SALE RECORD (List of Lands Sold for Taxes), 1873--.

5 vols. (1-4, 1 unnumbered), 1891-1908, missing.

Record of lands sold to the state and individuals for delinquent taxes, showing names of parties, description of land, purchaser, amount of costs, nature, date of sale, remarks. Chron. arr. No index. Hdw. on ptd. form. 201 pp. 16 x 12 x 1½. 1 vol., 1873-90, county jail; 4 vols., 1909--, sheriff's vault.

129. TAX COLLECTOR'S RECEIPT TO PURCHASER AT DELINQUENT TAX SALE, 1932--. 2 vols.

Carbon copies of tax collector's receipts to purchasers of land at delinquent tax sales, showing receipt no., date, name of purchaser, amount, description of property. Chron. arr. No index. Hdw. on ptd. form. 84 pp. 18 x 12 x 1. Sheriff's vault.

Register of Motor Vehicles

130. RECORD AND REPORT OF MOTOR VEHICLES REGISTERED, 1914--. 30 vols. Tax collector's report of motor vehicles registered in the county, showing class, tag no., owner's name, post office address, voting precinct, make, type, model, motor no., capacity, delivery date, cost of tag, cost of license, damages, total, value. Numerically arr. by tag no. No index. Hdw. on ptd. form. 25 pp. 26 x 8 x $\frac{1}{4}$. Sheriff's vault.

XIII. TREASURER AND AUDITOR

(Duties Discharged by the Chancery Clerk as Clerk of the Board of Supervisors)

The office of county treasurer was established and made appointive in 1799 by the laws drawn up by Territorial Governor Winthrop Sargent and the Territorial judges (Sargent's Code, 1799; A law respecting sheriffs, coroners, recorders, and treasurers: original holograph, Department of Archives and History, Jackson, Mississippi). The treasurer was required to furnish bond of \$3,000 and "keep fair and proper books of entries and accounts of all monies received and of rates and assessments made or to be made, and also of disbursements and payments". At first the treasurer was directed to submit his books and accounts to the Territorial legislature for audit and settlement (*ibid.*), but in 1806 the county court (quarter sessions of the peace) was given power to audit and allow all accounts and demands legally chargeable against the county (Toulmin's Digest, 1807; p. 32). An act in 1807 commanded the county treasurer to report to the county court and render a just and true account of the funds in his possession. The office remained appointive by the governor, the treasurer to serve during good behavior (*ibid.*, p. 28).

The first constitution of Mississippi (1817) made no mention of a county treasurer but the office was perpetuated by an act which gave the county court power to appoint in each county a treasurer to hold office for two years (Laws of Miss., 1817; p. 56).

In 1822 the term of office was set at two years, the office was made appointive by the governor on the recommendation of the county court, and the treasurer was directed to examine the accounts of sheriffs and clerks to ascertain if any money belonging to the county was in their hands (Poindexter's Code, 1823; chapt. 52). The same act continued the jurisdiction of the county court in auditing and allowing claims against the county and authorized the clerk of the court to issue warrants on the county treasurer for claims allowed by the board.

The revised constitution of 1832 (art. V, sec. 19) established the office of county treasurer and made it elective biennially by the people of the county. It also established a board of police in each county to take over the administrative duties of the county court and made the clerk of the court of probate the clerk of the board of police (*ibid.*, art. V, sec. 20).

Treasurer and Auditor

By the act of March 2, 1833 the county treasurer was directed to make a report to this board of the state of the treasury (Laws of Miss., 1833; p. 47). The board of police, by the act, assumed all auditing functions of the former county court, and examined and allowed claims against the county.

No change was made in the functions, qualifications, and term of the treasurer by the constitution of 1869 but the name of the board of police was changed to board of supervisors (art. VI, sec. 20). This board carried on the same duties in relation to the treasurer as had the county court until 1832 and the board of police until 1869.

The constitution of 1890 (sec. 135), stipulates that "the duties heretofore imposed on the county treasurer shall be discharged by some person or persons selected as required by law". This action is an amendment ratified by a vote of the people in November, 1922 and inserted in the constitution by the legislature of 1924 (Laws of Miss., 1924; chapt. 142). The constitution originally read "there shall be a sheriff, coroner, treasurer, assessor, and surveyor for each county to be selected as elsewhere provided herein, who shall hold their offices for four years. The sheriff and treasurer shall be ineligible to succeed themselves or each other in office".

Associate Justice Ethridge of the Mississippi Supreme Court writes: "The amendment was designed to eliminate the county treasurer, but the original section made the sheriff and the treasurer ineligible to succeed themselves or each other. The new section authorized the legislature to impose the duty of county treasurer upon some person or persons selected as required by law, leaving the legislature to prescribe what person or persons should perform the duties of county treasurer. One of the duties of the county treasurer under the law as existed when the amendment was passed was to keep an independent set of books as to all county receipts and disbursements against the sheriff and county auditor. He was also to receive and pay out the county funds when there was no county depository selected. Under the provision of law creating county depositories (Laws of Miss., 1924; chapt. 194), and placing of practically all the funds of all the counties in banks, the duties of the treasurer other than as a bookkeeper, are largely eliminated. He was charged however, with the duties of coercing settlements with officers receiving funds and various other duties. By the new section the sheriff is made ineligible to immediately succeed himself in office, but the constitution does not prohibit him from discharging the duties of treasurer. The legislature, perhaps, overlooked the importance of having the sheriff and treasurer to keep mutual checks upon each other to prevent the manipulation of county books so as to conceal shortages. Nothing in the present section prevents the person who acts or performs the duties that were ordinarily imposed upon the treasurer from continuing in office so long as he may desire, provided he can secure the appointment or selection in accordance with law" (Ethridge, George H., Mississippi Constitution, p. 235, Tucker Printing House, Jackson, Mississippi, 1928).

Treasurer and Auditor

(131-134)

Many of the functions of the treasurer were given to the clerk of the board of supervisors (the chancery clerk) when that official was made auditor in 1892 (Laws of Miss., 1892; secs. 326-332), and as above cited, in 1912, the receipting and disbursing powers of the treasurer were allotted to designated county and drainage board depositories in each county (Laws of Miss., 1912; chapt. 194).

Thus by 1924 the office of county treasurer was completely abolished. All duties of the office are discharged at present by the chancery clerk as clerk of the board of supervisors and the same official carries on the work of auditor.

The clerk of the board of supervisors in his capacities of clerk and auditor-treasurer is faced with the increasingly difficult problem of keeping separate the records of the offices. The logical distinction to make is to classify his records as clerk of the board as disbursing records and his records as auditor-treasurer as receiving records.

The office of treasurer and auditor has been maintained in Amite County subject to all constitutional and statutory changes and modifications, since 1809.

131. TREASURER'S DOCKET, 1884-1923. 8 vols. (1, 3-9).
Record of cash receipts, and list of warrants for disbursements of county funds, showing date, no., payee, no. of warrant, date of allowance, amount. Chron. arr. No index. Hdw. on ptd. form. 640 pp. 16 x 12 x 3. 6 vols., 1884-1921, ch. clerk's vault; 2 vols., 1922-23, county jail.
132. AUDITOR'S ACCOUNT WITH TAX COLLECTOR, 1925--. 2 vols. (1, 2).
Auditor's account with tax collector of funds credited with tax collections, showing taxable property, valuation, rate of tax, collections, fund, depository receipt no., amount deposited, commissions for collection, total credits. Alph. arr. by name of fund. No index. Hdw. on ptd. form. 480 pp. 18 x 16 x 2. Ch. clerk's vault.
133. DEPOSITORY DOCKET, 1924-34. 8 vols. (10-17).
Auditor's record of funds placed in county depositories, showing date of receipt, of whom received, from what account, total receipts, date paid, to whom, on what account, total amount of payment. Chron. arr. No index. Hdw. on ptd. form. 325 pp. 18 x 12 x 3. Ch. clerk's vault.
134. RECEIPT WARRANTS, 1888--. 14 vols.
Auditor's duplicate receipts for monies deposited in various funds, showing receipt no., amount, date, depositor, itemized account of funds, signature. Chron. arr. No index. Hdw. on ptd. form. 250 pp. 16 x 10 x 1½. 6 vols., 1888-1926, county jail; 4 vols., 1927-31, hall of courthouse; 4 vols., 1932--., ch. clerk's vault.

County Superintendent of Education

(135-136)

135. COUNTY LEDGER, 1878-1928. 6 vols. (4, 5, 4 unnumbered). Ledger accounts with each department of county government, showing receipts, disbursements, and balances. Alph. indexed by name of fund. Hdw. on ptd. form. 250 pp. 16 x 12 x 1½. 2 vols., 1878-1910, ch. clerk's vault; 1 vol., 1911-17, county jail; 3 vols., 1918-28, ch. clerk's vault.

136. CASH RECEIPTS REGISTER, 1928--. 1 vol. Record of cash receipts from each department of county government, showing date, from whom received, description, receipt no., warrant no., depository accounts, revenue receipts, non-revenue receipts. Chron. arr. No index. Hdw. on ptd. form. 120 pp. 32 x 18 x 1. Ch. clerk's office.

XIV. COUNTY SUPERINTENDENT OF EDUCATION

The first legislation creating the office of county superintendent of education was the act of March 4, 1848 providing for and establishing common schools in the counties of Hinds, Holmes, Tunica, Jefferson, Wilkinson, Lawrence, and Amite (Laws of Miss., 1848; p. 56). The boards of police in each of these counties were directed to appoint a superintendent whose duty it was to visit the public schools in his county at least once every three months; examine the record or journal kept by the teacher in each school and all other matters touching the situation, discipline, mode of teaching, and improvements; keep a journal of all such examinations and of his remarks; make an annual report on his journal to the secretary of state; fill all vacancies; call elections annually for the election of school trustees in each township; and appoint five trustees in the event the elections were not held. The township trustees were required to account to the superintendent for all moneys raised and expended for school purposes and the superintendent examined and certified these accounts. He was given authority to examine candidates for teaching and give them 12-month certificates. He was also empowered to annul a teacher's certificate if a trial proved the teacher to be untrustworthy (*ibid.*).

In 1846 an effort had been made to establish a uniform system of free schools supported by license fees and taxation (Laws of Miss., 1846; pp. 98-104), but through faulty construction and narrow interpretation of the statute the movement did not accomplish its purpose. The county superintendent's office was established by one of several local acts passed in an effort to set up a uniform and vigorous educational policy.

The cause of common school education was first given aid when after the Territory was established April 7, 1798, the Federal government in offering for sale the public lands acquired from the Indians, reserved in each township the section of land numbered 16 (or some other section if the sixteenth section had been legally disposed of), for the support of schools within the township. At first the lands were managed by the county court, but the act of January 9, 1824 authorized the election by the resident heads of families, of five trustees in each township who were empowered to rent, collect, and disburse the rents, erect school houses, and employ teachers (Laws of Miss., 1824; pp. 9-11).

County Superintendent of Education

In 1833, the legislature authorized the sale on a credit of one to four years, of 99-year leases of the sixteenth section lands, the purchase money to be secured by a lien on the lands. But the legislature, evidently carried away by the hysteria of speculation that prevailed in the early 1830's, directed that the proceeds when collected, be invested in the stock of the Planters' Bank at Natchez. When this bank failed in 1837 along with hundreds of others in the United States, the educational program of Mississippi was set back many years.

Because of the failure of the system established in 1846 and due to the stagnation and demoralization of the War Between the States and the Reconstruction aftermath, no definite educational progress was made until 1869. The constitution written that year established a state board of education and a county superintendent of education in each county to be appointed biennially by the state board by and with the advice and consent of the senate (Constitution of 1869; art. VIII). However, the legislature was given power to make the office elective. The design of the convention in making the appointment in this manner and leaving the legislature power to make the office elective was to preserve control of the educational interest of the state and to prevent its falling under the domination of ignorant and corrupt voters. It was not known to what extent the constitution's articles on franchise would be effective as to giving the white race control of the political affairs of the several counties. The matter of public education was so important and was so influenced by the person who acted as superintendent of education that it was thought prudent to preserve this office to the control of the legislature. The constitution in other sections had provided a scheme, later expunged (*ibid.*, art. VII, sec. 5) by which the legislature would at all times have control by the dominant intelligent race. The experiences of carpet bag rule and government had been anything but satisfactory and the constitutional convention desired the promotion of an effective system of education which would require the watchful care of a superintendent in each county. The suffrage experiment proved successful in placing the intelligent race in full control of education in all counties, but the office was not made elective until more than 20 years had passed.

In 1870, pursuant to the provisions of the constitution of 1869, the legislature outlined the duties of the county superintendent of education as follows: supervising the schools, examining applicants for teachers' licenses, performing duties required by the state board of education, and forwarding annually to the auditor of public accounts a list of educable children in the county (Laws of Miss., 1870; chapt. 1).

The constitution of 1890 (sec. 204) provided that the county superintendent of education should be appointed for four years in each county by the state board of education but gave the legislature power to make the office elective. In 1892 the office was made elective in all counties except Adams, Sharkey, Sunflower, Tate, Bolivar, Coahoma, DeSoto, Grenada, Hinds, Issaquena, Panola, Warren, Washington, and Yazoo (Miss. Code, 1892; sec. 4259). In 1896 it was made elective in Bolivar, DeSoto, Issaquena, Panola, Sharkey, Yazoo and Tate Counties (Laws of Miss., 1896; chapt. 108); in 1900 in Coahoma County (Laws of Miss., 1900; chapt. III); in 1904 in Hinds County (Laws of Miss., 1904; chapt. 127) and in 1906 in all counties (Miss. Code, 1906; sec. 4809).

County Superintendent of Education

The Code of Miss., 1930; secs. 6570-6574, fixes the general duties and powers of the county superintendent of education as follows: to employ such teachers as may be recommended by the local trustees, (if recommendations are not made by June 15, the superintendent may appoint the teachers); to allow assistant teachers as prescribed by law; to fix salaries of teachers and make contracts with them except as otherwise prescribed by law; to enforce the course of study adopted by the board of education and the uniform text books; to enforce the law and rules and regulations in reference to examinations of teachers; to administer oaths in all cases of teachers and others relating to the schools, and to take testimony in appeal cases under the school law.

The superintendent is also required to issue pay certificates after a majority of the trustees have certified as to the accuracy of a monthly report; to preserve all reports of school officers and teachers; to deliver to the chancery clerk before pay certificates are issued, a list of teachers under contract, the list to show their monthly salaries; to keep a record of all official actions of the county school board, of his own official actions, and of teachers, examined, licensed and employed; to make a report annually to the state superintendent of public education; to prepare an outline map showing the number of sections included in each school district and to paste the map in the school register before it is delivered to the teacher of the district.

He is obligated to report each month to the board of supervisors and the mayor and board of aldermen of the municipalities included in each public school district, the report to show the amount of pay certificates issued that month, the date of visits to each school and the time spent with each school; to visit the schools and require the teachers to perform all their duties; to distribute promptly all reports, laws, forms, circulars and instructions received from the state superintendent of public education; to keep on file and preserve the biennial report of the state superintendent of public education; to call meetings of the county school board; to call annually on the first of May a meeting of the trustees of the county for the election of the county school board.

The superintendent is directed to observe such instructions and regulations as the state board of education may prescribe and make special reports to these officials whenever required; to be at the county seat on each Saturday of each scholastic month of the term to receive monthly reports, issue pay certificates and attend to other official duties; to make every two years an enumeration of all educable children in his county; to settle disputes in schools, his decisions being subject to appeal to the state board of education upon a written statement of the facts certified by the county superintendent or by the secretary of the board of trustees.

He may suspend or remove teachers from office for incompetency, neglect of duty, immoral conduct or other just cause; and he may fill vacancies in the positions of trustee or teacher; and have the same power as justice of the peace of issuing subpoenas for witnesses and compelling their attendance

County Superintendent of Education, Administrative

(137-141)

for the giving of evidence; and he can revoke teachers' licenses for intemperance or immoral conduct, brutal treatment of a pupil or for other just cause.

The qualifications of the county superintendent of education are enumerated as follows: he shall be a qualified elector and a resident citizen of the state for four years and of the county for two years immediately preceding his election; he must hold a certificate certifying, that he is a graduate of a high school requiring at least 15 units for graduation or the equivalent thereof; that he has had at least two years successful experience as a teacher in the public schools of the state or that he is a graduate of a standard college; and, if he does not possess a professional life license, that he has passed an examination held by the state board of examiners (Miss. Code, 1930; secs. 6563-64).

The office of county superintendent of education was established in Amite County in 1870 and has continued without interruption subject to all constitutional and statutory changes and modifications.

Administrative

137. COUNTY SUPERINTENDENT'S RECORD, 1870--. 10 vols.
Minutes of the county board of education, and record of monthly and annual meetings of the boards of trustees and separate school districts, including financial reports, lists of teachers examined, and monthly and term reports of schools. Chron. arr. No index. Hdw. on ptd. form. 200 pp. 18 x 12 x 1. Office of supt. of ed.
138. SUPERINTENDENT'S FIELD BOOK OF OPERATIONS, 1872-77. 1 vol.
Record of appointments with trustees and teachers, teachers examinations, visits to schools, and speaking dates, kept in diary form. Chron. arr. No index. Hdw. 200 pp. 14 x 10 x 1. County jail.
139. SUPERINTENDENT'S REGISTER OF TRUSTEES, 1878-86. 1 vol.
Lists of trustees elected or appointed for county schools, showing name, post office, date elected, term, name of school, grade of school, address of school. Alph. arr. by name of school. No index. Hdw. 150 pp. 14 x 12 x 1. County jail.
140. MINUTES OF AGRICULTURAL HIGH SCHOOL, 1915-32. 1 vol.
Proceedings of board of trustees of agricultural high school including orders of board and allowances of claims. Chron. arr. No index. Hdw. and typed. 300 pp. 16 x 12 x 1½. Office of supt. of ed.
141. PETITIONS FOR SCHOOLS, 1926--. 1 file box.
Original petitions for establishment of schools, the annexation to districts or change of district, improvements or additions to schools. Alph. filed by topic. No index. Hdw. 16 x 12 x 24. Office of supt. of ed.

County Superintendent of Education, Certificates

(142-148)

Certificates

142. SUPERINTENDENT'S REGISTER OF PAY CERTIFICATES, 1872--. 12 vols. Register of pay certificates issued by superintendent of education, showing date, name, purpose, fund charged, certificate no., amount, administrative, instructors, operation of plant, fixed charges, capital expenditures, sundry. Chron. arr. No index. Hdw. on ptd. form. 250 pp. 16 x 12 x 1 and 12 x 18 x 2. Office of supt. of ed.

143. TEACHERS' PAY CERTIFICATES, 1873--. 41 vols. Stubs and carbon copies of pay certificates issued school teachers to obtain warrants for payment of salaries, showing no., date, payee, amount, school, superintendent's signature. Chron. arr. No index. Hdw. and typed on ptd. form. 300 pp. 20 x 12 x 2. Office of supt. of ed.

144. SUPERINTENDENT'S SPECIAL PAY CERTIFICATES, 1873--. 16 vols. Stub record of superintendent's pay certificates issued for supplies, services, and allowances other than teachers and transportation, showing certificate no., date, payee, purpose, school, amount. Chron. arr. No index. Hdw. on ptd. form. 125 pp. 14 x 14 x 3/4. 4 vols., 1873-1926, county jail; 12 vols., 1927--., office of supt. of ed.

145. TRANSPORTATION PAY CERTIFICATES, 1932--. 5 vols. Carbon copies of pay certificates issued to bus contractors for transportation of school children, showing no., date, payee, amount, school, superintendent's signature. Chron. arr. No index. Typed on ptd. form. 300 pp. 20 x 12 x 2. Office of supt. of ed.

146. TEACHERS' CANCELLED PAY CERTIFICATES, 1908--. 3 cabinet drawers. Cancelled certificates issued by superintendent of education authorizing issue of warrants in payment of teachers' salaries and other school expenses, showing payee, date, certificate no., amount, purpose, signature of superintendent. Numerically filed by certificate no. No index. Hdw. and typed on ptd. form. 12 x 12 x 24. Ch. clerk's office.

Teachers' Records

147. SCHOOL REGISTERS, 1890--. 1336 vols. (Labelled by name of school). Teachers' records of school work, showing name of school, post office, term, year's work by grade and subject, name of textbook, no. in class, no. promoted, no. retained, daily and weekly program of recitations, names of pupils and parents, general data concerning pupils, scholarship record, summary. Chron. arr. No index. Hdw. on ptd. form. 70 pp. 14 x 12 x 1/4. 1060 vols., 1890-1928, county jail; 276 vols., 1929--., office of supt. of ed.

148. TEACHERS' REPORTS, 1932--. 2 boxes and 2 file boxes. Teachers' reports of school work accomplished each month, showing name of school, month, name of teacher, grade, total enrollment, total days present, total days absent, days actually taught, average attendance, no. dropped from roll, pay certificate record. Chron. filed. No index. Hdw. on ptd. form. Boxes, 12 x 13 x 24; file boxes, 14 x 12 x 18. Office of supt. of ed.

County Superintendent of Education, School Transportation

(149-154)

149. TEACHERS' EXAMINATION PAPERS, 1911--. 620 envelopes and 506 bundles.

Examination papers of teachers wishing to secure positions in Amite County schools, containing complete record of teachers' grades on the sixteen required subjects, showing name of teacher, address, date, grade for each subject, average. Alph. arr. by name of teacher. No index. Hdw. on ptd. form. Envelopes, 16 x 4 x $\frac{1}{2}$; bundles 16 x 4 x 1. 620 envelopes, 1911-27, county jail; 506 bundles, 1928--, office of supt. of ed.

150. TEACHERS' CONTRACTS, 1900--. 12 vols.

Stub record of superintendent's contracts with teachers, showing name of teacher, salary, name of school, date of contract, terms, no. of license. Chron. arr. No index. Hdw. on ptd. form. 150 pp. 10 x 8 x 1. 6 vols., 1900-14, county jail; 6 vols., 1915--, office of supt. of ed.

151. TEACHERS' LICENSES, 1883--. 12 vols.

Stub record of teachers' licenses, showing no., grade, name of teacher, date of examination, expiration date of license, examination grades of teachers. Chron. arr. No index. Hdw. on ptd. form. 300 pp. 12 x 10 x 2. 9 vols., 1883-1920, county jail; 3 vols., 1921--, office of supt. of ed.

School Transportation

152. TRANSPORTATION CONTRACTS, 1933--. 1 file box.

Original bids and contracts awarded for conveying children to and from school, showing terms of contract, salary, specifications of bid, bond of contractor, signatures of superintendent of education, trustees of schools, and contractor. Alph. filed by name of contractor. No index. Hdw. on ptd. form. 14 x 12 x 24. Office of supt. of ed.

153. TRANSPORTATION CONTRACTORS' REPORTS, 1933--. 1 file box.

Contractors' monthly reports of transportation of school children, showing name of school, month, term, route no., name of contractor, names of pupils, sex, age, days absent, days present, total no. enrolled, average attendance, no. days transported, amount of pay certificate, certification of trustees. Chron. filed. No index. Hdw. on ptd. form. 14 x 12 x 24. Office of supt. of ed.

16th Section Records

154. 16TH SECTION FUND DOCUMENTS, 1926--. 1 file box.

Records of 16th section school fund loans, including receipt warrants for interest and other revenues from 16th section loans, copies of revenue reports to chancery clerk, abstracts of title, deeds of trust and notes covering loans, and copies of reports to board of supervisors pertaining to loans and collection of principal and interest on 16th section school funds. Chron. filed. No index. Hdw. and typed. 13 x 12 x 24. Office of supt. of ed.

County Health Officer, Educable Children

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155. RECORD OF 16TH SECTION SCHOOL FUNDS, 1924--. 1 vol.

Ledger accounts of revenues derived from 16th section lands, showing principal, permanent fund, amount loaned, date, payment, borrower, receipt no., by whom, interest, date, amount, distribution. Chron. arr. No index. Hdw. on ptd. form. 149 pp. 18 x 16 x $1\frac{1}{2}$. Office of supt. of ed.

Educable Children

156. ENUMERATION OF EDUCABLE CHILDREN, 1885--. 18 vols.

List of educable children in each separate school district, showing town, district, name of parent or guardian, name of child, age, sex, race, school, address, final recapitulation. Chron. arr. No index. Hdw. and typed on ptd. form. 7 vols., 1885-1907, county jail; 11 vols., 1908--, office of supt. of ed.

XV. COUNTY HEALTH OFFICER

A vigorous program of state-wide health work began in Mississippi in 1876 when the legislature required the coastal counties (Jackson, Harrison, and Hancock), to appoint a board of health to enforce rigid quarantine regulations and prevent the introduction of diseases through their ports (Laws of Miss., 1876; chapt. LXXII). One year later the law was re-enacted and a state board of health was established (Laws of Miss., 1877; chapt. XLI).

In 1878 the legislature passed an act providing that the board of supervisors in each county select a county board of health which should be required to keep in constant communication with the state board of health, to examine drinking water, to make rules and regulations necessary to prevent the spread of disease and to report on its work to the board of supervisors (Laws of Miss., 1879; chapt. XXII).

Portions of this act were repealed in 1880 and a supplementary act empowered the governor to appoint on the nomination of the state board of health, a health officer in each county (Laws of Miss., 1880; chapt. XXXII). Interior counties remote from lines of communication were exempted from this requirement by the state board of health upon petition of their boards of supervisors (*ibid.*).

The constitution of 1890 made no provision for county health departments but through section 272 which allowed all previous laws not in conflict with the constitution to remain in effect, the status of the health departments was unchanged.

The code of 1930 (secs. 4926-4932), consolidating laws enacted in 1916, 1918, and 1920, authorizes each county in the state to create, in its discretion, a department of health and appoint a director for it on recommendation of the state board of health. Counties unable to maintain a health department because of size or lack of finances may join with other counties in

Clerk of the Pension Board of Inquiry, Vital Statistics

(157-158)

forming a sanitary district and through their boards of supervisors appoint a director on the recommendation of the state board of health. The establishment of a county or district health department under the provisions of the code automatically abolishes all other local or municipal or county public health agencies and departments.

The director, or county health officer, is required to be a graduate physician, well trained in health work, and he is given authority to enforce all health laws in the county or district under the supervision and direction of the state board of health. He is directed to make reports to the state board of all matters concerning the sanitary conditions of his county or district. He is also required to keep an accurate record of all activities of his department for the use of the public and for the state board of health. His term of office is four years and he is removable for cause by the state board.

The office of county health officer was established in Amite County in 1880 and has functioned continuously subject to all constitutional and statutory changes and modifications.

Vital Statistics

157. REGISTRAR'S RECORD OF BIRTHS, 1913--. 26 vols.
Record of births in the county, showing certificate and file no., full name of child, sex, twin or otherwise, legitimate, names of parents, occupation, certificate of physician or midwife attending. Chron. arr. No index. Hdw. on ptd. form. 100 pp. 6 x 9½ x ½. County health office, Liberty, Mississippi.

158. REGISTRAR'S RECORD OF DEATHS, 1913--. 12 vols.
Record of deaths in Amite County, showing standard certificate of death, name, place, personal and statistical particulars, medical certificate of death. Chron. arr. No index. Hdw. on ptd. form. 100 pp. 7 x 9 x ½. County health office, Liberty, Mississippi.

XVI. CLERK OF THE PENSION BOARD OF INQUIRY (Duties Discharged by the Chancery Clerk)

The chancery clerk is ex-officio clerk of the pension board of inquiry, the duties being given to him when the board was first established in 1898 (Laws of Miss., 1898; chapt. 36). This board, appointed by the board of supervisors, is composed at present of five persons selected and recommended to the board by the county camp of Confederate veterans; the county attorney (if there is one in the county); and a world war veteran. In counties not having a county attorney, a lawyer is appointed to the board and in counties where there is no camp of Confederate veterans, the supervisors appoint the board and fill its vacancies (Miss. Code, 1930; sec. 5812). The recommendations by the Confederate veterans may be members of their own camp or other discreet citizens who are qualified electors.

Clerk of the Pension Board of Inquiry

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This board receives, inquires into, and passes upon applications for pensions filed by Confederate soldiers and sailors, or widows of Confederate soldiers and sailors, or by disabled servants of Confederate soldiers and sailors (*ibid.*, sec. 5807). Pensions paid are divided into four classes and range from \$40 a year quarterly to \$1.00 a day, payable quarterly (*ibid.*).

The board meets twice annually, on the first Monday in April and the first Monday in September. It is given power to summon witnesses, administer oaths, and take proof (*ibid.*, secs. 5812, 5822).

As clerk of the pension board of inquiry, the chancery clerk receives and keeps one copy of an application for pension and he forwards the duplicates of approved pensions to the state auditor (*ibid.*, sec. 5812). After pension funds are placed in the county depository by the state auditor the chancery clerk as clerk of the pension board, issues warrants to the pensioners (*ibid.*, sec. 5818). The clerk is required to make an annual report to the state auditor showing receipts and disbursements of the pension fund (*ibid.*), and he must post and publish during the first week of December in each year a list of all names approved as pensioners by the pension board (*ibid.*, sec. 5812). Appointed members of the board receive \$3 per day for each day actually spent in discharge of the business of the board (*ibid.*), but no compensation is allowed any officer for services in connection with the board (*ibid.*, sec. 5824).

As the number of Confederate pensioners has decreased rapidly in recent years the need for the pension board of inquiry has been minimized and in many counties its duties are only perfunctory. According to a statement issued on September 1, 1937 by the state auditor there were only 2,403 pensioners in the state on that date. Of this number only 313 are former soldiers, the remaining being the widows and servants. The 313 veterans receive \$1.00 per day and 165 of the widows receive that amount. A total of 739 class two widows receive \$15 monthly; 1,059 class three widows, \$10 monthly, and 127 servants, \$4 monthly. No pensions are paid to the 92 inmates of the Confederate Soldiers' Home at Beauvoir, the former home of Jefferson Davis on the Mississippi gulf coast. The same records show that the number of soldiers drawing pension is decreasing at the rate of 12 percent a year.

The board meets regularly twice a year in Amite County and the chancery clerk as clerk of the board distributes a small number of pensions quarterly, makes reports, and occasionally posts and publishes annually a list of pensioners.

159. HISTORY AND ROSTER OF CONFEDERATE SOLDIERS AND SAILORS, 1861-65.
1 vol.

Narrative history of enlistment and service of Confederate soldiers and sailors, showing name of company, date organized, place or camp, names of members and officers, history of activities, movements, participations in battles, casualties, and final discharge. Chron. arr. No index. Hdw. 300 pp. 16 x 12 x 1 1/2. Ch. clerk's vault.

Surveyor

(160-161)

160. ENUMERATION OF CONFEDERATE SOLDIERS AND WIDOWS, 1907. 1 vol. List of Confederate soldiers, their widows, and servants for pension rolls, showing name, state of enlistment, company, regiment, age, year of enlistment, soldier or widow, supervisor's district, recapitulation. Alph. indexed by name of pensioner. Hdw. on ptd. form. 150 pp. 16 x 12 x 1. County jail.

161. PENSION RECORD, 1904--. 2 vols. (2, 1 unnumbered). Minutes of pension board and list of pensioners, showing name of pensioner, company and regiment, war record, date pension granted, post office address, amount granted, remarks. Alph. indexed by name of pensioner. Hdw. and typed on ptd. form. 432 pp. 18 x 12 x 2. 1 vol., 1904-06, county jail; 1 vol., 1907--., ch. clerk's office.

XVII. SURVEYOR

The office of county surveyor was established in 1799 by the laws drafted by Territorial Governor Winthrop Sargent and Territorial Judges Bruin and Tilton. He was appointed by the governor to serve during good behavior and his duties included executing all orders of survey directed by any court, making surveys for the county and replacing worn and defaced boundary markers. Compensation for his work was determined as follows: "for going to, and returning from a view, per day, thirty miles per day, one hundred and seventy-five cents. For going to, attending the court on trial, and returning, per day, one hundred and seventy-five cents" (Sargent's Code, 1799; original holograph, Department of Archives and History, Jackson, Mississippi).

In 1817 the county courts were authorized to recommend surveyors for their respective counties to the governor who appointed and commissioned them (Laws of Miss., 1817; p. 65). Surveyor's bond was set at \$2,000 but the duties remained the same (*ibid.*).

The constitution of 1832 (art. V, sec. 19), made the office elective biennially; the constitution of 1869 (art. V, sec. 21), made no change in the status, but the constitution of 1890 (sec. 135), increased the term of office to four years.

As early as 1811 the owners or proprietors of lands resurveyed or remarked by the surveyor were required to record the surveyor's reports and certificates (Turner's Digest, 1816; p. 16, art. 3, sec. V) but it was not until 1892 that the surveyor himself was required to record his surveys, "in a book provided by the board of supervisors and kept in the office of the chancery clerk" (Miss. Code, 1892; sec. 4398).

By the code of 1930 (secs. 7139-7148) the surveyor is instructed to execute all orders of survey directed to him by any court, and make all surveys of land within his county at the request of the owners or proprietors, and to do whatsoever in the surveying, resurveying, measuring, and dividing of land

Ranger

(162)

that may be required of him by any person. He may swear chain bearers and appoint deputies, and he must record his surveys.

The surveyor has also been compensated by fees and the office under modern conditions does not pay enough to attract candidates. It is maintained at present in only 37 of the 82 counties of the state (Report of the Secretary of the State to the Legislature of Mississippi, 1933-35; p 67). The board of supervisors is authorized to employ at its discretion skilled and/or suitable persons to discharge certain necessary surveying duties (Miss. Code, 1930; secs. 7155, 7157). This precaution enables the board to provide for the performance of a surveyor's duties when the surveyor's office is not filled in any county.

A surveyor was appointed in and for Amite County in 1809 when the county was established. The office has been filled intermittently and at present there is no surveyor in the county.

162. FIELD NOTES, 1928. 1 vol.

Surveyor's field notes covering land tracts west of Pearl River, District of Mississippi, showing course, distance, bearings, trees, crossings, remarks, diameter, range, twp., sec. Sectionally arr. No index. Hdw. on ptd. form. 320 pp. 18 x 12 x 2. Ch. clerk's vault.

XVIII. RANGER

The office of ranger was officially established by the act of December 24, 1812 which gave the governor power to "appoint some suitable person in each and every county...to hold the office of "ranger", enter into bond of \$500 payable to the chief justice....keep a book in which he shall register all certificates of strays delivered to him by the taker up of strays..... and file the same in regular order,....to cause a copy of the certificates of every appraisement to be published in the nearest newspaper three times,make out a fair and correct list of all strays and affix the same at the door of the court-house.....on the first day of each term,....and within three months after each appointment reside or keep an open office within one mile of the county court-house or the place where court is usually held" (Turner's Digest, 1816; p. 394, art. 12, sec. I).

Previous to this legislation, by the act of March 4, 1803, revised and amended February 10, 1807, the justices of the county courts were required to erect a pound at their respective courthouses and appoint some person to take care of the pound (*ibid.*, p. 391, art. 1, sec. II). The clerks of the courts kept the records of all strays delivered to the pound (*ibid.*, p. 395, art. 18, sec. VII).

By the law of 1812 the ranger was required to sell all strays after 12 months if no owner appeared, and deliver the net proceeds of the sale to the county treasurer after deducting five percent commission for his services (*ibid.*, p. 395, art. 16, sec. V, art. 17, sec. VI).

County Agricultural Demonstration Agent

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On February 11, 1828 an amendment was passed making it mandatory for the ranger to report to the county courts quarterly the amount of money received from the sale of strays, and make no allowance to takers up of strays until approved by the county court (Hutchinson's Code, 1848; chapt. XII, art. 3, secs. 1-3).

The constitution of 1832 made the office of ranger elective with a term of two years (art. V, sec. 19). Legislation enacted the next year in accordance with the provisions of the constitution made no change in the duties of the ranger (Laws of Miss., 1833; p. 477). In 1863 the sheriff was empowered to act as ranger in counties where the office was unfilled (Laws of Miss., 1863; chapt. XIV, p. 127) and in 1864 the ranger was no longer required to advertise in the newspapers (Laws of Miss., 1864; chapt. III, p. 5).

As the countryside became more thickly settled and fencing conditions improved, the office of ranger became less important and the fees derived from holding it became correspondingly less. It had been necessary to make the sheriff ex-officio ranger (see above) in 1864 because the office was unsought in several counties. In 1871 the office of ranger was abolished as a separate office and the coroner was made ex-officio ranger (Laws of Miss., 1871; chapt. CCCXCIII).

Little change has been made in the scope of the duties of the ranger since 1871. The office is now of no great importance. The general stock law, (Laws of Miss., 1926; chapt. 263), requiring owners to keep their live-stock in safe enclosures has done much to restrain stock from running at large. Justices of the peace were given authority to discharge the duties of ranger in counties where the office did not exist (Code of 1892, sec. 1730). At present (1937) the ranger has general jurisdiction over estrays (Miss. Code, 1930; secs. 5449-5465) and makes reports to the board of supervisors (*ibid.*, secs. 5460-5461).

The office of ranger was established in Amite County in 1812 and functioned continuously until 1871 when it was combined with the office of coroner. Since 1871 the office of ranger (and coroner) has existed intermittently. At present (1937) there is ^acoroner and ranger in the county.

163. RANGER'S RECORD, 1882-1929. 1 vol.

Record of stray cattle taken up by the ranger, showing date, animal marks or description, claimant, charges, disposition. Chron. arr. No index. Hdw. on ptd. form. 250 pp. 16 x 12 x 1½. County jail.

XIX. COUNTY AGRICULTURAL DEMONSTRATION AGENT

The agricultural demonstration agent, familiarly known as the county agent, is potentially and actually one of the most important county officers in Mississippi, a state where agriculture dominates the economic life of the people. He has been called on, particularly in recent years, to cooperate in the advancement of the Federal Government's crop reduction and soil conservation programs.

County Agricultural Demonstration Agent, Reports

(164-165)

By the law of 1908 the boards of supervisors were authorized to establish in their respective counties or in conjunction with other counties, a department of agriculture, and appoint a commissioner of agriculture (Laws of Miss., 1908; chapt. 103). The duties of this county commissioner were: to keep in close touch with the United States Department of Agriculture, the Mississippi Agricultural and Mechanical College (now called Mississippi State College), the state experiment stations, the state department of agriculture; to assist in organizing agricultural societies, to look after agricultural statistics; and to advance in every way possible the farming interests of the county (*ibid.*). The act also provided that he be paid a salary fixed by the board of supervisors.

A second form of organization was established after 1914 when approved Acts of Congress granted Federal Aid which Mississippi accepted in 1916 (Laws of Miss., 1916; p. 184), (Miss. Code, 1930; sec. 7192). As part of the extension work of Mississippi State College, an agricultural demonstration agent is appointed by the board of supervisors in each county to be paid out of the general funds (Miss. Code, 1930; secs. 278-280). Gradually county departments of agriculture as provided for by the act of 1907 have given way to county agencies established by the Extension Department of Mississippi State College. A full-time or part-time agricultural demonstration agent is maintained in every county at present (1937). His general functions of disseminating useful information among the farmers and developing the agricultural resources of the counties (*ibid.*, sec. 278), have not been changed.

The office of county agricultural demonstration agent was first established in Amite County in 1916 and was maintained part-time or full-time until 1933. At that time it was put on a full-time basis and has continued without interruption.

Reports

164. COMBINED ANNUAL REPORT OF EXTENSION WORKERS, 1933--. 4 vols. Annual reports of county agricultural agent and county agent of home economics including general activities, crops, beautification of homes, forestry, agricultural engineering, poultry and bees, dairy and beef cattle, sheep, horses, agricultural economics, food and nutrition, child development, home management, health and sanitation. Chron. arr. No index. Typed. 24 pp. 9 x 12 x 1/8. County agent's office.

Cotton Control

165. BANKHEAD APPLICATIONS, 1934-35. 26 bundles. Applications for allotment and tax exemption certificates pursuant to the Cotton Act approved April 21, 1934, containing oath and signature of producer, community and county committee certificates of applications, basis for determining acreage, yield, and production of cotton, cotton acreage, yield, and production for 1935, total acres, cultivated acres, acres in cotton for 1935. Alph. arr. by name of community. No index. Hdw. on ptd. form. 15 x 9 x 1. County agent's office.

County Agricultural Demonstration Agent, Soil Conservation

(166-171)

166. AAA COTTON CONTRACTS, 1934-35. 8 file boxes.
Original Agricultural Adjustment Administration contracts with farmers for reduction of production of cotton, showing producer's name, address, no. of acres, sec., twp., range, basis for determining reduction rental and parity payments, crop acreage in 1932-33, cotton acreage and production from 1928-32, summary report of county committee. Alph. filed by name of producer. No index. Hdw. on ptd. form. 14 x 12 x 24. County agent's office.

167. APPLICATIONS FOR COTTON PRICE ADJUSTMENTS, 1935. 4 file boxes.
Applications for cotton price adjustment payment and agreement to cooperate in the 1936 cotton adjustment program, containing name of producer, address, no. bales sold, no. of pounds, no. of cotton sale certificate, name of purchaser, address, date, no. of pounds sold, signature of purchaser. Alph. filed by name of producer. No index. Hdw. on ptd. form. 14 x 12 x 24. County agent's office.

168. FLOW UP RECORDS, 1933. 17 bundles.
Original offers to enter into cotton option benefits or benefit contracts, showing no. of contract, name of address of producer, terms of agreement, sketch of farm, size of farm, no. of acres cultivated, no. of acres in cotton, estimated no. of pounds from planted acreage, no. pounds offered to plow up, amount of each payment, signature of lien-holder. Alph. arr. by name of producer. No index. Hdw. on ptd. form. 15 x 9 x 1. County agent's office.

169. DISTRIBUTION PARITY PAYMENTS, 1934-36. 2 file boxes.
Record of parity payments made to farmers by the government on cotton reduction in addition to price paid on acreage. Alph. filed by name of farmer. No index. Hdw. on ptd. form. 14 x 12 x 24. County agent's office.

Soil Conservation

170. SOIL CONSERVATION PROGRAM, 1936. 2 file boxes.
Record of soil conservation program, including work sheets, report of performance, application for grants, name of farmer, no. acres in farm, sec., twp., range. Alph. filed by name of farmer. No index. Hdw. on ptd. form. 14 x 12 x 24. County agent's office.

Miscellaneous

171. MISCELLANEOUS, 1933--. 12 file boxes.
Correspondence to and from county agent's office, programs of club work, bulletins from state extension department, and matters pertaining to work of the office. Alph. filed by topic. No index. Hdw., typed, and ptd. 14 x 12 x 24. County agent's office.

XX. COUNTY AGENT OF HOME ECONOMICS

(172-173)

In 1914 the boards of supervisors were authorized to establish in their respective counties a department of home economics to be under the direction of the county agricultural demonstration agent (Laws of Miss., 1914; chapt. 190). The act specified that this department should be directed by a woman, well-versed in scientific and home economics, her salary to be paid by the board of supervisors out of the general county fund. She was required to keep in close touch with the United States Department of Agriculture, the Mississippi state colleges, the state departments of education and agriculture, and to work under the direction of the county superintendent of education and make such reports to him as he should require or as should be required by the state board of education (*ibid.*), (Miss., Code, 1930; secs. 281-282).

A second form of organization arose after 1914 when approved Acts of Congress granted Federal Aid which Mississippi accepted in 1916 (Laws of Miss., 1916; chapt. 127), (Miss. Code, 1930; sec. 7192). As part of the extension work of Mississippi State College, a county agent of home economics, a woman, called colloquially a home demonstration agent, is appointed by the board of supervisors in each county, to be paid out of the general county funds. The duties of her department are to disseminate useful information among farm women and to organize and supervise canning and poultry clubs and other organizations for the improvement of the home (Miss. Code, 1930; sec. 281). Her other duties and responsibilities remain the same as they were set up originally in 1914 (*ibid.*, sec. 282).

At the present time (1937) the office of county agent of home economics is not maintained in every county in the state. It was first established in Amite County in 1918 and functioned intermittently until 1930 when it was discontinued. In 1933 the office was re-established on a full-time basis and has continued since that time without interruption.

(For joint annual reports of the activities of county agricultural demonstration agent and county agent of home economics, see entry 164).

172. 4-H CLUBS, 1935--. 1 file box.
Record of girls' 4-H clubs, their activities, and accomplishments, showing name of club, names of members, date organized. Alph. filed by name of club. No index. Hdw. and typed. 14 x 12 x 24. Home demonstration agent's office.

173. HOME DEMONSTRATION CLUBS, 1935--. 1 file box.
Record of activities of women's home demonstration clubs, including county council meetings, county project meetings, community club meetings, camps, farm and home week, farm bureau, and other activities. Alph. filed by name of club. No index. Hdw. and typed. 14 x 12 x 24. Home demonstration agent's office.

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