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INVENTORY OF THE COUNTY ARCHIVES
OF TENNESSEE



No. 33
HAMILTON COUNTY
CHATTANOOGA

THE HISTORICAL RECORDS SURVEY
WORKS PROGRESS ADMINISTRATION
1937

INVENTORY OF THE COUNTY ARCHIVES
OF TENNESSEE

Prepared by

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

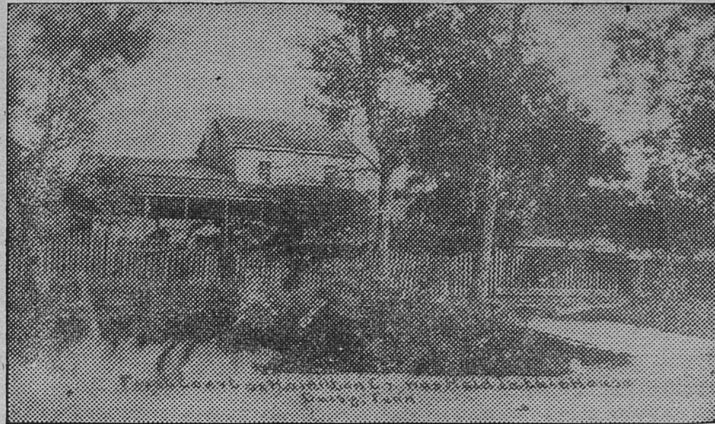
No. 33
HAMILTON COUNTY (CHATTANOOGA)

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Nashville, Tennessee

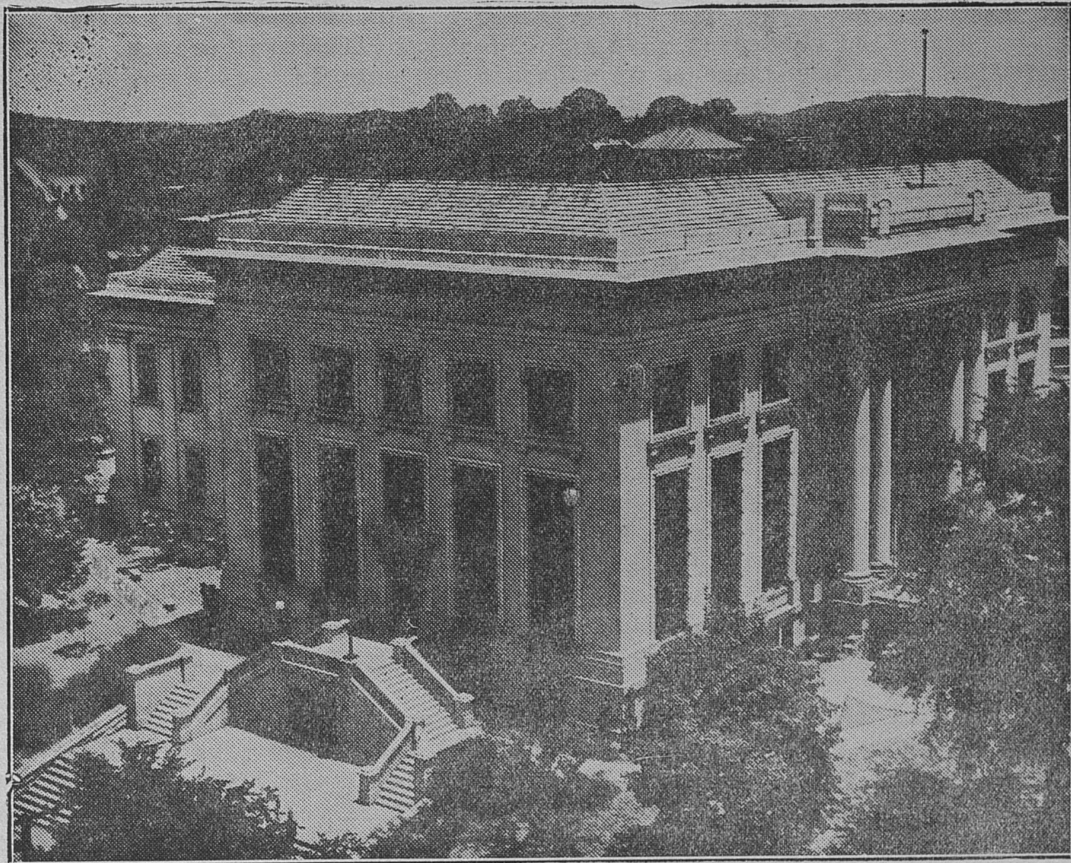
The Historical Records Survey

November 1937



COURTESY THE CHATTANOOGA NEWS

**HAMILTON COUNTY COURT HOUSE
1819**



COURTESY THE CHATTANOOGA NEWS

**HAMILTON COUNTY COURT HOUSE
1937**

PREFACE

The Historical Records Survey was conceived in the conviction that the public records of the nation, wherever deposited, are well worth preserving, that their condition and arrangement be improved, if possible, and that full information on their nature, extent and location be made readily available.

Deposited in the some three thousand courthouses of America is a great mass of public records of priceless historical value. The Inventory of County Archives, the first undertaking of the Survey, expects to list and describe the county records of America. The Survey was launched as an undertaking of the Works Progress Administration, on a nation-wide scale, in January 1936, and is now operating in each of the forty-eight states. Operations were begun in Tennessee in April of that year. Hamilton County was one of the first counties opened. Field work there was completed in a little less than a year. The Survey has completed or is now operating in some twenty-five other counties of the state.

That the task of inventorying the records of a large county is a difficult one soon became apparent. In spite of widespread loss and destruction of records, the very number in the average courthouse is almost incredible. That the priceless value of the county's records, records that for both legal and historical reasons should be preserved at all costs, has not been fully realized is also tragically apparent. In many instances records have been piled for years in confusion and disorder in basements, attics, bell towers and storage rooms, vulnerable to the ravages of time, fire and dampness. The chief of the enemies of the archives in Tennessee, however, are official carelessness and neglect. Hamilton County, although its records have suffered heavily from fire and war, is happily an exception. The officials there have apparently made every effort to preserve, in comparative order, the county's records, as required by law.

In Hamilton, as in most counties of the state, the Survey has been graciously and enthusiastically received. If the unqualified enthusiasm of county officials, historians, attorneys and students of government for the Survey is a true indication of its worth, then the money expended and the unflagging enthusiasm of the workers will have been a profitable investment. Already the Survey over the nation has made discoveries that have, directly or indirectly, meant a large saving of money and effort to counties and to litigants. Examples have been discovery of chancery papers that has enabled the courts to make an inexpensive settlement, the discovery of lands that had been escaping taxation and the finding of unopened letters containing checks and currency. Several hundred dollars have been found in Tennessee in the form of uncanceled checks payable to the counties.

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

Preface

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

The user of this inventory is urged to read the introductory sections-- Historical Sketch of Hamilton County; Governmental Organization and Records System; Housing, Care and Accessibility of Records; and Lists of Abbreviations, Symbols and Explanatory Notes--before using the body of the inventory. The sketches preceding the bureau entries contain information on the present and historical nature of the bureaus and list the records each bureau is required or permitted by law to keep, and may be of help in understanding the entries themselves.

A system of cross reference has been devised to connect entries for similar and closely related records to one another.

The number assigned this inventory, No. 33, merely indicates the alphabetical position of Hamilton among the counties of the state.

The records entered in this inventory are those that were available on April 1, 1936. The sketches preceding the entries have carried the bureaus through the legislative session of 1935.

In Hamilton County the Survey met with splendid and encouraging cooperation on every hand. Without exception, every official in the courthouse saw to it that the Survey received a full measure of cooperation. The Survey extends cordial and special thanks to County Judge Will Cummings, whose ideals of public service make local government in Tennessee that very personal and tremendously fascinating phenomenon it is; to Mr. Fred Frawley, chief clerk and purchasing agent, without whose invaluable cooperation in innumerable ways the Survey in Hamilton County would never have been carried to a successful conclusion; and to Mr. Jack Hixson, deputy county court clerk. The Survey is also greatly indebted to all other officers in the courthouse; to the Chattanooga Public Library; to Dr. Frank W. Prescott, of the University of Chattanooga's Department of Political Science, and to Dr. W. C. Binkley, of the Department of History of Vanderbilt University. The Survey in Hamilton County was under the direction of Mr. Arch Faidley, Jr.

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

T. MARSHALL JONES
Tennessee State Director
The Historical Records Survey

Nashville
November 1, 1937

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1. HISTORICAL SKETCH OF HAMILTON COUNTY

Hamilton County, Tennessee's third largest, is in the southeastern part of the state, on the Georgia border. The county was created by the legislature, October 25, 1819, from the southern portion of Rhea County (Zella Armstrong, History of Hamilton County and Chattanooga, Tennessee, I, Chattanooga, 1931, 2). That part of the present county south of the Tennessee River became a part of Hamilton with the Cherokee cession in the thirties (ibid., 31). Subsequent territorial cessions extended the limits of the county, the last instance being the annexation of James County, one hundred years after the creating of Hamilton (ibid., 2).

The county was named in honor of first Secretary of the Treasury Alexander Hamilton (Tennessee, Economic and Social, pt. ii, the Counties, in University of Tennessee Extension Series Record, pt. ii, No. 3, Knoxville, 1929, 8). Today its area is 548 square miles (ibid., 20), with a 1930 population of 159,487, ranking it third in population in the counties of the state (Fifteenth U. S. Census, Population, 1930, III, pt. ii, 893). Hamilton County is delimited on the east by Bradley County, on the north by Meigs and Rhea Counties, on the west by Bledsoe, Sequatchie and Marion Counties, and on the south by Dade, Walker and Catoosa Counties, Georgia.

Before the advent of the whites, the area now comprising Hamilton County was occupied by the Cherokees and by the Chickamaugas, who had seceded from the Cherokee Nation (Armstrong, op. cit., I, 79-80). Immigrants traveling by flatboats were frequently waylaid along the Tennessee by the Chickamaugas in the neighborhood of Signal Mountain (J. G. M. Ramsey, Annals of Tennessee, Kingsport, 1926, 509). The Indians were more or less allied with the British, and in 1779 the Watauga settlers from upper East Tennessee descended on the Chickamaugas and drove them into the mountains (ibid., 144). The next year and again in 1782, John Sevier, to become the first governor of Tennessee, led expeditions against the savages and burned their villages on South Chickamauga Creek (North Carolina State Records, XVI, Goldsboro, 1906, xi), but the raids on the flatboats continued with increased fury until 1794 when the militia practically annihilated the Chickamaugas at Nickajack and Running Water, thirty miles below present Chattanooga (Samuel Cole Williams, History of the Lost State of Franklin, revised edition, New York, 1933, 216-17). Shortly thereafter the more peaceable Cherokees returned to the region (Armstrong, op. cit., I, 63-67).

Prior to the treaty of 1835, by which the Cherokees surrendered their lands east of the Mississippi, whites, except missionaries, were not allowed to take up permanent residence south of the Tennessee River, which roughly bisects the present county and which formed the border of the Cherokee Nation (ibid., 127). This law was circumvented by whites who married into the tribe and by those who had business of great importance in the Cherokee Nation (ibid.). Brainerd Mission was built on South Chickamauga Creek in 1817 (ibid., 66), but the missionaries had little regard for the white traders and land-grabbers and preferred the Indians to their own race (James Welsh Patton, "The Tennessee Valley as Seen by a British Traveler in 1837," in Tennessee Historical Magazine, III, sec. 2, October, 1932, 51-53).

As early as 1794 white traders were engaging in crude barter and exchange in the vicinity of present Chattanooga, the county seat (Chattanooga, a memorial

Historical Sketch of Hamilton County

volume issued by the Chattanooga Times, in honor of the 47th Annual Encampment of the Grand Army of the Republic, September 15-20, 1913, 3). The rude cluster of huts on the banks of the Tennessee, which grew into the city of Chattanooga, was known for years as Ross' Landing, after the great Scotch-Cherokee family of Ross (Armstrong, op. cit., 1, 126). It was a trading post of considerable importance for some years before the treaty of 1835. The trading post of Ross' Landing was established in all probability sometime between 1820 and 1830, by Lewis Ross and his illustrious brother, John Ross, the one-eighth Indian who became the Great Chief of the Cherokee Nation (ibid.). Another post of traders was established at the mouth of Chattanooga Creek, near the base of Lookout Mountain, in 1828 (Chattanooga News, April 9, 1930).

The treaty of removal was proclaimed May 23, 1836, and the area south of the river was rapidly taken up by settlers and speculators (L. C. Parham, compiler, First Annual Directory of the City of Chattanooga, for 1871-72, Knoxville, 1871, 17). An English traveler and geographer, one George Featherstonaugh, arriving at Ross' Landing by river in 1837, found the country beautiful and the people unpromising. He came ashore "at a beach where there was no appearance of a settlement" and was told it was Ross' Landing (Patton, loc. cit., 51-53).

Ross' Landing's importance as a commercial center grew, and in 1838 the name of the village was changed to Chattanooga (Parham, op. cit., 20). The town's original charter was granted in the same year (ibid.). A more extensive charter was granted in 1841, but it was 1851 before final papers of incorporation were issued (ibid.).

The first county seat was established at Poe's Cross Roads, now Daisy, in 1819 (Armstrong, op. cit., 1, 96). Later in the same year, the seat was removed to the farm of one A. Rawlings, and the site called Dallas, in honor of Alexander J. Dallas, the Pennsylvania politician (ibid., 109). In 1840 the seat was moved to Vann's Town, twelve miles northeast of Chattanooga, site of the home of Chief Vann, the county's largest slaveholder. Shortly thereafter the seat was moved a short distance and then became known as Harrison (ibid., 111). In 1870 the county seat was removed to Chattanooga, apparently to remain (A. P. Foster, Counties of Tennessee, Nashville, 1923, 17).

The railroads entered the county in 1849 when the Western and Atlantic, connecting Chattanooga with the Atlantic coast, was completed (Parham, op. cit., 20). By the time of the Civil War, lines to Memphis, Nashville and Knoxville were completed (Charles D. McGuffey, Standard History of Chattanooga, Knoxville, 1911, 199-200). The region's financial history began in 1855 with the launching of the Bank of Chattanooga (Chattanooga, memorial volume, 23).

Articles of commerce in the years immediately preceding the Civil War consisted mainly of cotton, grain, meat, whiskey, flour and groceries. Chattanooga was the commercial center for the rapidly filling areas of northern Alabama and Georgia (Goodspeed's History of Tennessee with Sketch of Hamilton County, Nashville, 1887, 853). It was described as the "only place of importance between Kingsport and Muscle Shoals, a distance of more than 300 miles--its trade quite out of proportion to its population" (East Tennessee, Chattanooga, 1893, 175).

Historical Sketch of Hamilton County

From 1850 to 1860 the population of Chattanooga increased from approximately 3,500 to approximately 5,500 (Seventh U. S. Census, Population, 1850, 302; Eighth U. S. Census, Population, 1860, 281). The 1860 population of the entire county was 13,258, of which 1,419 was slave and 192 free Negro (Eighth U. S. Census, Population, 1860, 281). There were in the county twenty-two so-called industrial establishments, valued at \$209,000 and employing 214 persons (East Tennessee, 193).

During the Civil War, the city and county were the scenes of bitter and conclusive fighting. Definitely opposed to the war, Hamilton County twice voted against secession (J. S. Hurlburt, History of the Rebellion in Bradley County, East Tennessee, Indianapolis, 1866, 33, 48-49, citing Memphis Appeal, June 27, 1861). In the center of the most loyal section of the South, East Tennessee and the hill country of Alabama and Georgia, the county remained well behind the Confederate lines for over two years.

With its vital railroad connections and its strategic location at the great break in the mountains, the capture of Chattanooga, which would be the entering wedge in the center, was one of the three or four great objectives of the Union grand strategy (R. S. Henry, Story of the Confederacy, New York, 1931, 304-6). The great Confederate Army of Tennessee was maneuvered out of Chattanooga early in September, 1863, by the Federal Army of the Cumberland, and a few days later the Battle of Chickamauga, perhaps the bloodiest of the entire war, was fought twelve miles south of the city. Defeated and routed, the Union forces fled into Chattanooga, where they were bottled up for nearly two months before the starvation blockade was broken by General U. S. Grant (ibid., 307-20).

The Battles of Missionary Ridge and Lookout Mountain late in November lost Chattanooga forever for the Confederacy (ibid., 319-28; Battles and Leaders of the Civil War, III, New York, 1884-88, 638-727).

Chattanooga, in terms of commerce and population, was virtually destroyed by the war and the entire county left in desperate economic straits (Chattanooga, memorial volume, 3). The army of occupation evacuated in March, 1866, and the same 1,500 legitimate residents were forced to adopt strong and extra-legal measures to bring about a degree of law and order (East Tennessee, 183). In 1867 the city and county were beset by smallpox and then by the great flood (Henry M. Wiltse, Highlights of Chattanooga History, Chattanooga, 1917, 9). In the decade from 1873 to 1883, the community was visited by three severe epidemics of the pestilence, in the form of cholera, yellow fever and smallpox (ibid., 10). It was in the year of the yellow-jack, 1878, that young Adolph S. Ochs took over the Chattanooga Times before moving on to the New York Times (McGuffey, op. cit., 242-45).

The general topography of Hamilton County is varied. Extensive mountain ranges comprise about three-fourths of its area, the remainder being valleys, low ridges and river bottom lands (Goodspeed, op. cit., 799); much of the last has been covered by the reservoir of the Tennessee Valley Authority's Chickamauga Dam (Chattanooga News, February 25, 1936). The approximate value of cultivated farm land, prior to the advent of the Tennessee Valley Authority, was over \$12,000,000 (U. S. Census of Agriculture, 1935, Tennessee, Statistics by Counties, 9). Leading farm products are corn, hay, berries, fruits and dairy products (ibid., 11).

Historical Sketch of Hamilton County

The city of Chattanooga has assumed an increasingly dominant position in the economic and social life of Hamilton County. Today Chattanooga and its suburbs comprise more than eighty per cent of the total population of the county and about the same amount of its taxable wealth (Frank W. Prescott, "Government and Finances of Hamilton County, Tennessee," in University of Chattanooga, Social Science Studies, I, No. 1, July, 1934, 9-11).

The history of Chattanooga after the Civil War and Reconstruction, and to a lesser degree that of the county, is the history of the area's industrial growth. After the war, many residents went into one field or another of manufacturing. Moreover, heroic efforts were made to induce northern capital and northern business men to migrate to Tennessee, particularly the eastern part (W. B. Hesseltine, "Tennessee's Invitation to the Carpetbaggers," in the East Tennessee Historical Society's Publication, No. 4, January, 1932, 102-115). In consequence a majority of the city's industrial pillars from Reconstruction until after the turn of the century were transplanted Yankees (East Tennessee, 216; Parham, op. cit., 89-134).

For years the iron furnace dominated the industrial picture (East Tennessee, 203-4). At the present, Chattanooga has an almost unequalled diversity of manufacturing, producing some 1,500 different articles, headed by textiles, iron and steel products, tanks and boilers, stoves, furniture, patent medicines and oil well machinery (Facts and Figures about Chattanooga, pamphlet, Chattanooga, 1935). Life in Chattanooga today is being definitely colored by the vast enterprises of the Tennessee Valley Authority. Immediately above the city huge Chickamauga Dam spans the Tennessee River. The Authority has spent millions and plans to spend many millions more in the Chattanooga area, pouring liberal amounts of money into the bloodstream of the city's commerce. Since the inception of the Authority in 1933, there has been a tendency to locate more and more of its offices in Chattanooga. The city, in accord with the spirit of the times, in 1935 voted overwhelmingly to undertake municipal distribution of electric power.

In terms of population the growth of Chattanooga has been rapid. From a population of 5,545 in 1860 (Eighth U. S. Census, Population, 1860, 281), the population increased to 6,093 in 1870 (Ninth U. S. Census, Population, 1870, 332), to 30,154 in 1900 (Twelfth U. S. Census, Population, 1900, I, pt. i, 475), to 57,895 in 1920 (Fourteenth U. S. Census, Population, 1920, III, 974), to 119,793 in 1930 (Fifteenth U. S. Census, Population, 1930, III, pt. ii, 936).

In Chattanooga is Tennessee's outstanding agency of research in county government, the University of Chattanooga's Department of Political Science, headed by the eminent authority on political methods, theory and administration, Frank W. Prescott.

Rich in history and widely known for its scenery, Chattanooga is something of a tourist center. At the city's edge are such well-known spots of scenic and historic interest as Lookout Mountain, Missionary Ridge, Chickamauga Park and Signal Mountain.

Historical Sketch of Hamilton County

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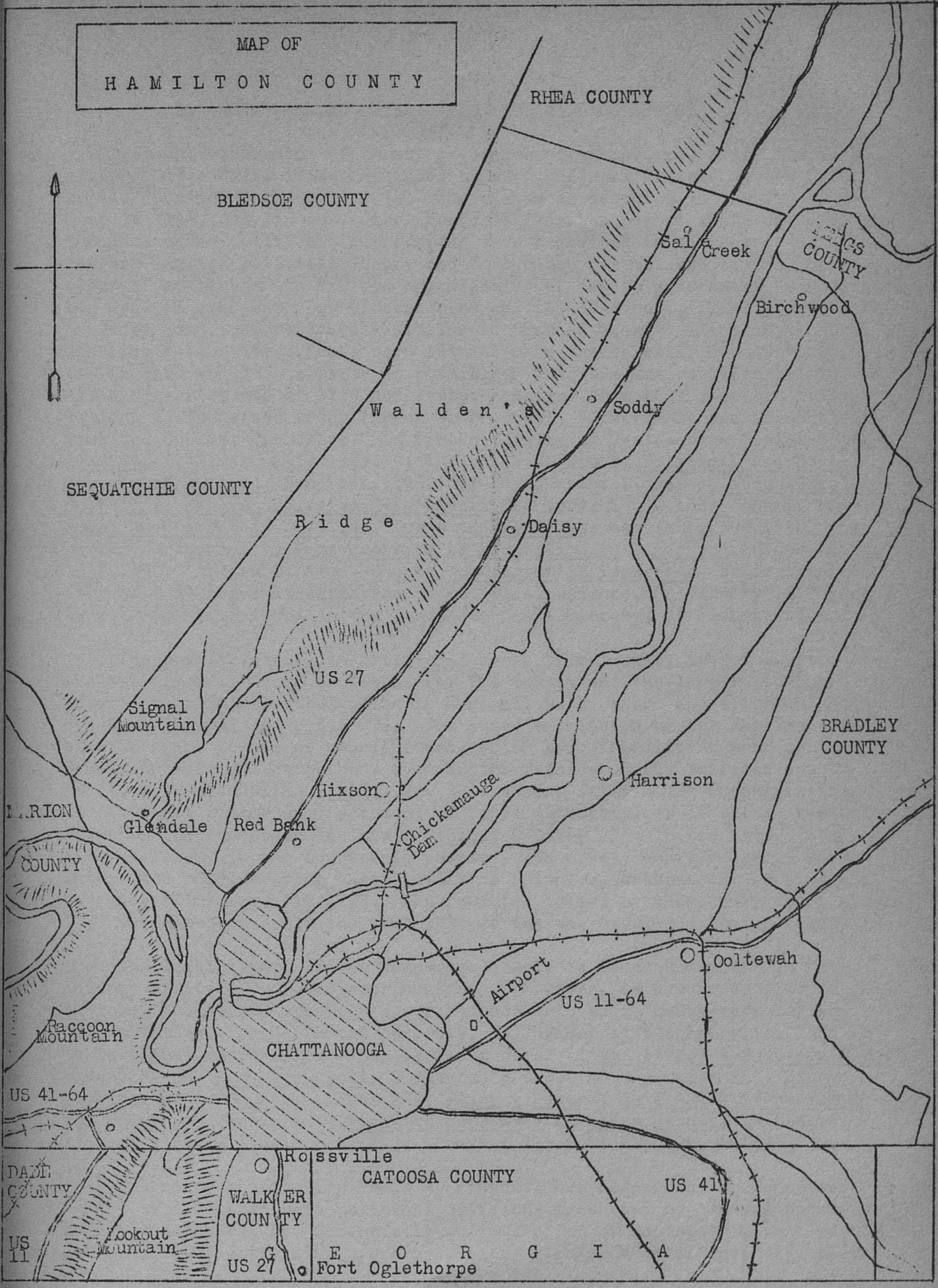
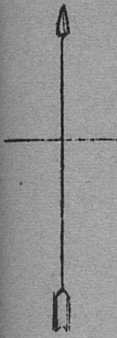
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MAP OF
HAMILTON COUNTY



DADE COUNTY
US 11

WALKER COUNTY
US 27

ROSSVILLE
US 27

CHATTANOOGA
CATOOSA COUNTY
E O R G I A
Fort Oglethorpe

US 41

US 41

2. GOVERNMENTAL ORGANIZATION AND RECORDS SYSTEM

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

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

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

The eminent authority Frank W. Prescott has described the Tennessee county as a "subordinate political division, protected by general constitutional guarantees, but essentially an 'emanation of the state', that possesses no life, attributes, powers, duties, rights or privileges save those

granted by state authority." He has described its functions as: "maintenance of peace and order; administration of justice; probation of wills and other special judicial matters; recording of land titles; keeping of vital statistics; construction and maintenance of roads and other public works; assessment and collection of taxes, promotion of education; creation and support of hospitals, charitable institutions and relief agencies; health and sanitation; and some local activities of a purely local nature" (Prescott, Hamilton County, 9).

While numerous court decisions have declared the county "only an arm or instrument of the state to carry out its sovereign prerogative" and as such endowed with only such power as the legislature may deem wise and best to confer (16 Lea 535; 1 Sneed 681; 5 Pickle 600, 601; 1 Swan 240; 3 Cates 255), the amazing ease with which special legislation, applicable to a single county and usually jammed through in the closing hours of the legislative session, may be enacted and the wide discretion allowed in the county court have nullified to a tremendous degree the purely subordinate character of the county. This situation has caused one observer to identify the Tennessee county in terms of the state, by calling the latter "a loosely federated union of sovereign counties" (Prescott, "County Finance in the South," a study to be published in the Arnold Foundation Studies in Public Affairs, Dallas, Texas, 1937).

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

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

The Constitution of 1834, framed during the bloom of the Jacksonian revolution, represented certain democratic trends towards decentralization (Prescott, Hamilton County, 10). Springing from the Jacksonian frontier ideal that one man is as competent as the next, the 1834 document admitted the conviction that the residents of the county properly should elect their own officials and belonged beyond the reach of the state in matters that very personally affected the citizen. Justices and most of the other important officers were thereafter elected by popular vote (ibid.; Hamer, op. cit., 320). But the Constitution of 1834, after all, accomplished no fundamental reforms but contented itself with some changes in the electoral process and the shifting of some sovereignty from the capitol to the courthouse.

The Constitution of 1870, virtually impossible of amendment, as it was meant to be, represented a profound determination on the part of the reincarnated Democrats to prevent forever an unhappy recurrence of interference in local affairs and appointing of obnoxious local officials by the

central government at Nashville, as had happened during the Reconstruction regime (Prescott, Hamilton County, 10). Aside from its indirect but nonetheless iron-clad prohibition of an income tax and its also indirect but effective prohibition of amendments, the Constitution of 1870's other important provision is in regard to county organization--"No county office created by the legislature shall be filled otherwise than by the people or the county court" (Const. of 1870, art. 11, sec. 17), the intention being the centralizing of appointive and other powers in the county court. In 1911, however, the supreme court of the state held that the legislature can legally transfer and modify the powers of the county court except those conferred by the Constitution itself (Prescott, Hamilton County, 10, citing Prescott v Duncan, 18 Gates 106).

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

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

In a recent session, the legislature enacted 146 general laws and 933 private laws, and of the private laws 654 were applicable to separate or to only a few counties (Sims, op. cit., 38; Pr.A. 1929). The enactment of private statutes, of course, results in a great host of evils. The bills are voted perfunctorily--sometimes in groups of three's or four's--on request of the representative whose county is involved, and the system is naturally conducive to logrolling. A county official back home may find himself legislated out of office by an unfriendly legislator or whole tiers of counties, merely on request of their representatives, may be exempted from statutes enacted in "the public welfare." By virtue of one or more of the 831 private acts of 1935, Loudon County's ice cream distributing business is regulated (Pr.A. 1935, ch. 469), rabbits and gray squirrels may be hunted in the general closed season in Washington County,

"provided they are damaging crops" (*ibid.*, ch. 646), and squirrels in Dyer County go without the full protection accorded squirrels in other counties (*ibid.*, ch. 745). A practitioner of veterinary surgery of many years standing in one county was authorized to ply his trade legally and yet without complying with the requirements of law (*ibid.*, ch. 703). Raccoons and 'possums migrating to Lauderdale County are wise to learn that the open season on them in that county is not the same as in adjacent Haywood County (*ibid.*, ch. 802).

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

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

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

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

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

welfare of the county and the happiness of his constituents.

Aside from the circuit court judge, the chancellor and the district attorney-general, who are state rather than county officers, there are ten constitutional officers in Hamilton and all large counties: the county court clerk, the clerk and master, the circuit court clerk, the trustee, the register, the sheriff, the coroner, the ranger, the constables and the justices of the peace (*ibid.*, 18). All are designated by popular vote except the clerk and master who is appointed by the chancellor (Const. of 1870, art. 6, sec. 13), the ranger, who is elected by the quarterly county court (*ibid.*, art. 6, sec. 1; P.A. 1835-36, ch. 2, sec. 4), and the coroner who is also elected by the court (Const. of 1870, art. 7, sec. 1; P.A. 1845-46, ch. 88).

The statutory officers elected by popular vote, aside from the criminal court judge who is state officer, are the county judge, the tax assessor and the criminal court clerk. The officers and bodies elected or designated by other than popular vote include the board of education, the superintendent of schools, the county attorney, the auditor, the board of health, the county physician, the license inspector, the surveyor, the county engineer, the highway commission, the poor commission and the sinking fund commission, all appointed by the quarterly court. The chief clerk and purchasing agent is appointed by the county judge, the jury commission by the circuit and criminal judges, the superintendent of roads by the highway commission, the superintendent of workhouses by the highway commission and the superintendent of the poor home by the poor commission. The appointing of the county health officer by the quarterly court is subject to approval by the state public health department. The board of equalization is designated jointly by the quarterly county court and the City of Chattanooga. The agricultural extension committee, a statutory body, is generally composed of members of the county court and is the court's agency in the selecting of the county farm agent and the home demonstration agent. The finance committee, as it functions in Hamilton County, the claims committee and the relief committee are composed of members of the quarterly court and are mere agencies of the court and not statutory bodies vested with a conclusive authority. The election commission is a state body and not considered in this inventory.

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

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

Adapting his system of grouping to Hamilton County, which has more bureaus and officers than the average county, the first group, that vested with county authority, includes the county judge, the quarterly county court

and the county court clerk. Law enforcement includes the clerk and master, the circuit court clerk and the criminal court clerk, mainly in their clerical capacities in their respective courts, and of course, the sheriff, the coroner, the county's five constables and the jury commission. In the finance and taxation group are again the quarterly county court, the county judge and the county court clerk, and also the trustee, the auditor, the finance committee, the sinking fund commission, the tax assessor and the board of equalization. Concerned with public works and institutions and direct public service are the highway commission, the county engineer, the superintendents of roads and workhouses, the poor commission, the superintendent of the poor home, the board of health and county health officer, the county physician, the surveyor, the agricultural extension committee and the farm and home demonstration agents. Miscellaneous officers include that important one the register, and the ranger, the county attorney and the chief clerk and purchasing agent. The bulk of record keeping is done by the county court clerk, the register, the trustee, the circuit court clerk, the clerk and master, the criminal court clerk and the county judge.

The weaknesses of this arrangement of grouping, or any other, is readily apparent and, if nothing more, emphasizes the unfortunate lack of integration in the county organization. No arrangement can be absolute and only a very few generalizations on the framework of the county organization can be safely made without reservations. There are few clear lines of demarcation in functions, practically no line of authority from top to bottom of the county organization.

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

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

In spite of the amazing frequency with which the organization and administration of county government in Tennessee is altered from county to county by special legislation, the great framework that is embedded in

constitutional and statutory granite falls with equal and devastating force on each of Tennessee's ninety-five counties. Special acts do not represent reform; they are devices prompted by expediency.

Weaknesses in many counties and not chargeable to system include the long ballot, illogical tenure, too many officers, too many boards and commissions, overlapping of functions, too many justices of the peace in too many counties, the sympathy vote, poor financing, low and equitable salaries, loose purchasing in the absence of a centralized purchasing agency, careless signing of contracts, the tendency of public interest to center on elections and personalities, ignorance of the law on the part of a few officers, and, above all, far too many counties (Sims, *op. cit.*, 35). Only in Shelby County, containing the city of Memphis, has any substantial reformation within the law been made in the organization of county government, and this was accomplished, strangely enough, by America's most efficient and probably most realistic political machine. There, while the usual officers and political institutions have been retained as required by the Constitution, the really important business of the county is transacted by a board of county commissioners (Pr.A. 1911, ch. 237; 1925, ch. 157; 1933, ch. 375; 1935, ch. 408). Today Shelby County has one of the lowest tax rates in the state (Tennessee Blue Book and Official Directory, 1936, Nashville, 1936, 158), and is reputed to be the state's best run county. Knox County's new commission is of such recent creation (Pr.A. 1937, ch. 183) and has been involved in so much litigation that a calm appraisal of its merits has not been forthcoming. Moore County's commission dates from 1935 (Pr.A. 1935, ch. 4), and Marion County's commission, created in 1937 (Pr.A. 1937, ch. 188), is currently involved in a local political squabble.

In the six hundred mile expanse from Bristol to Memphis, county government in Tennessee is administered in a variety of ways--honestly and dishonestly, efficiently and criminally inefficiently. The county court of Lincoln County, for example, enjoys a reputation of high ability, while in a certain rural Cumberland Plateau county a citizen went through college and medical school many miles away while serving both as superintendent of education and deputy clerk and master of the county in which he had at one time maintained residence (Sims, *op. cit.*, 108-9). While justices of the peace in one large Middle Tennessee county were being indicted for stuffing a ballot box, Shelby County was pointing with pride to the fact that not one cent had been stolen under the new regime. The courthouse of one county may be locked, barred and deserted at 10 a.m., as one investigator found it (*ibid.*, 106), but in Hamilton County there is an endless stream of humanity seeking--and invariably getting--help of a substantial nature in the office of the county judge, a personal service that may be unusual but is certainly more than most counties are getting for their money. The fact that twenty-four county trustees in Tennessee were rumored short in bonding circles at one time (*ibid.*, 124) may have indicated more carelessness than any widespread defalcations.

Sims, in his survey of ten counties typifying as well as possible the topographical and economic variations that characterize Tennessee, reached sixty-one officials. The typical official, he found, was forty-four years old, was a farmer serving his first term as a public official, had property

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assessed at \$2,500 and was a regular party man (*ibid.*, 109-11). In some of the smaller counties the sympathy vote is often a decisive factor in elections (*ibid.*, 113). A classic is the story of a candidate in a Middle Tennessee county whose advertisements in the paper consisted of a picture of his wife and five children--"six good reasons why I should be elected" (*ibid.*).

There are ninety-five counties in Tennessee, representing the widest conceivable topographical, economic, social and political variations. They vary in population from 3,516 in rural Van Buren County to 306,482 in urban Shelby (Tennessee Blue Book, 1936, 157-159), and vary in area from 106 square miles in Trousdale to 801 in Shelby (Tennessee, Economic and Social, pt. ii, the Counties, University of Tennessee Extension Series Record, VI, No. 3, September, 1929, 20).

The average Tennessee county has a population of 25,661 and an area of 438 square miles (Sims, op. cit., 144). Politically, the counties and regions of the state vary from the rock-ribbed Republicanism of most East Tennessee counties to the fervent Democracy of Middle and West Tennessee. There are, however, some fairly safely Democratic counties in East Tennessee, such as Sullivan, Polk and Hamilton and some of the western highland rim counties, such as Carroll, Hardin and Wayne, are never safely Democratic (Tennessee Blue Book, 1936, 119-121). There are four overwhelmingly urban counties, Shelby, Davidson, Hamilton and Knox, a few others with cities of considerable size, and the rest bearing the definite stamp of the soil.

Hamilton County, the subject of this inventory, has a 1930 population of 159,497 (*ibid.*, 159) and an area of 574 square miles (Tennessee ... Counties, 20). Politically the county is predominantly Democratic. A strong Republican minority sometimes threatens but generally collapses before the elections. As elsewhere in Tennessee, politics, especially at election time, generates much heat. More unusual is the critical examination of public arrairs that characterizes the county.

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

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stock" (C. C. Allred, "County Consolidation," Progressive Farmer, Kentucky-Tennessee edition, July 1931).

The keeping and preserving of county records in Tennessee is characterized by almost incredibly wide variations from county to county. From the strict point of view of keeping, preserving and protecting county records, the legislature of the state has been largely silent, and the laws regulating the keeping and especially the preserving of records have usually been incidental.

The laws regulating the keeping of records have resulted in a system that has been created in piecemeal fashion by the enactment of literally thousands of statutes through a period of over two hundred years. The regulation of the keeping of records has, of course, originated in the same sources that have evolved public law in Tennessee-colonial North Carolina, the state of North Carolina, territorial Tennessee and the state of Tennessee. Statutes enacted in each of these regimes are all valid, within reasonable limits, in Tennessee today.

The system of record keeping within a single office or bureau has been built by the same process that characterizes the whole system. The county court clerk, for example, takes bonds from personal representatives of deceased persons under a colonial enactment of 1715 (Acts of N. C., 1715, ch. 48, sec. 4) and records osteopathy certificates under a public act of 1935 (P.A. 1935, ch. 129, sec. 5). Between these two dates there have been enacted statutes requiring the county court clerk to keep some thirty-five or forty additional records. During the same period, the office in some counties, recognizing that the minimum necessary to operate the office efficiently is much more than the minimum required by law, has kept many more. The legal minimum, in violation of the law, is not kept in some few counties.

The statutes regulating the keeping of records, although found in widely separated compilations of legislative acts, are also found in the compiled codes of the state, but it is not unusual for an officer to profess ignorance of his duty to keep a certain record. However, the widespread failure, in some quarters, to keep records can be legitimately excused on the grounds that the requirement is obsolete or unreasonable. Naturally, the ranger no longer keeps an "abstract of strays" and the criminal court clerk, for example, can not reasonably be expected to keep a direct and reverse index of all causes in his court as the law requires of all clerks of court (P.A. 1893, ch. 66, sec. 1), since all criminal actions are prosecuted in the name of the state.

There is only a fair degree of uniformity in the methods of keeping records, varying from county to county and from year to year. The titles and appearance of such records, too, vary considerably. A fair example is found in the county court records. While not usual, it is not infrequent to find the minutes of the quarterly court entered along with the proceedings of the probate or monthly county court without proper designation of the two.

Heavy sufferers from neglect are original papers, such as reports of officers to the county judge and the reports of bureaus to the quarterly court, which have been, or should have been, transcribed into bound volumes. These

original papers are in some instances destroyed, or, at least better, dropped into boxes or wrapped and tied with a string and labeled "miscellaneous."

Trial papers, particularly in chancery court, where the fact is more unfortunate, are not orderly filed as a rule. Trial papers in chancery of the last twenty-five or thirty years are frequently sought by solicitors and finding them sometimes involves days of searching. Equally unfortunate is the lack of proper indices in a few counties of dockets, minute books and other important records.

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

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

Many interesting oddities present themselves in examining the county records. Chief among these is the fact that cancelled checks are not found with the same readiness as the check stubs.

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

Courthouses, inevitably, burn sooner or later and courthouse fires have accounted for many lost records. But fire, war or carelessness have, strangely, spared the records of one office more often than any other--those of the register, or register of deeds as he is known elsewhere. Of course, this does not mean that all records could have been saved from fire and other disasters with equal success, but it is quickly realized that the destruction of the register's records is an irreparable loss and results in great confusion over land titles.

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

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

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

Hamilton County, in spite of the fact that many of its records have been lost, is one of the counties in Tennessee in which the records have fared relatively well through the years.

Aside from the loss of records for which no explanations can be given, three definite things have contributed to the wholesale loss and destruction of Hamilton County's records: the uncertainty surrounding the keeping and distribution of them before and when the county seat moved to Chattanooga in 1870, the Civil War, and the courthouse fire in 1910.

For the first twenty-one years of the county's existence, the courts were held first in the homes of residents and then in a log cabin (Chattanooga Times, May 22, 1910). When the county seat was moved from Harrison to Chattanooga in 1870, the eastern part of the county--now safely back in the fold--where Harrison is located, seceded and formed James County and established its county seat at Ooltewah. All of the records properly belonging to Hamilton County may or may not have been safely transferred to Chattanooga. At any rate, the removal of the seat to Chattanooga was accomplished over the bitter protests of the residents of Harrison. The clerk and master, for example, had to transfer his records personally in a wagon while the residents vainly sought to secure an injunction (Lewis Shepherd, Personal Memoirs, Chattanooga, 1915, 129). Soon after the county records were brought to Chattanooga, an attempt was made to burn the repository, James Hall, the object being the destruction of the register's books (Chattanooga Times, May 22, 1910).

The records of the county suffered heavily during the war. Many court records up to 1864 were destroyed in some manner (Goodspeed's History of Tennessee, Hamilton County edition, Nashville, 1887, 839). The register's books were seized at Harrison by a marauding Yankee officer and brought to Chattanooga and the set was never completely restored (Shepherd, op. cit., 130). It was inevitable that what county records were kept at Chattanooga during the war, such as the deputy clerk and master's, should fare evilly.

The disastrous fire in 1910, occurring in an electrical storm, practically destroyed the old courthouse at Chattanooga. Many of the records that were rescued from the blazing structure were thrown out of windows and exposed to the elements. The records of the tax assessor were almost completely lost; those in the engineering office were totally destroyed; the office of the county judge was wrecked and many of the records lost; the records of the trustee, register and county court clerk escaped serious damage by fire but

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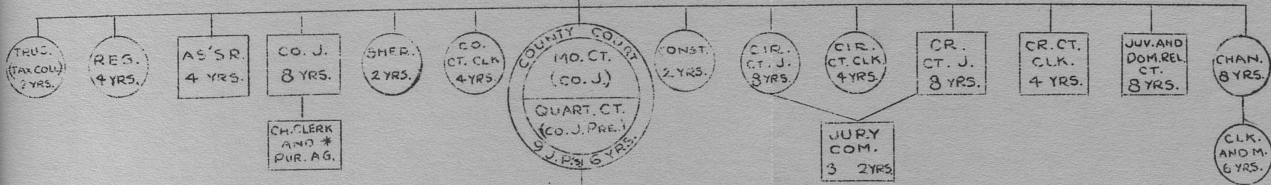
were damaged by water; the revenue commission's records were damaged; the records of the superintendent of schools, the clerk and master and the circuit court clerk suffered only slight damage (Chattanooga Times, May 8, 9, 1910).

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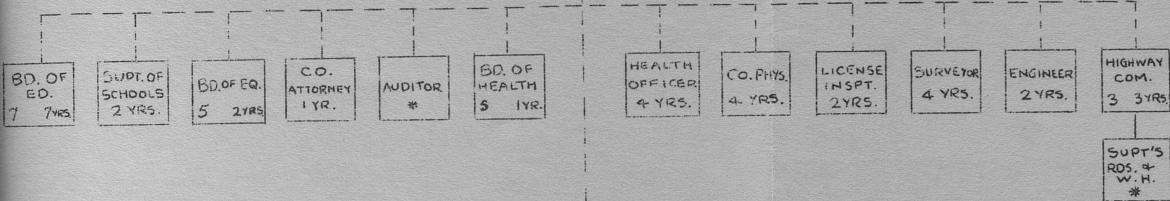
HAMILTON COUNTY GOVERNMENT

ELECTORATE

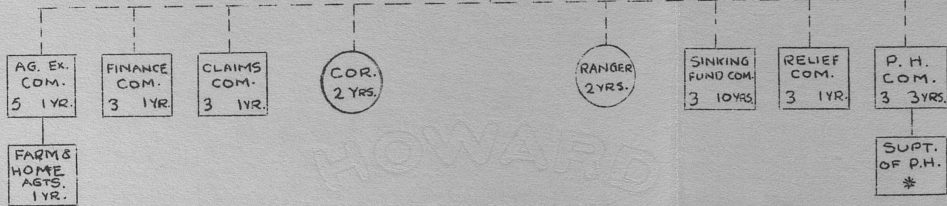


CH. CLERK AND * PUR. AG.

JURY COM. 3 2 YRS.



SUPT'S RDS. & W. H. *



FARMS HOME AGTS. 1 YR.

SUPT. OF P.H. *

KEY

- CONSTITUTIONAL
- STATUTORY
- ELECTED BY VOTERS
- - - APPOINTED BY COUNTY COURT
- * GOOD BEHAVIOR

3. THE HOUSING, CARE AND ACCESSIBILITY OF THE RECORDS

The present Hamilton County courthouse was built in 1912. Constructed of East Tennessee marble and terra cotta, it is 100% fireproof. The building measures 156x45, allowing 787,500 cubic feet of space.

The building houses the offices of the county agent, the county health department and clinic in the basement; the county court clerk, the county register, the chairman of the board of education, the department of education, the tax assessor and the trustee on the first floor; the county judge, circuit court clerk and clerk and master on the second floor; and the criminal court clerk, the highway department and the juvenile court on the third floor. There are also two old records rooms in the basement, which house records transferred from the various bureaus in the courthouse.

The agricultural agent's office is located in the northeast corner of the basement. This room is 27x24x8. The walls and floor are in good condition. The ventilation is good, but there is some soot, dust and dampness. There are 64 feet of steel and wooden shelving which take care of all the records of this bureau. Eleven desks and ten chairs give adequate accommodations for users.

In the northwest and southwest corners of the basement is the health department. The office is 31x17x10 while the clinic room is 14x14x10. In the office, the ventilation and atmospheric conditions are good, but ventilation in the clinic is poor and there is dust, soot and dampness. All the records of the bureau are kept here, 60 feet of material in the office and 40 feet in the clinic room. The two rooms are crowded and there are no accommodations for users.

The two basement records rooms are adjoining and the average size is approximately the same, 30x22½x8½. The floor and walls are in good condition but the ventilation is poor. In the two rooms there are 2,249 feet of steel and wood shelving around the walls and in the center of the rooms. There are no accommodations for users and the rooms are crowded with no room for expansion. About 1,250 square feet of additional space is needed, as here is housed approximately 75% of the county judge's records, 10% of the register's, 50% of the criminal court clerk's, 20% of the county court clerk's, 50% of the superintendent of school's, 50% of the highway department's, 20% of the clerk and master's, 40% of the tax assessor's, 50% of the trustee's, 40% of the circuit court clerk's and 25% of the juvenile court's.

The office of the superintendent of schools is 30x22x13. The ventilation is good, but here, as in most of the other offices, there is some soot, dust and dampness. There are 241 feet of cabinets which take care of 50% of the records. There are accommodations for users, but the office is crowded and needs several times the present amount of space.

The county court clerk's office, on the southwest corner of the first floor, is 31x55x15. The floor and walls are in good condition and there is very little soot and no dampness. This room has 958 feet of sectional steel shelving and some shelving under the counters together taking care of 80% of

The Housing, Care and Accessibility of the Records

this bureau's records. There are adequate accommodations for users, although there is no additional space for necessary expansion.

The tax assessor's office, on the northeast corner of the first floor, measures 32x31x15. There are 890 feet of movable steel and wood shelving housing 60% of the records of this bureau. Here, as in many other offices, approximately 350 feet of additional space is needed.

The trustee's office is 31x65x13. It is in good condition and the ventilation is good. Around the walls and in the center of the room there are 407 feet of steel shelving which take care of 50% of the records of this bureau.

The office of the chairman of the board of education is on the northeast side of the corridor and is in good condition. It measures 17x20x13. There are 218 feet of wood and steel shelving to take care of all the records of this bureau. Approximately four times the present amount of space is needed.

On the northeast corner of the second floor is the clerk and master's office, measuring 55x31x13. The floor and walls are in good condition and there is ample ventilation though there is some soot and dust. There are 1,522 feet of steel shelving and sufficient accommodations for users. An additional 100 feet of shelving is needed as 80% of the records of this bureau is kept here.

The county judge's office is 55x31x13. It is in generally good condition, although here, too, there is some dust and soot. The 393 feet of shelving give adequate room for the records, only 25% of which is kept here. One table and four chairs furnish accommodations for users, and the office is not crowded.

The office of the circuit court clerk is on the northwest corner of the second floor and measures 56x31x13. Around the walls and in the center of the room there are 808 feet of shelving. In addition there are counters and sufficient tables and chairs to furnish adequate accommodations for users, although there is need for approximately twice the space now available for records, as about 50% of the records of this bureau is kept here.

On the southeast corner of the third floor is the office of the highway department, measuring 45x36x10. The ventilation is good but there is some soot and dust. Fifty per cent of the records of this bureau is kept in 302 feet of shelving around the walls. The office is crowded and the accommodations for users are poor.

Across the hall from the highway department is the criminal court clerk's office, measuring 55x16x10. Ventilation and atmospheric conditions are good. There are 355 feet of steel shelving in which is kept 50% of the records of this office. The accommodations for users are poor and approximately 250 square feet of additional space is needed.

The juvenile court room is on the northeast corner of the third floor and is 33x31x10. Seventy-five per cent of the records of this bureau is kept here in the 36 feet of steel shelving around the walls. Accommodations for users are adequate, and there is no need for additional space at present.

Abbreviations, Symbols and Explanatory Notes

As required by law, the sheriff's office is in the county jail, near the courthouse. His office is on the ground floor and measures 17x32 $\frac{1}{2}$ x12. The floor and walls are in good condition and, as the ventilation and atmospheric conditions are good, there is only a minimum of dust. There are 46 feet of steel and wood shelving which is sufficient for all the records. Five desks and chairs provide adequate accommodations for users and no additional space is needed.

The office of the William L. Bork Memorial Hospital, several miles from the city, is next to the main entrance. This office measures 22x13x10. Of comparatively recent construction, it is in generally good condition. Around the walls there is 23 feet of steel movable shelving, which is sufficient to take care of all the records of this institution. A table and three chairs are adequate for users and no additional space is needed.

4. ABBREVIATIONS, SYMBOLS AND EXPLANATORY NOTES

Abbreviations

Acts of N. C.	Acts of North Carolina
Ag. Ex. Com.	Agricultural Extension Commission
Agt.	Agent
alph.	alphabetical or alphabetically
approx.	approximate or approximately
arr.	arranged
art.	article
As'sr.	Assessor
aver.	average
bd.	board
Bd. of Ed.	Board of Education
Bd. of Eq.	Board of Equalization
bldg.	building
ch.	chapter
Chan.	Chancellor
Ch. Clk. and Pur. Ag.	Chief Clerk and Purchasing Agent
chron.	chronological or chronologically
Cir. Ct. Clk.	Circuit Court Clerk
Cir. Ct. J.	Circuit Court Judge
Claims Com.	Claims Committee
Clk. & M.	Clerk and Master
co.	county
Co. Agent	County Agent
Co. Ct.	County Court
Co. Ct. Clk.	County Court Clerk
Co. J.	County Judge
Co. Jail	County Jail
Co. Phys.	County Physician
Co. Surveyor	County Surveyor
com.	commission or committee
Const.	Constable
Const.	Constitution
Cor.	Coroner

Abbreviations, Symbols and Explanatory Notes

Cr. Ct. Clk.	Criminal Court Clerk
Cr. Ct. J.	Criminal Court Judge
ct.	court
dept.	department
ed.	education
etc.	and so forth
et seq.	and indefinitely thereafter
ex.	extra
Finance Com.	Finance Committee
ft.	feet
hdw.	handwritten
Health Dept.	Health Department
Highway Com.	Highway Commission
Highway Dept.	Highway Department
Home Dem. Agt.	Home Demonstration Agent
ibid.	same as above
i. e.	that is
in.	inch or inches
J. P.	Justice of the Peace
Jury Com.	Jury Commission
Juv. and Dom. Rel. Ct.	Juvenile and Domestic Relations Court
License Inspt.	License Inspector
loc. cit.	in the place cited
mi.	mile or miles
Mo. Ct.	Monthly Court
Mod.	Modified
N. C.	North Carolina
num.	number, numbering, numerical or numerically
op. cit.	in the work cited
P. A.	Public Acts
P. H. Com.	Poor Home Commission
p., pp.	page, pages
Pr. A.	Private Acts
pre.	presiding
Poor Com.	Poor Commission
Quart. Ct.	Quarterly Court
Reg.	Register
Relief Com.	Relief Commission
sec., secs.	section, sections
ses.	session
Sher.	Sheriff
Sinking Fund Com.	Sinking Fund Commission
subsec., subsecs.	subsection, subsections
Supt. of Ed.	Superintendent of Education
Supt. of P. H.	Superintendent of Poor Home
Supt. of Schools	Superintendent of Schools
Supts. of Rds. and W. H.	Superintendents of Roads and Workhouses
Survey	Historical Records Survey

Abbreviations, Symbols and Explanatory Notes

Tax Coll.	Tax Collector
TB	tuberculosis
Tenn.	Tennessee
Trus.	Trustee
U. S.	United States
vol., vols.	volume, volumes
yrs.	years

Symbols

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

Explanatory Notes

The arrangement of entries throughout this book has been made by subject. The records of the various bureaus have been segregated, each bureau constituting a separate division for the arrangement of entries. An attempt has been made to group related offices and related subject headings within offices together. For instance, bureaus of a judicial nature have been placed together and the related subjected headings within these bureaus follow in the logical sequence.

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

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

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

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

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

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

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

In a word, the quarterly county court is the county's legislative body. Meeting four times a year, as has been the practice since 1746, the quarterly court transacts the business of the county corporation. The quarterly court was a familiar body in colonial North Carolina and bears a definite resemblance to its English ancestor (Frank W. Prescott, "Government and Finances of Hamilton County, Tennessee" in the University of Chattanooga Social Science Studies, I, No. 1, July 1934, 9; Charles L. Raper, North Carolina - A Study in English Colonial Government, New York, 1904, 162, John A. Fairlie, Local Government in Counties, Towns and Villages, New York, 1906, 30, 35; Thomas P. Abernathy, From Frontier to Plantation in Tennessee, Chapel Hill, 1932, 136; Const. of 1870, art. 7, sec. 1, Territorial Acts, 1794, ch. 1, sec. 44; P.A. 1835-36, ch. 6, sec. 1; 1837-38, ch. 135; 1875, ch. 70). Under the Constitution of 1796, the quarterly court appointed practically all the county officials, and the members of the court themselves were elected by the legislature and commissioned by the governor. Although its appointive powers were lessened by the Constitution of 1834, the quarterly court still appoints the constitutional officers, the coroner and the ranger (Const. of 1870, art. 7, sec. 1; Prescott, loc. cit., 10; Philip Hamer, ed., Tennessee - A History, 1673-1932, I, New York, 1933, 176), and elects all other officers and designates the membership of all statutory bodies not filled or designated by popular vote (Const. of 1870, art. 7, sec. 1), such as the surveyor, county physician, board of health, educational and highway bodies and all other minor officials and bodies created by public or private enactments.

The quarterly court is the agency through which the county corporation has its being, and the constitutional checks and the restraints on the quarterly court which are supposed to be framed by the legislature of the state are largely fictitious.

In addition to its appointive powers and duties, the quarterly court fixes the tax levy, adopts a budget, appropriates money for general "county purposes," such as for schools, roads, hospitals and almshouses, construction

Quarterly County Court

and maintenance of public buildings and institutions; approves official bonds, corrects errors in tax lists and, at its discretion, exempts the aged and infirmed from payment of poll and road commutation taxes (Prescott, loc. cit., 11; P.A. 1845-46, ch. 97; 1851-52, ch. 171; 1829, ch. 88, sec. 1; 1809, September ses., ch. 81; 1837-38, ch. 135, sec. 2, 1827, ch. 49, sec. 15; 1815, ch. 63, sec. 6; 1841-42, ch. 101, 1875, ch. 63, sec. 6; 1870, ch. 70, 1895, ex. ses., ch. 4, secs. 2, 14; 1909, ch. 479, sec. 2; 1915, ch. 101, sec. 2, 1907, ch. 573, secs. 1, 2; 1869-70, ch. 81, sec. 9, Mod.). Supposedly, the state has fixed a limit at which the quarterly court may set the tax rate, but the exemptions allowed are so numerous and so important that for all practicable purposes there are no restraints placed on the quarterly court so long as it remains within the bounds of very elastic restrictions (P.A. 1915, ch. 101, sec. 2; 1909, ch. 479, sec. 2).

Presiding officer of the quarterly court, in Hamilton County, is the county judge, an officer with as variant and unrelated duties as the component parts of the county court and as the county court clerk. In counties not having a county judge, the presiding officer of the quarterly court is the chairman of the county court, elected by and from the membership of the court. As presiding officer of the quarterly court, the county judge's duties are relatively simple, as far as the statutory requirements are concerned. He is required to preside over the quarterly session of the court and to call it into special session if necessary (P.A. 1857-58, ch. 38, sec. 4). In another capacity, he receives reports from county officials, but in his capacity as presiding officer of the quarterly court he makes a semi-annual report showing a great variety of things to the quarterly court (P.A. 1855-56, ch. 253, sec. 8; 1857-58, ch. 38, sec. 1). Of course, in practice his duties as presiding officer of such a volatile body as the quarterly court may and usually do involve the necessity of doing a large number of things disregarded by the statutes.

His duties as a judicial officer are discussed in the chapter entitled the Probate or Monthly Court, and his duties as administrative and financial agent of the county in the chapter entitled the County Judge. The clerk of the quarterly court is the county court clerk, whose duties as clerk of the quarterly court are performed in only one of the three guises he assumes. The county court clerk is also the clerk of the probate or monthly court, which is discussed elsewhere, and in effect is a registration and revenue agent of the state. As clerk of the quarterly court, he performs the broad duties normally expected of the clerk of such a body (P.A. 1855-56, ch. 253, sec. 7). He is required to keep the minutes and other records of the quarterly county court. He also keeps reports to the quarterly county court of various officers, such as the general reports of the county judge, the revenue reports of the clerk and master and justices of the peace; reports of the county trustee, sheriff, poor commission, claims committee and other bodies (Territorial Acts, 1794, ch. 1, sec. 26; P.A. 1801, ch. 6, sec. 44; P.A. 1847-48, ch. 113). He is further required to spread on the records of the quarterly court every bond made payable to the quarterly court (P.A. 1847-48, ch. 113). He is required to list in a book provided for the purpose all appropriations and allowances made by the court on claims of jurors and officers for attendance or other claims chargeable against the county, setting forth the character, description and for what

Quarterly County Court

purpose made, including the date and amount of the allowance, and the book and page of the minutes where the order may be found (P.A. 1827, ch. 49, sec. 15); to issue orders of certificates to the parties entitled, and endorsed thereon, that have been registered in his office, and such endorsement is necessary to authorize the county judge to issue his warrant for the amount (ibid.); at the first meeting of the quarterly court each year to make out a balance sheet of revenue and disbursements of the county for the preceding year, giving the several sources of the revenue and items of disbursements plainly, and post the sheet on the outside wall of the courthouse (ibid., sec. 27); to produce to the judge of the circuit court, each year, the bonds of all officers taken during such year by the quarterly court (P.A. 1843-44, ch. 103, sec. 11); to receive and preserve the journals of congress, statutes and other public documents entrusted to him by law and deliver the same to his successor (P.A. 1831, ch. 6; 1835-36, ch. 76, sec. 4); and to serve personal notice on members of the quarterly court when the county judge has issued a call for a special session if the newspapers are not likely to reach the members (P.A. 1889, ch. 257, secs. 2, 3).

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

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

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

Minutes

1. QUARTERLY RECORD, 1879--. 12 vols. (1-12).

A complete record of the quarterly sessions of county court, containing reports of conditions of various departments and institutions of the county, resolutions and motions adopted and disposition of all cases over which this court has jurisdiction. Chron. arr. and alph. thereunder by name of department or individual. No index. Hdw. Vols. aver. 800 pp. 18x12x3 $\frac{1}{2}$. Co. Ct. Clk's. office.

2. QUARTERLY COUNTY COURT MINUTES (Original Papers), 1899--.
18 file boxes.

Minutes of the quarterly meetings of county court and a description of the proceedings thereof. Chron. arr. No index. Hdw. 11x5x13. Co. Ct. Clk's. office.

For prior records see entry 1.

Quarterly County Court

3. MINUTES, 1920. 1 vol.

Minutes of a special commission acting under authority of private acts of the legislature of Tennessee for 1919, abolishing James County and annexing it to Hamilton County. Chron. arr. Alph. indexed by subjects. Hdw. 29 pp. 11½x9x1. Co. Ct. Clk's. office.

Reports

(See also entries 340, 433)

4. REPORT OF COUNTY JUDGE, 1907-15. 1 file box.

Quarterly reports as submitted to county court by county judge, showing all receipts and disbursements of his office. Chron. arr. No index. Typed. 11x5x13. Co. Ct. Clk's. office.

For subsequent records see entry 1.

5. REVENUE REPORT OF CLERK AND MASTER, 1892-96. 1 file box.

Report of fees and revenues received from litigation, showing state and county, amount and nature of litigation. Chron. arr. No index. Typed. 11x5x13. Co. Ct. Clk's. office.

For subsequent records see entry 1.

6. REVENUE REPORT OF JUSTICES OF THE PEACE, 1890-96. 1 file box.

Quarterly reports made to county court by justices of the peace, showing all fees and revenue collected by them. Chron. arr. No index. Hdw. 11x5x13. Co. Ct. Clk's. office.

For subsequent records see entry 1.

7. MISCELLANEOUS REPORTS - COUNTY TRUSTEE, 1892-1933. 1 file box.

Reports of county trustee to county court; showing various funds and fees collected by his office; also included are election returns. Chron. arr. No index. Hdw. 11x5x13. Co. Ct. Clk's. office.

For subsequent records see entry 1.

8. SHERIFF'S REPORTS, 1894--. 2 file boxes. Records missing 1898-1922.

Reports show number of persons jailed and charges preferred. Also a report of fees collected from all sources for each month and amount of excess fees reverting to the county. Chron. arr. No index. Typed. 11x5x13. 1894-98, 1 file box, Co. Ct. Clk's. office; 1922--, 1 file box, Co. J's. office.

9. REPORT OF INDUSTRIAL SCHOOL, 1905-9. 1 file box. Discontinued 1909.

Reports of County Industrial School as submitted to county court by secretary and treasurer, containing a statement of the financial condition of the school. Chron. arr. No index. Hdw. 11x5x13. Co. Ct. Clk's. office.

10. REPORT OF REVENUE COMMISSION, 1903-14. 1 file box.

Discontinued 1914.

Reports of county revenue commission, an auditing body, showing results for each county office. State and county auditors now do this work. Chron. arr. No index. Typed. 11x5x13. Co. Ct. Clk's. office.

Quarterly County Court

11. REPORTS OF THE CLAIMS COMMITTEE, 1907-8. 1 file box.
Discontinued 1908.

Reports of the claims committee, showing recommendations for individual claims. Included also are resolutions for building of McCallie Avenue Tunnel and public roads in Hamilton County. Chron. arr. No index. Typed. 11x5x13. Co. Ct. Clk's. office.

12. COUNTY CORONERS' INQUESTS, 1894--. 3 file boxes.

Quarterly reports made to county of all inquests held by county coroner, showing date of inquest, name of deceased, and cause of death as determined by the coroner. Chron. arr. No index. Hdw. 11x5x13. Co. Ct. Clk's. office.

13. REPORT OF POOR COMMISSION, 1894-1910. 1 file box.

Reports made by superintendent of county hospital (county poor home) to poor commissioners, showing number of patients on hand, number admitted during fiscal quarter, number discharged, number who died and financial condition of the hospital. Chron. arr. No index. Hdw. 11x5x13. Co. Ct. Clk's. office.
For subsequent records see entry 1.

Accounts and Fees

14. CASH BOOK AND DAILY CASH REPORT, 1925--. 24 vols. (num. varies).

Summary of all cash reports, showing total collections from each fund, deposits with and withdrawals from banks, miscellaneous funds, state funds, net totals and grand totals for all funds and daily report of all fees collected. Chron. arr. No index. Hdw. Vols. aver. 200 pp. 20x17x2. Co. Ct. Clk's. office.

15. STATE AND COUNTY REVENUE, 1879--. 25 file boxes.

Monthly report of revenue collected by county court clerk from operators of lunch rooms and other businesses, showing amount of state and county tax and date received. Chron. arr. No index. Hdw. 11x5x13. Co. Ct. Clk's. office.

16. FEE BOOK, 1898--. 3 vols. (1-3).

Record of all fees collected by county court clerk from sundry sources, such as from marriage licenses and privilege licenses, showing name and address of parties concerned, age and trade. Chron. arr. No index. Hdw. Vols. aver. 440 pp. 18x13x2 $\frac{1}{2}$. Co. Ct. Clk's. office.

17. REGISTER OF WARRANTS, 1879-1922. 8 vols.

Payable warrants, composed of all claims payable from county budget funds, showing date of registration, registration number, date of issuance, to whom issued and for what purpose. Chron. arr. No index. Hdw. Vols. aver. 550 pp. 16x12x3. 1879-1916, 7 vols.; basement storage room; 1916-22, 1 vol., Co. Ct. Clk's. office.

For subsequent records see entry 28.

Bonds

18. BONDS AND OATHS OF COUNTY OFFICIALS, 1890--. 2 file boxes.

Original bonds and oaths of county officials executed to insure proper performance of duty. Chron. arr. No index. Hdw. 11x5x13. Co. Ct. Clk's. office.

19. MAGISTRATES BONDS, 1915-18. 1 vol.

Original \$500 bonds executed by magistrates to the county court clerk before

County Judge

taking office. Alph. arr. by name of magistrate. No index. Hdw. 145 pp. 12x9 $\frac{1}{2}$ x $\frac{1}{2}$. Co. Ct. Clk's. office.

For subsequent records see entry 18.

20. BOND ON CONSTABLES, 1894---. 1 file box.

Bonds and oaths executed by constables to guarantee proper performance of duties. Chron. arr. No index. Hdw. 11x5x13. Co. Ct. Clk's. office.

21. OATHS OF DEPUTY SHERIFFS, 1914---. 3 file boxes.

Bonds and oaths of deputy sheriffs executed by them to guarantee proper performance of duties. Chron. arr. No index. Hdw. 11x5x13. Co. Ct. Clk's. office.

22. NOTARY PUBLIC BONDS, 1887---. 8 file boxes.

Original bonds and oaths made by notaries public to guarantee proper performance of duties. Alph. arr. by name of notary. No index. Hdw. 11x5x13. Co. Ct. Clk's. office.

23. NOTARY PUBLIC REGISTER, 1894---. 4 vols. (1-4).

List of notaries public, showing date elected, qualified and date of expiration of term. Alph. arr. by name of notary. No index. Hdw. Vols. aver. 80 pp. 14x9x1. Co. Ct. Clk's. office.

24. ROAD OVERSEER, 1889-1905. 1 file box. Discontinued 1905.

Original bonds given and oaths taken by persons appointed to position of road overseer. This system has been abolished. Chron. arr. No index. Hdw. 11x5x13. Co. Ct. Clk's. office.

II. COUNTY JUDGE

(As Administrative and Financial Agent of the County)

The highly important office of county judge was created by statute rather than by constitutional provision, and it is not mandatory for counties to fill the office although most counties, including Hamilton, have done so. In counties not having a county judge, his counterpart is the comparable but less responsible officer, the chairman of the county court, elected by and from the membership of the quarterly court.

A general law of 1855-56 created the office in each county of the state (P.A. 1855-56, ch. 253), but this sweeping statute was repealed in the next session (P.A. 1857-58, ch. 5), and since then county judgeships have been created for separate counties from time to time. The present office was created for Hamilton County shortly after the Civil War (P.A. 1867-68, ch. 47). As in practically all counties, he operates under the general law as modified by private acts. Entirely aside from his duties as presiding officer of the quarterly county court and as judge of the monthly or probate court, discussed in the chapters entitled the Quarterly County Court and the Probate or Monthly Court, the county judge is the responsible executive head of the county. Unrelated to his duties in the two courts, he is the administrative and financial agent of the county.

County Judge

As accounting officer and general agent, the county judge acts as custodian of county property and as auditor of claims against the county and settles accounts with other county officers (P.A. 1855-56, ch. 253, sec. 8; 1857-58, ch. 38, sec. 1). In this capacity the county judge is required to draw warrants on the county trustee; to reduce to writing the testimony of witnesses in revenue hearings; to minutely examine and settle accounts of all officers receiving and collecting revenues and require them to make periodic statements; to make reports of such settlements and statements to the quarterly county court; to make duplicates of such settlements; to make out a list of persons engaged in privileges, on information from the tax assessor, and forward such lists to the comptroller of the state (P.A. 1879, ch. 162, sec. 2; 1907, ch. 602, sec. 45); and to audit all bills of cost (P.A. 1891, ex. ses., ch. 22, sec. 5).

In this administrative capacity, the county judge is further empowered and directed to employ counsel, if necessary; to demand the records of any clerk regarding county revenues; to summons witnesses to revenue hearings; to call collectors of county revenues to make settlements with him; to demand that the trustee make settlements with him; to keep, opposite each other, two sets of accounts, one set showing accounts chargeable against each collecting and receiving officer and the county trustee and, on the opposite sheet, an account of each item or credit to which each officer is entitled; to keep in an account book a complete record of receipts and disbursements; to transfer each year all balances to their respective accounts for the ensuing year, so that he may, when demand is made by the quarterly court, show plainly the condition of the county treasury; to demand of the county court clerk a statement showing the condition of all delinquent tax accounts in the hands of collectors; and to determine the amounts of unclaimed money in hands of clerks, and if such money remains unclaimed for two years, transfer it to the county treasury (Williams' Code of Tennessee, 1932, sec. 1059, sub. secs. 1-10; P.A. 1879, ch. 162, sec. 2; 1907, ch. 602, sec. 45; 1855-56, ch. 253, sec. 8; 1857-58, ch. 38, sec. 1; 1845-46, ch. 32, sec. 1).

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

Because he is an inferior judge, the county judge is elected by popular vote for a term of eight years (Const. of 1870, art. 6, sec. 4; State ex rel. v McKee, 8 Lea 24, 28). As an inferior judge his salary cannot be changed during his term, although as financial agent and accounting officer his compensation may be increased by the quarterly county court (8 Lea 24, 28).

General Funds

25. RECORDS, 1874-94. 1 vol. Subsequent records missing. Applications to county court for various appropriations, such as for supplies and repairs for various county buildings. Chron. arr. No index. Hdw. 355 pp. 9½x14x1¼. Basement storage room.

County Judge

26. DISBURSEMENT BOOKS, 1874--. 37 vols.

Record of disbursements of county judge, showing warrant number, date, to whom payable, amount and account charged to, such as school fund and road end pike fund. Chron. arr. No index. Hdw. Vols. aver. 530 pp. $19\frac{1}{2} \times 12\frac{1}{2} \times 2$. 1874-1918, 29 vols., basement storage room; 1919-35, 7 vols., Auditor's office; 1936-- , 1 vol., Co. J's. office.

27. RECEIVABLE WARRANTS (Stubs), 1895--. 11 vols. Records 1913-34 missing.

Stubs of warrants issued for money received by the county, showing date, warrant number, amount, from whom received and to whom funds distributed. Chron. arr. and num. thereunder by warrant num. No index. Hdw. Vols. aver. 350 pp. $14 \times 15 \times 1$. 1895-1912, 10 vols., basement storage room; 1935-- , 1 vol., Co. J's. office.

28. WARRANT RECEIPTS-WARRANT REGISTER, 1893--. 22 vols.

Payable warrants, showing warrant number, name of claimant, amount, date issued and signature of person to whom delivered. Num. arr. No index. Hdw. Vols. aver. 600 pp. $13 \times 18 \times 2\frac{1}{2}$. 1893-1914, 8 vols., basement storage room; 1915-- , 14 vols., Co. J's. office.

29. PAYABLE WARRANTS (Stubs), 1913--. 410 vols.

Stubs from which the original warrants have been detached. Payments consist of fees of election officials, salaries of county officials and building officials, building material and repair bills and other general expense. Shows warrant number, to whom paid and fund credited. Num. arr. No index. Hdw. Vols. aver. 200 pp. $18 \times 16 \times \frac{1}{2}$. 1913-31, 130 vols., basement storage room; 1932-- , 280 vols., Co. J's. office.

30. ROAD WARRANTS, 1895-1913. 3 vols. Discontinued 1913.

Payable warrants issued by county judge from road funds, showing warrant number, payee, for what purpose, amount and district chargeable to. Num. arr. No index. Hdw. Vols. aver. 141 pp. $14\frac{1}{2} \times 17\frac{1}{4} \times 7/8$. Basement storage room.

31. ROAD WARRANTS, 1911-12. 1 vol.

Warrants payable from a special county road fund handled by Hamilton County Road Commission, for building, improving, macadamizing and paving public roads. Warrants show name of payee, amount, purpose of payment, date and account chargeable to. Warrants are for labor and material. Num. arr. No index. Hdw. 321 pp. $17 \times 15 \times 1\frac{1}{2}$. Basement storage room.

32. VOUCHERS, 1913--. 167 file boxes, 3 cardboard boxes.

Original vouchers with invoices attached as authority to county judge to issue warrants for payment thereof and charge to budget items and bond funds. Chron. arr. No index. Hdw. $15\frac{1}{2} \times 10\frac{1}{4} \times 4\frac{1}{4}$. Co. J's. office.

33. VOUCHERS, 1913--. 89 vols.

Stubs of vouchers issued by county judge for all departments, except department of education and highway commission, showing date issued, amount, payee, for what purpose and account credited. Chron. arr. No index. Hdw. Vols. aver. 250 pp. $14 \times 15 \times 1$. 1913-34, 79 vols., basement storage room; 1935-- , 10 vols., Co. J's. office.

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34. PAID BILLS, 1928--. 12 file boxes.

Invoices from firms, showing date paid, voucher number and department for which supplies were purchased by the purchasing agent. Alph. arr. by name of firm. No index. Hdw. 26x11x12 $\frac{1}{2}$. Co. J's. office.

35. RELIEF ORDERS, 1932--. 3 file boxes.

Record of orders given by the Relief Committee to needy to be honored by various merchants (in merchandise) and charged to county. Orders show name of recipient, date and amount. Chron. arr. No index. Hdw. 11x26x12 $\frac{1}{2}$. Co. J's. office.

36. GAS AND OIL REPORTS, 1932--. 1 file box.

Record of oil and gas used by all departments of the county, showing name of department, date purchased or received and amount used. Chron. arr. No index. Hdw. 15 $\frac{1}{4}$ x11 $\frac{1}{2}$ x4 $\frac{1}{4}$. Co. J's. office.

37. CONTRACTS, 1930. 17 file boxes.

Contracts between county and contractors for construction of seventeen new school buildings, showing name of contractor, date, building specifications and amount of consideration. Chron. arr. No index. Hdw. 15 $\frac{1}{2}$ x10 $\frac{1}{4}$ x4 $\frac{1}{2}$. Co. J's. office.

Reports

(See also entries 24, 340)

38. TRUSTEE'S MONTHLY REPORTS, 1920--. 2 vols.

Reports made monthly to county judge of all receipts and disbursements, showing date and nature of all transactions. Chron. arr. No index. Hdw. Vols. aver. 195 pp. 12x22x2 $\frac{1}{2}$. 1920-33, 1 vol., Co. J's. office; 1934--, 1 vol., Auditor's office.

39. TRUSTEE'S EXCESS FEE REPORT, 1922--. 1 file box.

Monthly report on fees collected and disbursed, showing date and nature of all transactions. After all expenses of office are paid, excess fees revert to the county, settlement being made each fifth and seventh months. Chron. arr. No index. Hdw. 15 $\frac{1}{4}$ x10 3/4x4 3/4. Co. J's. office.

40. COUNTY COURT CLERK'S EXCESS FEE REPORT, 1922--. 1 file box, 1 bundle.

Monthly reports to county judge of all receipts and disbursements. After payment of all expenses of office, excess fees revert to the county, settlement being made each fifth and seventh months. Chron. arr. No index. Hdw. 15 $\frac{1}{4}$ x10 3/4x4 3/4. Co. J's. office.

41. CIRCUIT COURT CLERK'S EXCESS FEE REPORT, 1922--. 1 file box.

Monthly report to county judge of receipts and disbursements. After paying all expenses of office, excess fees revert to county, settlement being made each fifth and seventh months. Chron. arr. No index. Hdw. 15 $\frac{1}{4}$ x10 $\frac{1}{2}$ x4 3/4. Co. J's. office.

42. CLERK AND MASTER'S EXCESS FEES REPORT, 1926--. 1 file box.

Monthly reports to county judge, of all receipts and disbursements. After

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payment of all expenses of office, excess fees revert to the county, settlement being made each fifth and seventh months. Chron. arr. No index. Hdw. $15\frac{1}{4} \times 10\frac{3}{4} \times 4\frac{3}{4}$. Co. J's. office.

43. CRIMINAL COURT CLERK'S EXCESS FEE REPORTS, 1926--. 1 file box. Monthly reports to county judge of all receipts and disbursements. After paying all office expenses, excess fees revert to the county, settlement being made each fifth and seventh months. Chron. arr. No index. Hdw. $15\frac{1}{4} \times 10\frac{3}{4} \times 4\frac{3}{4}$. Co. J's. office.

44. SHERIFF'S EXCESS FEE REPORT, 1922--. 1 file box, 1 cardboard box. Monthly reports to county judge of all receipts and disbursements. After payment of all expenses of office, excess fees revert to the county, settlement being made each fifth and seventh months. Chron. arr. No index. Hdw. $15\frac{1}{4} \times 10\frac{3}{4} \times 4\frac{3}{4}$. 1922-26, 1 box, records room; 1922--, 1 file box, Co. J's. office.

45. REGISTER'S EXCESS FEE REPORTS, 1926--. 1 file box. Monthly reports to county judge of all receipts and disbursements. After payment of all expenses of office, excess fees revert to the county, settlement being made each fifth and seventh months. Chron. arr. No index. Hdw. $15\frac{1}{4} \times 10\frac{3}{4} \times 4\frac{3}{4}$. Co. J's. office.

46. FEE REPORT, 1926--. 1 file box. Report from department of education, showing tuition collected from pupils from other counties, giving name of pupil, parents, school, date and amount collected. Chron. arr. No index. Hdw. $15\frac{1}{4} \times 10 \times 4\frac{3}{4}$. Co. J's. office.

47. JUSTICES OF THE PEACE EXCESS FEE REPORTS, 1891--. 1 file box, 1 bundle. Summary of all jail fees and fines collected, showing date and nature of all transactions. All fees in excess of those belonging to the justices of the peace revert to the county, settlement being made each fifth and seventh months. Chron. arr. No index. Hdw. $15\frac{1}{2} \times 10\frac{1}{2} \times 4\frac{3}{4}$. Co. J's. office.

48. UNCLAIMED FUNDS REPORT, 1916. 3 file boxes. Reports made by the clerk and master of costs unclaimed for two years; also criminal and circuit court clerk's report on ex-sheriffs' fees collected by clerks and paid to county, listing warrant number, name and amount. Chron. arr. No index. Hdw. $15\frac{1}{4} \times 10\frac{1}{2} \times 4\frac{1}{4}$. Co. J's. office.

Miscellaneous Records

49. COURTHOUSE COMMISSION REPORT, 1911-19. 1 vol. Minutes of meetings and resolutions passed on the building of a new courthouse. Chron. arr. No index. Typed. 100 pp. $11\frac{1}{2} \times 9\frac{1}{4} \times 3\frac{3}{4}$. Co. J's. office.

50. SCRAP BOOKS, 1928--. 6 vols. Newspaper clippings containing information pertaining to all departments of Hamilton County as compiled by county judge. Chron. arr. No index. Vols. aver. 200 pp. $17\frac{1}{2} \times 27\frac{1}{2} \times 5$. Basement storage room.

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

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

In this capacity, the county court clerk is required to take registration applications from motor vehicle owners and to issue licenses on the payment of the lawful fees (P.A. 1919, ch. 149, sec. 15; 1923, ch. 10, sec. 108); to issue hunters' and fishermen's licenses and tags (P.A. 1923, ch. 102, sec. 1, Mod.); to issue all privilege licenses required of merchants, companies, firms, corporations, agents, traders and other persons, and to collect the taxes and fees attached thereto and deliver such moneys to the proper receiving office, under a penalty of heavy fines (P.A. 1907, ch. 602, secs. 29, 47); to issue distress warrants to the sheriff against persons presuming to sell goods without prescribed licenses, commanding that officer to sell delinquent's goods and chattels, or if practicable, himself to sue in circuit or chancery court (P.A. 1847-48, ch. 161, sec. 23; 1849-50, ch. 122, Mod.); to receive from the tax assessor lists of persons pursuing privileges and compare it with his list of persons paying the prescribed privilege license fees (P.A. 1907, ch. 602, sec. 45); to report monthly to the state board of equalization and to the state superintendent of taxation, the names of all persons granted privilege licenses the preceding month (P.A. 1919, ch. 1, sec. 5; 1921, ch. 113, sec. 3); to issue citations against known violators of the privilege license laws (P.A. 1907, ch. 602, sec. 30, subsec. 5); with the trustee, to hear appeals in privilege assessment cases (P.A. 1919, ch. 1, sec. 11); to receive reports of auctioneers and commission agents, and to issue distress warrants in these cases if necessary (P.A. 1907, ch. 602, sec. 27, subsec. 2, sec. 28); to make an aggregate statement from tax books showing value and acreage of all town lots and other property assessed in the county, and forward such a list to the state superintendent of taxation each year (*ibid.*, sec. 43); to keep a record, in a well-bound book, of the full description of all articles sold on artisans' liens (P.A. 1870, ch. 112, sec. 2); to receive assessment lists from the state railroad and public utilities commission (P.A. 1916, ch. 3, sec. 12; 1921, ch. 39); to keep records involved in the process of forming municipal corporations (P.A. 1875, ch. 92, sec. 2; 1877, ch. 121, sec. 6, Mod.); to keep, in a well-bound book, the oaths of the tax assessor, deputies and members of the board of equalization (P.A. 1907, ch. 602, sec. 36); to keep the tax assessor's bond under penalty of conviction of misdemeanor (*ibid.*, sec. 10); if called upon, to transmit to the state board of equalization the oaths of the members of the county board (*ibid.*, sec. 35); to issue licenses to real estate agents and salesmen, and to watch for the death or insolvency of an agent's surety (P.A. 1929, ch. 65, sec. 1); to receive license fees of employment agencies and transmit such to the comptroller of the state, so that the state department of labor may issue the agency the certificate required by law (P.A. 1917, ch. 78, sec. 1, 1923, sec. 7); to receive complaints against tobacco warehousemen by planters

and growers (P.A. 1870, ch. 65, sec. 17); to register, in a well-bound book, in alphabetical order, all births, with name, sex, color, names of parents, place of birth, and date (P.A. 1925, ch. 86, sec. 1); to register, in a well-bound book, in alphabetical order, all deaths, showing name, age, color, sex, place of death, place of birth and cause of death (*ibid.*, sec. 2); to receive reports of registrars of vital statistics (*ibid.*, sec. 3); to register, in a well-bound book, the names of the parties and the date of issuance of marriage licenses, and to copy immediately the return of the proper functionary who solemnized the rites of matrimony, with the date thereof, and to file and retain the licenses and return thereof in his office (P.A. 1815, ch. 47; 1837-38, ch. 118, sec. 2); to record medical registrations (P.A. 1901, ch. 78; 1905, ch. 111); to record chiropractic licenses (P.A. 1923, ch. 9, sec. 9); to record, in a well-bound book, dentists' certificates of registration issued by the state dental board (P.A. 1913, 1st ex. ses., ch. 39, sec. 5; 1919, ch. 38, sec. 2, Mod.); to record optometry licenses, certificates or permits, in a well-bound book, and each year mail a copy of such book to the state board of optometry and to the state registrar of professions and trades, and also to transmit to these same destinations notices of deaths and removals (P.A. 1915, ch. 85, sec. 8); to record osteopathy certificates (P.A. 1905, ch. 255, sec. 5); to record nurses' certificates, and issue licenses (P.A. 1915, ch. 38, sec. 1); to record veterinary certificates presented for registration (P.A. 1905, ch. 76, secs. 11, 12) and to issue licenses to loan sharks upon the latter's compliance with the law (P.A. 1925, ch. 153, sec. 1, Mod.).

Under the general salary act of 1921, the fees collected by the county court clerk of Hamilton County for making registrations, issuing licenses and performing other services, revert to the county, and the clerk receives a salary of \$6,000 per year (P.A. 1921, ch. 101, sec. 1). He is elected by popular vote for a term of four years (Const. of 1834, art. 6, sec. 12).

State Revenue

(See also entries 14-16, 40, 89)

51. LICENSE EXPIRATIONS, 1892-1924. 7 vols. (num. varies).

Shows name of person to whom license is issued, type of business and date of expiration. Chron. arr. Alph. indexed within each vol. by name of operator. Hdw. Vols. aver. 250 pp. 17x15½x2 3/4. Basement storage room.

For subsequent records see entries 52, 54.

52. PRIVILEGE LICENSE, 1870-1924. 17 vols. (num. varies).

Record of privilege licenses issued, showing date, amount paid, name of person issued to, type of privilege and date of expiration. Chron. arr. Alph. indexed within each vol. by name of merchant. Hdw. Vols. aver. 350 pp. 18x12x2½. Basement storage room.

For subsequent records see entry 54.

53. MERCHANTS' QUARTERLY LICENSE RECORD, 1909-25. 25 vols. (1-25).

Discontinued 1925.

Stubs from which certificates were detached, showing merchant's name, amount of tax, state and county fees, clerk's fee and date issued. Quarterly licenses

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were issued to merchants with stocks of \$800 or less. Num. arr. by num. of certificate. No index. Hdw. Vols. aver. 500 pp. 15x14 $\frac{1}{2}$ x4. Basement storage room.

54. PRIVILEGE AND AD VALOREM LICENSE EXPIRATIONS, 1925--.
128 file boxes.

Card index files, showing name of license holder, date of payment for license, amount and expiration date. Includes beer licenses, April 30, 1936--, and real estate licenses, 1927--. Alph. arr. by name of merchant. No index. Typed. 9x23x1. Co. Ct. Clk's. office.

55. MERCHANTS' AD VALOREM SCHEDULE, 1925--. 5 file boxes.

Record of assessed valuation for merchandise, showing name of taxpayer, nature of business, address, date and highest and lowest amount of stock during the year. Record started in 1925. Chron. arr. No index. Hdw. 11x5x13. Co. Ct. Clk's. office.

56. MERCHANTS' AD VALOREM, STATE AND COUNTY LICENSE, 1907--.
81 vols. (num. varies).

Stubs of original licenses and carbon copies of licenses issued to merchants who have a stock exceeding \$800, showing name and address of merchant, date of issue and total amount of state and county tax. Num. arr. by num. of license. No index. Hdw. Vols. aver. 149 pp. 8x11x2. Basement storage room.

57. STATE AND COUNTY PRIVILEGE LICENSE RECEIPTS, 1907--. 448 vols.
(num. varies).

Stubs and carbon copies of receipts for privilege licenses, showing name of license holder, type of privilege, date issued and amount paid. Num. arr. by num. of license. No index. Hdw. Vols. aver. 88 pp. 15x14 $\frac{1}{2}$ x2 $\frac{1}{2}$. Basement storage room.

58. EXEMPTION RECORDS, OATH RECORDS, 1907--. 4 vols. (1-4).

Exemptions from payment of privilege license by virtue of one's physical or financial disability, showing name and address and whether or not exemption is granted. Alph. arr. by name of applicant for exemption. No index. Hdw. Vols. aver. 225 pp. 11x9x1. Co. Ct. Clk's. office.

59. EXEMPTIONS, 1913--. 5 file boxes.

Exemptions to ex-service men, granted by county court at its quarterly meetings, from paying privilege license, showing name of applicant, type of privilege and exemption period. Chron. arr. No index. Hdw. 11x5x13. Co. Ct. Clk's. office.

60. CITATION REPORTS, 1902-21. 1 file box. Discontinued 1921.

Citations or notice directing persons to appear before county court clerk for failure to pay privilege license. Citation shows date to appear, before whom and for what reason. Citation precedes distress warrant. Chron. arr. No index. Hdw. 11x5x13. Co. Ct. Clk's. office.

61. DISTRESS WARRANT DOCKET, 1908--. 10 vols. (1-10).

Record of distress warrants issued against persons exercising various privi-

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leges without state and county license, showing name and address of merchant, warrant number, date license expired, date new license issued and total amount of tax, fees and penalties. Alph. arr. by name of merchant. No index. Hdw. Vols. aver. 450 pp. 18x13x3. Co. Ct. Clk's. office.

62. DISTRESS WARRANTS, 1908--. 10 file boxes. Cases num. (1-15823). Original warrants issued against persons who are exercising certain privileges without paying the privilege tax, showing name and address of person for whom warrant is issued, date of issue, amount of tax due and fees and penalties. Num. arr. by warrant num. No index. Hdw. 11x5x13. Co. Ct. Clk's. office.

63. DISTRESS WARRANTS (Stubs), 1908--. 16 vols. (1-16). Stubs from which original warrants were detached, giving a complete record of each warrant with name, address and business of all parties concerned. Num. arr. No index. Hdw. Vols. aver. 490 pp. 16x13x3. Co. Ct. Clk's. office.

64. AUTOMOBILE REGISTER, 1905--. 139 vols. (num. varies). Record of automobile, taxi and truck licenses, showing name and address of license holder and registration number. Chron. arr. Alph. indexed within each vol. by name of owner. Hdw. Vols. aver. 600 pp. 17x12x3. Co. Ct. Clk's. office.

65. BONDING AND SURETY COMPANIES' CERTIFICATES AND POWERS OF ATTORNEY, 1895--. 1 file box. State licenses issued to surety companies to operate within the state and certificates of commission of county court clerk, showing date issued, name of company and date of expiration. Chron. arr. No index. Hdw. 11x15x13. Co. Ct. Clk's. office.

66. BEER LICENSE; 1933-36. 9 vols. Carbon copies of beer licenses issued and fees paid therefor, showing to whom license is issued, amount paid and date of expiration. Num. arr. by num. of license. No index. Hdw. Vols. aver. 100 pp. 7½x11x1. 1933, 2 vols., basement storage room; 1934-36, 7 vols., Co. Ct. Clk's. office.
For subsequent records see entry 54.

67. TIPPLERS' APPLICATIONS, 1907-9. 1 file box. Discontinued 1909. Tipplers' applications to board of excise commissioners, showing name and address and location of business. Included also are minutes of the board. Chron. arr. No index. Hdw. 11x5x13. Co. Ct. Clk's. office.

68. TIPPLERS' REVENUE BOOK, 1888-1909. 3 vols. (1-3). Record of state tax paid by tippler, showing name, address, date of expiration and date of bond. Chron. arr. Alph. indexed within each vol. by name of tippler. Hdw. Vols. aver. 365 pp. 17x16x2. Basement storage room.

69. TIPPLERS' LICENSE, 1891-1909. 3 vols. Discontinued 1909. Stubs of licenses issued to retail liquor dealers, showing name and location of business, total amount paid, license and fees and date of expiration. Num. arr. by license num. No index. Hdw. Vols. aver. 200 pp. 13x6½x1½. Basement storage room.

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70. TIPPLERS' BONDS, 1890-1909. 3 vols. (2, 3, 5). Discontinued 1909. Bond of \$500 made by tipplers to the state, by which they bind themselves to operate an orderly house and not adulterate spirituous liquors. Chron. arr. Alph. indexed within each vol. by name of tippler. Hdw. on ptd. forms. Vols. aver. 500 pp. 18x12x3. Co. Ct. Clk's. office.

71. REAL ESTATE LICENSE, 1920-26. 1 file box. Applications for real estate licenses, showing name and address of applicant, date, amount of bond and name of surety. Chron. arr. No index. Hdw. 11x5x13. Co. Ct. Clk's. office.

For subsequent records see entry 54.

72. BACK ASSESSMENTS, 1900-1907. 1 file box. Discontinued 1907. Back tax assessments made of persons who have defaulted in payment of state and county taxes, showing name, amount, date of delinquency and description of property. Chron. arr. No index. Hdw. 11x5x13. Co. Ct. Clk's. office.

73. RAILROAD ASSESSMENTS, 1891-1913. 2 file boxes. Assessments for railroads made by the state through the railroad and public utilities commission, a copy of which is sent to each county through which various railroads have rights-of-way. Chron. arr. No index. Hdw. 11x5x13. Co. Ct. Clk's. office.

Professional Registration

74. MEDICAL LICENSE RECORD, 1890--. 3 vols. (1-3). Permanent and temporary medical licenses issued by state board of medical examiners, showing name and age of person, date license was issued, name of college attended and date of graduation. Alph. arr. by name of physician. No index. Hdw. Vols. aver. 300 pp. 14x9 $\frac{1}{2}$ x2. Co. Ct. Clk's. office.

75. DENTISTS' RECORD, 1919--. 1 vol. Dental certificate and permanent licenses of dentists, showing name, address, school attended and date of graduation. Alph. arr. by name of dentist. No index. Hdw. 100 pp. 14x8 $\frac{1}{2}$ x $\frac{1}{2}$. Co. Ct. Clk's. office.

76. RECORD OF CERTIFICATE AND LICENSE TRAINED NURSES, 1911--. 3 vols. (1-3). Permanent and temporary licenses for graduate and non-graduate nurses, showing name, date, address and extent of training. Chron. arr. Alph. indexed within each vol. by name of nurse. Hdw. on ptd. forms. Vols. aver. 850 pp. 18x12 $\frac{1}{2}$ x3 $\frac{1}{2}$. Co. Ct. Clk's. office.

77. OPTOMETRY RECORD, 1910--. 1 vol. Registration certificates of optometrists, showing name, address and license number. Alph. arr. by name of optometrist. No index. Hdw. 89 pp. 16x11x1 $\frac{1}{2}$. Co. Ct. Clk's. office.

78. CHIROPRACTIC RECORD, 1923--. 1 vol. License certificates of chiropractors and osteopaths, showing name, date, training and address. Chron. arr. Alph. indexed by name of chiropractor or osteopath. Hdw. Vols. aver. 200 pp. 16x10 $\frac{1}{2}$ x1. Co. Ct. Clk's. office.

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79. CHIROPODIST REGISTER, 1932--. 1 vol.
Chiropracist registration certificates, showing name, address and date of issue. Chron. arr. Alph. indexed by name of chiropracist. Hdw. 200 pp. 16x11x1. Co. Ct. Clk's. office.

80. VETERINARY SURGEON'S REGISTER AND VETERINARY REGISTRATION BOOK, 1907--. 2 vols.
Certificates of permanent license issued by state board of veterinary, showing record of medical examinations, to whom issued, date of issue and address. Alph. arr. by name of veterinarian. No index. Hdw. Vols. aver. 40 pp. 11x8x $\frac{1}{2}$. Co. Ct. Clk's. office.

Vital Statistics

81. VITAL STATISTICS RECORD, 1908-12. 2 vols. (1-2).
Record of births and deaths. Birth record shows name of child, sex, parents and date. Death record shows name of deceased, date and cause of death. Alph. arr. and chron. thereunder. No index. Hdw. Vols. aver. 320 pp. 16x12x $\frac{1}{2}$. Co. Ct. Clk's. office.

For subsequent records see entries 82, 83.

82. BIRTH RECORDS, 1925--. 3 vols. (1-3).
Record of births by days and years, showing name and address of parents, date born, sex, color and name of physician. Chron. arr. Alph. indexed within each vol. by name of child. Hdw. Vols. aver. 250 pp. 18x16x2. Co. Ct. Clk's. office.

83. DEATH RECORDS, 1925--. 3 vols. (1-3).
Shows name of deceased, age, color, sex, place and date of birth and date and place of death. Chron. arr. Alph. indexed within each vol. by name of deceased. Hdw. Vols. aver. 225 pp. 18x16x2. Co. Ct. Clk's. office.

84. MARRIAGE RECORD, 1857--. 40 vols. (num. varies).
List of marriage licenses issued, showing number of certificate, date issued, and name and residence of contracting parties. Chron. arr. Alph. indexed within each vol. by names of contracting parties. Hdw. Vols. aver. 500 pp. 18x12x3. Co. Ct. Clk's. office.

85. MARRIAGE LICENSE, 1858--. 35 boxes, 37 bundles. Licenses num. (101-51614).
Original marriage license certificates, showing names of contracting parties and person officiating. Num. arr. by license num. No index. Hdw. File boxes, 18x16x16; bundles, 12x4x10. 1858-1919, 37 bundles, basement storage room; 1920--, 35 file boxes, Co. Ct. Clk's. office.

Miscellaneous Records

86. RECEIPT BOOK, 1895--. 1 vol.
A complete record of official papers taken from the clerk's office, showing date taken, by whom taken and date of return. Chron. arr. Alph. indexed by name of receiver. Hdw. 440 pp. 16x11x2. Co. Ct. Clk's. office.

License Inspector

87. OFFICE CORRESPONDENCE, 1895-98. 1 file box. Subsequent records missing.

Official correspondence of county court clerk pertaining to all matters in connection with his office. Chron. arr. No index. Hdw. 11x5x13. Co. Ct. Clk's. office.

88. REGISTER OF CATTLE MARKS AND BRANDS, 1915. 1 vol.

Record of cattle marks and brands, showing name of owner of cattle and description of his brand. Chron. arr. Alph. indexed by name of owner. Typed. 50 pp. 16x10 $\frac{1}{2}$ x $\frac{1}{2}$. Co. Ct. Clk's. office.

IV. LICENSE INSPECTOR

The office of license inspector for Hamilton County was created in 1913, by a private enactment (Pr.A. 1913, ch. 23). The inspector is appointed by the county judge for a term of two years, by and with the consent of the county court (ibid., sec. 1).

Working chiefly under instructions of the county court clerk, the more important duties of the license inspector include: keeping a close check on both city and county firms, corporations or private parties attempting to do business without the required privilege license and notifying such persons and firms to report to the county court clerk (ibid., sec. 2); requiring merchants to post all licenses in prominent places (ibid.); and requiring the reporting of all changes of address and any changes taking place within a firm, such as consolidations and dissolutions of partnerships (ibid., sec. 3).

89. LICENSE INSPECTOR'S DUPLICATE NOTICES, 1937-- . 1 file box. Prior records destroyed.

Duplicate notices sent delinquent business firms ordering them to come to county court clerk's office to pay privilege license. Notice shows date, name of delinquent and address. Alph. arr. by name of firm. No index. Hdw. on ptd. forms. 18x7x5 $\frac{1}{2}$. Co. Ct. Clk's. office.

V. REGISTER

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

The register is now elected by the qualified voters of the county and holds office for four years (Const. of 1870, art. 7, sec. 1) and receives a

salary of \$6,000 per year under the general salary law of 1921 which deprived the register and other officers of their fees and commissions (P.A. 1921, ch. 101, sec. 1).

The register is required by law to: enter in a well-bound book all deeds and instruments registered by him, indicating the particulars of each registration (P.A. 1841-42, ch. 12, sec. 3); certify the fact of registration upon each instrument recorded by him, showing time received and number of the book and page where it is noted (*ibid.*, sec. 6); give certified copies of recorded instruments (P.A. 1879, ch. 65); register corrections in proper books (P.A. 1847-48, ch. 119, sec. 3); keep separate books for different types of registration (P.A. 1867-68, ch. 62, sec. 1); alphabetically index, direct and reverse, all entries, showing name, grantor and grantee, kind of instrument, date of instrument and date of registration (*ibid.*); submit an annual report to the county court (P.A. 1805, ch. 1).

Real Estate

90. DEED RECORDS, 1820--. 748 vols. Lettered (A-Z) repeatedly. Recorded copies of warranty and trust deeds and charters of foreign corporations, banks, private corporations, mutual benefit societies, railroads and street railroad companies, showing name of grantor, grantee, date of transaction, consideration, terms of payment and the location and description of property. Chron. arr. Hdw. and typed. Vols. aver. 725 pp. 19x13x3 $\frac{1}{2}$. Register's office.

91. INDEX TO DEED RECORD AND DEEDS OF TRUST, 1820--. 29 vols. Each one of these volumes serves a series of warranty and trust deeds lettered (A-Z). There are 29 such series served by these indices. Index shows year, volume and page number of recordation. Alph. arr. by name of grantor and grantee. Hdw. and typed. Vols. aver. 700 pp. 19x13x3 $\frac{1}{2}$. Register's office.

92. LIEN RECORD, 1932--. 1 vol. Statute enacted 1932. A recordation of liens and releases of liens, showing date and signature of the parties making liens. Chron. arr. Alph. indexed direct and reverse. Typed. 600 pp. 18 $\frac{1}{2}$ x13x3. Register's office.

93. RELEASE AFFIDAVIT RECORD, 1932--. 1 vol. Statute enacted 1932. Record of affidavits or instruments filed when marginal release is made, and any portion or all of the notes are lost, showing names of parties making affidavits, references and date entered. Chron. arr. Alph. indexed direct and reverse. Hdw. and typed. 600 pp. 18 $\frac{1}{2}$ x13x3. Register's office.

94. PLAT BOOKS, 1892--. 18 vols. Subdivisions and additions of Chattanooga and Hamilton County, showing location by streets, size of lots and owner of property. Chron. arr. Vols. aver. 850 pp. 30x20x1 $\frac{1}{2}$. Register's office.

95. INDEX TO PLAT BOOKS, 1892--. 2 vols. Index to plats, showing name of plat, location, volume and page number in plat books. Alph. arr. and chron. thereunder. Typed. Vols. aver. 125 pp.

15 $\frac{1}{2}$ x12x1 $\frac{3}{4}$. Register's office.

Personal Property

96. PERSONAL PROPERTY RECORD (Chattel Mortgages), 1838--. 104 vols.
4 sets lettered (A-Z).

Registration of chattel mortgages on personal property, showing date, name of grantor and grantee, description and valuation of the property. Chron. arr. Alph. indexed direct and reverse within each vol., and by separate vols. Hdw. and typed. Vols. aver. 600 pp. 16 $\frac{1}{2}$ x11 $\frac{1}{2}$ x2 $\frac{1}{2}$. 1838-1912, 26 vols., basement storage room; 1913--, 78 vols., Register's office.

97. INDEX TO PERSONAL PROPERTY, 1838--. 4 vols.

A direct and reverse index, showing year, volume and page number of recordation. There is one index book to each set of 26 vols. Alph. arr. Typed. Vols. aver. 600 pp. 16 $\frac{1}{2}$ x11 $\frac{1}{2}$ x2 $\frac{1}{2}$. 1838-1912, 1 vol., basement storage room; 1913--, 3 vols., Register's office.

Instruments

98. NOTE AND DELIVERY, 1820--. 52 vols.

Record of papers entered for registration, showing character of instrument, fee, date of reception of note and date delivered. Chron. arr. No index. Hdw. Vols. aver. 660 pp. 19 $\frac{1}{2}$ x16 $\frac{1}{2}$ x3. Register's office.

99. INDEX TO CHARTERS, 1872--. 3 vols.

Index shows year, volume and page number where original charters may be located. Charters are recorded in deed records, entry 90. Alph. and chron. arr. Hdw., ptd. and typed. Vols. aver. 65 pp. 8x9x $\frac{3}{4}$. Register's office.

100. MISCELLANEOUS PAPERS, 1910. 204 file boxes.

Miscellaneous papers such as charters, liens, mortgages, leases, deeds of trust and affidavits. These papers were left to be recorded by the register and remain uncalled for. Alph. and chron. arr. No index. Hdw. 11 $\frac{1}{2}$ x7 $\frac{1}{2}$ x8 $\frac{1}{4}$. Register's office.

Financial Records (See also entry 45)

101. CASH BOOK, 1926--. 3 vols.

Record of fees collected for filing of instruments, such as leases, deeds of trust, charters and liens, also a record of disbursements, showing amount, date of disbursement and for what purpose. Chron. arr. No index. Hdw. Vols. aver. 300 pp. 11x14x1. Register's office.

VI. ENTRY-TAKER

The earliest agency for establishing claim to the unsettled western lands was the office of register. John Locke mentioned the entry-taker in

his Constitution of 1669, but it was years later before the office was created by statute, after the opening of new lands and the resultant disputes over property of claims necessitated the opening of temporary agencies for the handling of claims.

A North Carolina act of 1777 directed the county court to elect an entry-taker to hold office during good behavior. He received and entered all claims and ordered the land described in the claims to be surveyed (Acts of N. C., 1777, ch. 1, sec. 2). During the Revolution speculation in lands became so rampant that in 1781, the North Carolina legislature closed the land offices and forbade an entry-taker to receive any claims (Carl Driver, John Sevier, Pioneer of the Old Southwest, Chapel Hill, 1932, 63). For a year after 1823 all claims were received at the land office at Hillsborough, N. C., before the system of entry-takers was reverted to (ibid., 64). In the last two decades of the eighteenth century the entry-taker, a central figure in the vast land grants that were engineered by John Sevier and his associates, was one of the most important officials in North Carolina and the state's lands west of the mountains (ibid., 65-77).

In a series of enactments affecting opening of lands and claims to it, Tennessee in 1823 opened its mountainous lands, including thousands of acres in Hamilton County, and provided for an entry-taker for the vast territory (P.A. 1823, ch. 49). The office of entry-taker in Hamilton County was established in 1824 (Zella Armstrong, History of Hamilton County and Chattanooga, Tennessee, I, Chattanooga, 1931, 100).

In 1870 the office of entry-taker was combined with that of the surveyor and the term of the entry-taker and surveyor fixed at four years (P.A. 1870, ch. 68, sec. 1). In 1875 the office of entry-taker was definitely abolished (P.A. 1875, ch. 55, sec. 1), and in 1879 was made optional with each county, which might, as an alternative, assign the duties of the office to either the surveyor or register (P.A. 1879, ch. 46, sec. 1).

The quarterly court immediately ordered the register to assume the duties of the entry-taker (Minutes of the Quarterly County Court, I, 122-23, October term, 1879).

102. ENTRY-TAKER, 1824-- . 1 vol. Last entry 1897. Entries made by persons seeking to establish claim to unsettled land, showing location, description and amount of property claimed. Chron. arr. and num. thereunder by entry num. Alph. indexed by name of claimant. Hdw. 600 pp. 16 $\frac{1}{2}$ x11 $\frac{1}{2}$ x3. Register's office.

VII. CIRCUIT COURT CLERK

The circuit court clerk is a constitutional officer (Const. of 1796, art. 5, sec. 10; 1834, art. 6, sec. 13; 1870, art. 6, sec. 13). Although the circuit court and clerk as such were not mentioned in the Constitution of 1796, provision was made for the creating of such inferior courts as might be deemed necessary, thus establishing the authority for the creation of circuit courts and clerks in 1809. The forerunner of the circuit court was the superior court of law (Acts of N. C., 1777, ch. 2).

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

From 1809 to 1834 the circuit court clerk was appointed by the circuit court judge, and was to hold office during good behavior (Const. of 1796, art. 5, sec. 3). The Constitution of 1834 provided that the clerk be elected by the qualified voters for six years (Const. of 1834, art. 6, sec. 13). The Constitution of 1870 changed the term of office to four years (Const. of 1870, art. 6, sec. 13). Compensation of the clerk is \$6,000 per year (P.A. 1921, ch. 101, secs. 1, 3). The judge of the circuit court is elected by the qualified voters for a term of eight years (Const. of 1870, art. 6, sec. 4). In Hamilton County, where there is a separate criminal court, the circuit court is concerned with civil and divorce causes.

In 1819, the date of its creation, Hamilton County was placed in the seventh judicial circuit with the counties of Roane, Rhea, Blodsoe, Marion, McMinn and Monroe. Later, in 1836, Hamilton became a part of the third judicial circuit with Meigs County and all of the old seventh circuit counties (P.A. 1836, ch. 51). At a later date, Hamilton and the counties of Squatchie, Marion and Franklin comprised the sixth circuit (P.A. 1903, ch. 361). By act of 1915 Hamilton County was made the sixth judicial circuit within itself (P.A. 1915, ch. 18).

From the creating of the county in 1819 to the filling of the office of criminal court clerk in 1918, records of criminal causes that had come before the circuit court, the old common law court, and the criminal court for the sixth circuit created in 1903, were kept by the circuit court clerk (P.A. 1811, ch. 72, secs. 1, 3; 1858, ch. 23, secs. 3, 4, 23; 1903, ch. 361, secs. 1, 2, 4, 6). In 1917 the legislature created the office of criminal court clerk for Hamilton County and relieved the circuit court clerk of the duty of keeping the criminal records (Pr.A. 1917, ch. 780).

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

Under the provisions affecting all clerks of courts, each court clerk is required: to maintain residence in the county in which he holds office (P.A. 1805, ch. 1; 1832, ch. 7, sec. 2); to abstain, under normal circumstances, from the practice of law (P.A. 1817, ch. 51; 1826, ch. 14); not to act as security for process or upon bonds affecting suits in his court (ibid.); to sign all summons, writs, subpoenas, executions and process issued

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from his court (Territorial Acts, 1794, ch. 1, sec. 9); not to change the style of any cause or the papers involved without permission of the chancellor or judge presiding, after the cause has docketed (P.A. 1896, ch. 114); to keep an execution docket containing full information and details about disposal of causes (P.A. 1831, ch. 8, secs. 1, 2); to keep daily minutes to be bound in a book (Territorial Acts, 1794, ch. 1, sec. 26; P.A. 1801, ch. 6, sec. 44); to record in well-bound books, within six months after the final determination of any suit or prosecution such proceedings as he is required by law to enroll (P.A. 1801, ch. 6, sec. 44; 1832, ch. 6, sec. 2; Territorial Acts, 1794, ch. 1, sec. 26); to make and keep indices direct and reverse, for all books and dockets required to be kept by him; to keep all papers, books, dockets and records belonging to the office, with care and security, the papers to be filed, arranged, numbered and labeled, so as to be of easy reference, the books, dockets and records properly lettered, and to allow parties to inspect the records free of charge (P.A. 1801, ch. 6, sec. 46); to attend court during session, with all papers belonging to the term, to keep in the courthouse, during such session, the execution docket for the two preceding terms; and to administer all oaths and affidavits in relation to causes or proceedings pending therein (P.A. 1805, ch. 1, secs. 1, 2); on application and payment of the legal fees, to make out and deliver to any person applying, a correct transcript, properly certified, of any paper or record in his office (P.A. 1837-38, ch. 165, sec. 4); to keep a cash book, as a public record, in which is entered, under each case, all sums of money received or disbursed, showing full details indexed, direct and reverse, and kept open for inspection by the public at all times, under penalty of conviction for a misdemeanor (P.A. 1897, ch. 26); to keep a judgment index in which the name of each person, partnership, firm or corporation against whom a judgment or decree is rendered is entered under the proper alphabet or letter of such person, partnership, firm or corporation, giving the date, number of the cause and amount of judgment, each page of the index having five columns, showing name, date, number, cause and amount (ibid., ch. 27); when applicable to an office, to keep an index to each book wherein any suit, decree, judgment, sale, mortgage, lien, deed, power of attorney or other record is kept, in which index the register or other public officer enters in alphabetical order, under the name of each party, every suit, judgment, decree, sale, deed, mortgage or other matter of record required by law, under penalty of fine and forfeiture of bond (P.A. 1871, ch. 85, sec. 1); to index and cross index each record of the minutes of the court and the execution dockets, showing in the direct index, in alphabetical order, the name or names of the plaintiffs or complainants, and against whom the suit is or was brought and, in the cross or reverse index the name or names of the respondents or defendants, in alphabetical order, and by whom the suit is brought (P.A. 1893, ch. 66, sec. 1), under penalty of fine of \$5.00 to \$25.00 (ibid., sec. 3); when an appeal is taken by writ or error from the court, to make out and transmit, by mail, to the clerk of the appellate court, a transcript of the record, within forty days after the entry of the appeal, and, if within forty days of the regular term of the appellate court, or during such term, transmit the record to the clerk of the appellate court without delay (P.A. 1841-42, ch. 129, sec. 5, Mod.); to deliver upon application of the party entitled, his agent or attorney, without delay, any money or property in his hands, received by virtue of any decree, judgment or

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order of the court, or any judge thereof, or by virtue of his office (P.A. 1807, ch. 66, sec. 8), to submit to the court a complete report on sale of any property by order of the court (P.A. 1851-52, ch. 178, secs. 1, 2); and to enter on the minutes any action or decree of the court (ibid.); and, under usual circumstances, to mark on subpoenas on whose instance issued (ibid., sec. 2).

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

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

The statutes affecting all clerks of courts are directly applicable to the county court clerk (Williams' Code of Tennessee, 1932, sec. 10082), the circuit court clerk (ibid., sec. 10093), the criminal court clerk if there is one (ibid.), the clerk and master, who is clerk of the chancery court (ibid., sec. 10099), the clerk of the juvenile court if there is one, and, in so far as the provisions affecting all clerks affect his office, the register.

Civil Trial Records

103. CIVIL RECORD (Minutes), 1860-- . 70 vols. (lettering varies). Exact proceedings of the court, showing style of case, nature of action brought, date of trial and final disposition of the case. Chron. arr. Alph. indexed within each vol. direct and reverse. Hdw. Vols. aver. 600 pp. 18x12 $\frac{1}{2}$ x3 $\frac{1}{2}$. Clerk's office.

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104. APPEALED CASES (Justice of the Peace), 1917--. 111 file boxes, 23 bundles. Cases num. (100-15500). Records missing 1923-29. Appealed cases to circuit court with all papers pertaining to each case, showing names of parties involved, date and final ruling of the court. Num. arr. by case num. No index. Hdw. and typed. Files, $13\frac{1}{2} \times 10\frac{1}{2} \times 4\frac{1}{4}$; bundles, $9 \times 4 \times 12$. 1917-22, 23 bundles, 47 file boxes, basement storage room; 1903--, 64 file boxes, Clerk's office.

105. CIVIL APPEAL RECORD, 1926--. 7 vols. (1-7). Civil cases appealed from city court and justices of the peace, showing style of case, judgment, court costs and date of trial. Chron. arr. Alph. indexed within each vol. direct and reverse. Hdw. Vols. aver. 600 pp. $18\frac{1}{2} \times 12\frac{1}{2} \times 3\frac{1}{2}$. Clerk's office.

For prior records see entry 103.

106. JURY DEMAND, 1931--. 1 vol. Prior records destroyed. Cases appealed, demanding a trial by jury, showing style of case and date of jury demand. Alph. arr. direct and reverse. No index. Hdw. 200 pp. $16 \times 11 \times 2$. Clerk's office.

Dockets

107. CIVIL EXECUTION DOCKET, 1858--. 99 vols. (num. varies). Docket shows name of plaintiff and defendant, date of execution, costs, amount of judgment and date judgment paid. Num. arr. by case num. Alph. indexed within each vol. direct and reverse. Hdw. Vols. aver. 600 pp. $18\frac{1}{2} \times 12\frac{1}{2} \times 3\frac{1}{2}$. 1858-1905, 30 vols., basement storage room; 1906--, 69 vols., Clerk's office.

108. CIVIL EXECUTION DOCKET, (Appealed Cases), 1918--. 22 vols. Cases num. (1-6000). Appealed civil cases, showing final judgment, costs and date judgment and costs are paid. Chron. arr. and num. thereunder by case num. No index. Hdw. Vols. aver. 600 pp. $18\frac{1}{2} \times 12\frac{1}{2} \times 3\frac{1}{2}$. 1918-19, 2 vols., basement storage room; 1920--, 20 vols., Clerk's office.

109. EXECUTION DOCKET (Divorce), 1892-98. 2 vols. (1-2). Docket shows names of parties litigant, date of trial, costs in the case and decree of the court. Chron. arr. and num. thereunder by case num. Alph. indexed within each vol. direct and reverse. Hdw. Vols. aver. 400 pp. $18\frac{1}{2} \times 12\frac{1}{2} \times 3$. Basement storage room.

For subsequent records see entry 107.

110. CIVIL RULE DOCKET, 1882--. 50 vols. (num. varies). Cases num. (1-5400). Docket shows name of plaintiff and defendant, date case filed, names of witnesses subpoenaed, amount of witness fees and names of attorneys. Chron. arr. and num. thereunder by case num. Alph. indexed within each vol. direct and reverse. Hdw. Vols. aver. 600 pp. $18\frac{1}{2} \times 12\frac{1}{2} \times 3\frac{1}{2}$. 1882-89, 7 vols., basement storage room; 1890--, 43 vols., Clerk's office.

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111. CIVIL RULE DOCKET, (Appealed Cases), 1917--. 13 vols. (A-M).
Cases num. (100-16335).

Cases appealed from city court and justices of the peace, showing judgment of court, cost and date of trial. Chron. arr. and num. thereunder by case num. Alph. indexed within each vol. direct and reverse. Hdw. Vols. aver. 600 pp. $18\frac{1}{2} \times 12\frac{1}{2} \times 3\frac{1}{2}$. 1917-21, 2 vols., basement storage room; 1922--, 11 vols., Clerk's office.

112. RULE DOCKET (Divorce), 1891-97. 2 vols. (1-2).

Docket shows names of parties litigant, attorneys prosecuting and defending, dates petitions are filed and dates copy and processare issued for defendant. Num. arr. by case num. Alph. indexed within each vol. direct and reverse. Hdw. Vols. aver. 400 pp. $18\frac{1}{2} \times 12\frac{1}{2} \times 3$. Clerk's office.

For subsequent records see entry 107.

113. ALIMONY DOCKET, 1936--. 1 vol.

Docket shows date alimony paid to circuit court clerk, date paid out by him, name of person to whom paid and amount. Chron. arr. Alph. indexed by name of defendant. Hdw. 600 pp. $18\frac{1}{2} \times 12\frac{1}{2} \times 3\frac{1}{2}$. Clerk's office.

For prior records see entry 107.

114. WORKMEN'S COMPENSATION DOCKET, 1919--. 3 vols. (A-C).

Cases num. (100-2574). Statute enacted 1919.

Docket shows name of person applying for compensation, date of application date and amount of settlement and accrued costs. Chron. arr. and num. thereunder by case num. Alph. indexed within each vol. direct and reverse. Hdw. Vols. aver. 600 pp. $18\frac{1}{2} \times 12\frac{1}{2} \times 3\frac{1}{2}$. Clerk's office.

115. COMPENSATION RECORD, 1919--. 4 vols. (A-D). Cases num.
(100-2574). Statute enacted 1919.

Record shows name, date, case number, date of final settlement and amount. Num. arr. by case num. Alph. indexed within each vol. direct and reverse. Typed. Vols. aver. 600 pp. $18\frac{1}{2} \times 12\frac{1}{2} \times 3\frac{1}{2}$. Clerk's office.

116. IGNORED DOCKET, 1889-1922. 3 vols. (5, 17, 18).

Ignored cases from city and justice of the peace courts turned over to circuit court clerk for collection, showing name of defendant and bills of costs. Alph. arr. by name of defendant. No index. Hdw. Vols. aver. 700 pp. $18\frac{1}{2} \times 12\frac{1}{2} \times 3\frac{1}{2}$. Basement storage room.

For subsequent records see entry 194.

117. MOTION DOCKET, 1892--. 6 vols. (num. varies).

Docket shows name of plaintiff and defendant, date motion filed, nature of motion and remarks. Chron. arr. No index. Hdw. Vols. aver. 300 pp. $18\frac{1}{2} \times 12\frac{1}{2} \times 2$. 1892-1931, 4 vols., basement storage room; 1932--, 2 vols., Clerk's office.

Criminal Trial Records

118. GRAND JURY DOCKET, 1907-18. 10 vols. (lettering varies).

Docket shows name of defendant, offense charged and date of indictment or

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no true bill. Chron. arr. No index. Hdw. Vols. aver. 600 pp. $18\frac{1}{2} \times 12\frac{1}{2} \times 3\frac{1}{2}$. 1907-11, 4 vols., basement storage room; 1912-18, 6 vols., Clerk's office.
For subsequent records see entry 187.

119. CRIMINAL RECORD (Minutes), 1897-1918. 20 vols. (AA-AT).
Record of all proceedings in criminal cases, showing names of parties involved, offense charged, date of trial and verdict of the judge or jury. Chron. arr. Alph. indexed within each vol. direct and reverse. Hdw. Vols. aver. 600 pp. $18\frac{1}{2} \times 12\frac{1}{2} \times 3\frac{1}{2}$. Basement storage room.
For subsequent records see entry 186.

120. STATE EXECUTION DOCKET, 1881-1918. 69 vols. (num. varies).
Cases num. (1-41798).
Shows name of defendant, offense charged, date of trial, final judgment and costs in case. Num. arr. Alph. indexed within each vol. by name of defendant. Hdw. Vols. aver. 600 pp. $18\frac{1}{2} \times 12\frac{1}{2} \times 3\frac{1}{2}$. Basement storage room.
For subsequent records see entry 190.

121. CRIMINAL RULE DOCKET, 1880-1918. 69 vols. (lettering varies).
Cases num. (1-41798).
Shows offense charged, names of witnesses, fees and date indictment filed. Chron. arr. Alph. indexed within each vol. by name of defendant. Hdw. Vols. aver. 600 pp. $18\frac{1}{2} \times 12\frac{1}{2} \times 3\frac{1}{2}$. Basement storage room.
For subsequent records see entries 192, 193.

122. CRIMINAL RULE DOCKET, 1894-1918. 215 bundles. Cases num. (10000-41798). Prior records destroyed.
Shows offense charged, names of witnesses, witness fees and date indictment filed. Num. arr. by case num. No index. Hdw. and typed. $9 \times 4 \times 12$. Basement storage room.
For subsequent records see entry 196.

Trial Papers

123. TRIAL PAPERS, 1875--. 521 file boxes, 320 bundles.
Cases num. (1-53650).
All papers incident to civil action such as, motions, summons, demurrers, pleas, judgments and decrees of the court. Trial papers for criminal cases are included to 1918. Num. arr. by case num. No index. Hdw. and typed. Files, $10\frac{1}{2} \times 4\frac{3}{4} \times 13\frac{1}{2}$; bundles, $9 \times 4 \times 12$. 1875-1931, 312 file boxes, 320 bundles, basement storage room; 1932--, 209 file boxes, Clerk's office.

124. COMPENSATION TRIAL PAPERS, 1919--. 22 bundles, 12 file boxes.
Cases num. (100-2574).
Shows ruling of court, petitions and copy, names of parties to suit, date of decree and amount of compensation awarded. Num. arr. No index. Hdw. and typed. Bundles, $9 \times 4 \times 12$; file boxes, $13\frac{1}{2} \times 4\frac{3}{4} \times 10\frac{1}{2}$. 1919-31, 22 bundles, basement storage room, 1932--, 12 file boxes, Clerk's office.

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125. FI FA'S, 1886-1907. 11 bundles. Cases num. (1-17000). Process issued by court after judgment is rendered to enforce collection of judgment and costs. Shows bill of cost, name of defendant and whether or not defendant has sufficient property to cover costs. Num. arr. No index. Hdw. and typed. 9x4x12. Basement storage room.
For subsequent records see entry 123.

126. DIVORCE DOCKET (Jackets), 1892-98. 26 bundles (A-Z). Cases num. (100-5825).
All papers relative to divorce cases, showing names of parties involved, date of trial and final decree of the court. Num. arr. No index. Hdw. 9x4x14. Basement storage room.

Financial Records

(See also entries 41, 48, 107-109, 120)

127. CASH BOOKS, 1903--. 8 vols. (num. varies).
Record of all cash received and disbursed by circuit court clerk, indicating source received from and to whom paid. Chron. arr. No index. Hdw. Vols. aver. 200 pp. 16x12x1 $\frac{1}{2}$. 1903-26, 4 vols., basement storage room; 1927--., 4 vols., Clerk's office.

128. TAX CASH BOOK, 1901-34. 7 vols. (num. varies).
Shows name of taxpayer, date and amount of taxes paid, interest, penalty and fees. Chron. arr. by date of payment. No index. Hdw. Vols. aver. 150 pp. 16x12x1 $\frac{1}{2}$. 1901-23, 6 vols., basement storage room; 1924-34, 1 vol., Clerk's office.

For subsequent records see entry 127.

129. COMPENSATION PAYMENT DOCKET, 1936--. 1 vol.
Shows date money received by circuit court clerk for compensation payments, also names of persons and amount of compensation due each and date on which they received money. Chron. arr. Alph. indexed by name of payor. Hdw. 600 pp. 18 $\frac{1}{2}$ x12 $\frac{1}{2}$ x3 $\frac{1}{2}$. Clerk's office.

130. RECEIPT BOOK, 1936--. 4 vols. Receipts num. (1-1200).
Shows name of persons paying money to circuit court clerk for costs and judgments in civil cases and date payment is made. Num. arr. No index. Hdw. Vols. aver. 100 pp. 12x9 $\frac{1}{2}$ x3 $\frac{1}{4}$. Clerk's office.

For prior records see entry 107.

131. UNCLAIMED FUNDS REPORT, 1916--. 3 file boxes.
Original reports made by circuit court clerk to county judge on ex-sheriffs' excess fees collected by clerk of circuit court and paid to county. Lists warrant number, name and amount. Chron. arr. No index. Hdw. 15 $\frac{1}{2}$ x10 $\frac{1}{2}$ x4 3/4. Co. J's. office.

132. BILLS OF COST, 1896-1906. 2 vols. (1-2).
Bills of cost turned into circuit court clerk by justices of the peace, sheriff and constables to be approved by attorney-general and paid by the county judge. Chron. arr. Alph. indexed within each vol. by name of claimant. Hdw. Vols. aver. 200 pp. 18 $\frac{1}{2}$ x12 $\frac{1}{2}$ x3 $\frac{1}{2}$. Basement storage room.

For subsequent records see entry 26.

Licenses and Taxes

133. TAX RECORD (Minutes), 1924-34. 1 vol. Temporary records. Minutes of proceedings in tax cases, showing name of person or firm, date and amount of taxes due. Chron. arr. No index. Typed. 600 pp. $18\frac{1}{2} \times 12\frac{1}{2} \times 3\frac{1}{2}$. Clerk's office.

For prior and subsequent records see entry 155.

134. TAX DOCKET, 1922-24. 3 vols. (1-3). Record of delinquent property taken over by state, showing description, whether redeemed or not, by whom, amount of taxes, date and decree of court relevant to property. Chron. arr. No index. Hdw. Vols. aver. 200 pp. $24 \times 20 \times 2$. Clerk's office.

For subsequent records see entry 160.

135. EXECUTION DOCKET (Tax Cases), 1895-1903. 2 vols. (1-2). Shows name of person litigant to tax case, costs of case, names of attorneys and date of trial. Chron. arr. Alph. indexed within each vol. by name of defendant. Hdw. Vols. aver. 600 pp. $18\frac{1}{2} \times 12\frac{1}{2} \times 3\frac{1}{2}$. Basement storage room.

For subsequent records see entry 160.

136. RULE DOCKET (Tax Cases), 1894-1921, 2 vols. (1-2). Shows name of person litigant to tax case, date original bill filed, whether or not person is a non-resident and date proofs are filed. Chron. arr. Alph. indexed within each vol. by name of defendant. Hdw. Vols. aver. 210 pp. $18\frac{1}{2} \times 12\frac{1}{2} \times 3$. 1894-1902, 1 vol., basement storage room; 1903-21, 1 vol., Clerk's office.

For subsequent records see entry 159.

137. TAX BILL, Feb. 10, 1924-Feb. 15, 1924. 6 file boxes. Bill num. (1-305).

Shows name of defendant to whom property is assessed, description and valuation of property, amount of state and county taxes due and ruling of the court. Bills are filed against delinquent taxpayers after they are referred to the back tax attorney and effort has been made by them unsuccessfully to collect without legal proceedings. File contains pleadings and papers incident thereto from inception to ending. Num. arr. No index. Hdw. and typed. $13\frac{1}{2} \times 4 \frac{3}{4} \times 10\frac{1}{2}$. Clerk's office.

For prior and subsequent records see entry 157.

138. CERTIFICATE OF PURCHASE, 1900-1910. 1 bundle.

Certificates num. (1-1319). Discontinued 1910.

Shows name of property owner, location, amount of delinquent state and county taxes due and name of person to whom certificate was issued. Num. arr. No index. Hdw. and typed. $9 \times 4 \times 12$. Basement storage room.

139. RECORD OF TRUSTEE'S SALES, 1894-1921. 22 vols. (num. varies). Record of delinquent property, real, personal and mixed, sold for taxes due state and county, showing name of owner, description, amount of taxes due and name of party redeeming same. Chron. arr. No index. Hdw. Vols. aver. 600 pp. $24 \times 19 \times 3$. 1894-1907, 2 vols., basement storage room; 1894-1921, 20 vols., Clk's. office.

For subsequent records see entry 134.

140. PRIVILEGE LICENSE, 1917-- . 4 vols. (dated). Records missing, 1926-34.

State and county privilege and ad valorem licenses issued by county court clerk and countersigned by circuit court clerk, showing name of merchant, amount of state and county tax and date of issuance. Chron. arr. No index. Hdw. Vols. aver. 200 pp. 16x11x2. 1917-25, 3 vols., basement storage room; 1935-- , 1 vol., Clk's. office.

For prior records see entry 52.

VIII. CLERK AND MASTER (CHANCERY COURT)

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

After the admitting of Tennessee to the Union in 1796, the legislature affirmed the three superior courts of law and equity that had been set up in the territory and empowered the judges of each to hear causes in any other (P.A. 1796, ch. 1). This court was abolished in 1809, and equity jurisdiction was lodged in the newly created circuit courts (P.A. 1809, ch. 49). In 1811 original jurisdiction in equity was transferred from the circuit courts to the supreme court of errors and appeals, also created in 1809 (P.A. 1811, ch. 72, sec. 4; 1809, ch. 49). In 1813 part of the circuit court's jurisdiction was restored when it was given concurrent jurisdiction in equity with the supreme court of errors and appeals (P.A. 1813, ch. 78). An Act of 1822 provided that individual judges of the supreme court of errors and appeals should sit as judges of courts of equity, one in each of the five circuits, and to have only original jurisdiction (Joshua W. Caldwell, Bench and Bar of Tennessee, Nashville, 1885, 163-65).

Chancery court, as a separate and distinct branch of the judiciary, was created in 1827 (P.A. 1827, ch. 79). There were two chancery divisions and the chancellor for each had state-wide jurisdiction (ibid., ch. 79). Originally elected by the legislature and commissioned by the governor (P.A. 1835, ch. 4, sec. 2), the chancellor is now elected by the voters of his division for a term of eight years (Const. of 1870, art. 6, sec. 4). Cases in chancery can be transferred to another division if it is agreeable to all parties (P.A. 1835, ch. 4, sec. 10). Since 1827, chancery divisions have been increased or decreased in bounds at the discretion of the legislature (P.A. 1831, ch. 217, sec. 4; 1835, ch. 4, sec. 2; Caldwell, op. cit., 163-65).

After the county seat was removed to Harrison in 1840, Hamilton County was declared a part of the second chancery division and court was convened at Harrison (P.A. 1844, ch. 91). An 1858 enactment provided for chancery courts at both Harrison and Chattanooga, the clerk and master at Harrison serving the Chattanooga court through a deputy (Pr.A. 1857-58, ch. 82, sec. 7). When the county seat was removed to Chattanooga in 1870, the eastern part of the

county, including the old seat of Harrison, was formed into James County (Goodspeed's History of Tennessee, East Tennessee edition, Nashville, 1887, 797), and the court and county records were distributed in an uncertain manner. Hamilton County became a separate chancery division within itself in 1911 (P.A. 1911, ch. 435), and now comprises the third division (ibid.; Tennessee Blue Book and Official Directory, 1936, Nashville, 1936, 113).

The clerk and master, a constitutional officer, is appointed for a term of six years by the chancellor of the division in which the county is located (Const. of 1834, and 1870, art. 6, sec. 13). Of course, the chancellor serving Hamilton County is required to appoint only one clerk and master.

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

The almost absolute absence of any chancery records prior to 1864 may be partially explained by the Civil War and by the fact that prior to 1858 chancery court was exclusively in a part of the county that was detached in 1870. Legend and old residents insist many records were confiscated and used as fuel by the Union soldiers. In April 1864, the court ordered the clerk and master to notify all administrators and guardians to appear at the next term and enter into bond anew for the faithful performing of their duties and so far as possible to file new inventories of properties held by them, seeming to indicate a sudden destruction of the records. The records beginning in 1857 may have been current and protected during the war by some officer, or there may have been but few records kept at Chattanooga from 1858 to 1870.

Court Records
(See also entry 183)Minutes

141. RECORD (Minutes), 1864--. 79 vols.
Minutes of procedure of chancery court in all cases. This is a daily record of motions, rulings and all other procedure incident to chancery action. Chron. arr. 1864-67, indexed within each vol., direct and reverse; 1868--, separate index. Hdw. and typed. Vols. aver. 690 pp. 17x12x3. Clerk's office.
142. INDEX TO RECORD, 1868--. 79 vols.
Index to minutes of chancery court, showing name of complainant and respondent and volume and page where case is recorded. Alph. arr. by name of complainant. Hdw. Vols. aver. 150 pp. 11½x18x3/8. Clerk's office.
143. CHAMBER'S RECORD, 1908-23. 1 vol. Discontinued 1923.
Minute book in which are recorded decrees handed down by chancellor at chambers, in matters of urgency. Chron. arr. Typed. 800 pp. 18x14x3. Clerk's office.
144. INDEX TO CHAMBER'S RECORD, 1908-23. 1 vol. Discontinued 1923.
Index to record of decrees handed down by chancellor, showing name of complainant and respondent and volume and page number of recordation. Alph. arr. by name of complainant and respondent. Hdw. 50 pp. 10½x16½x3/8. Clerk's office.

Dockets

145. TRIAL DOCKET, 1865-67. 2 vols. Discontinued 1867.
Record of all litigation in chancery court, showing case number, solicitor, name of complainant and respondent and also a record of miscellaneous bonds. Chron. arr. Alph. indexed within each vol. direct and reverse. Hdw. Vols. aver. 300 pp. 18x14x2. Basement storage room.
146. RULE DOCKET, 1857--. 71 vols.
Docket shows date and nature of all action taken in chancery procedure, listing pleas, motions, subpoenas, etc. Num. arr. by case num. Alph. indexed within each vol. direct and reverse. Hdw. Vols. aver. 690 pp. 17x12x3. Clerk's office.
147. EXECUTION DOCKET, 1858--. 71 vols.
Financial record of cases carried in the rule docket and disposed of in chancery court, listing style of case, solicitor, parties, fi fa issued, amount of court costs, judgment and disbursements of same; included are reports of unclaimed funds, 1916-37. Num. arr. by case num. Alph. indexed within each vol. direct and reverse. Hdw. Vols. aver. 700 pp. 17x12x3. Clerk's office.
148. JUDGMENT INDEX BOOK, 1895--. 1 vol.
Index to all judgments rendered in chancery court, showing names of complainant and respondent, date, case number and volume and page number of recordation in rule and execution dockets. Alph. arr. direct and reverse. Hdw. 300 pp. 10½x16x1. Clerk's office.

149. MOTION DOCKET, 1890--. 6 vols.

Motions made by attorneys in chancery court, showing date filed, style of case, solicitors and text of the motions. Num. arr. by case num. No index. Hdw. Vols. aver. 250 pp. 19x12 $\frac{1}{2}$ x2 $\frac{1}{2}$. Clerk's office.

150. TRIAL MOTION DOCKET, 1911-34. 1 vol. Discontinued 1934.

Record of uncontested divorce cases obtained on orders pro confesso by motion council, showing date decree given, name of complainant and respondent and nature of the order. Chron. arr. No index. Hdw. 152 pp. 19x14x2. Basement storage room.

151. ENROLLED CASES, BILLS, PETITIONS, ETC., 1872-1916. 9 vols. (1-9). Discontinued 1916.

Bills and petitions filed in cases, showing name of complainant and respondent and setting forth causes of action in cases over which chancery court has jurisdiction. Chron. arr. and num. thereunder by case num. No index. Hdw. Vols. aver. 580 pp. 19x12 $\frac{1}{2}$ x3. Clerk's office.

152. ENROLLED CASES, ANSWERS AND PLEAS, 1872-93. 6 vols. (1-6).

Answers and pleas filed by respondents to bills, petitions and other actions, filed in chancery court by complainants. Chron. arr. No index. Hdw. Vols. aver. 580 pp. 19x12 $\frac{1}{2}$ x3. Clerk's office.

For subsequent records see entry 146.

153. ENROLLED CASES, DEPOSITIONS, 1872-80. 1 vol.

Shows depositions of witnesses taken and used as evidence in cases in chancery court in lieu of oral testimony. Chron. arr. and num. thereunder by case num. No index. Hdw. 580 pp. 19x12 $\frac{1}{2}$ x3. Clerk's office.

For subsequent records see entry 146.

154. RETIRING DOCKET, 1870-92. 1 vol. Discontinued 1892.

Record of cases in chancery court of every nature which, by reason of circumstances over which the court or parties litigant had no control, have been retired. Shows date, style of case and reason for retirement. Chron. arr. by date of retirement. No index. Hdw. Vols. aver. 320 pp. 18x14x2 $\frac{1}{2}$. Clerk's office.

Tax Records

155. TAX RECORD (Minutes of Tax Cases), 1895-1906, 1935--. 8 vols.

Copies of decrees of dismissals given by back tax attorney, authorizing collection of a delinquent tax by clerk and master, showing owner of property, years delinquent, description of property, value, tax, costs and penalties. Chron. arr. No index. Hdw. Vols. aver. 742 pp. 18x13x3 $\frac{1}{2}$. 1895-1906, 5 vols., basement storage room; 1935--, 3 vols., Clerk's office.

For records 1906-1924 see entry 141. For records 1925-34 see entry 133.

156. TAX LEDGER, 1922--. 7 vols.

Record of delinquent city, state and county taxes, showing to whom property is assessed, valuation, ward or district number, taxes and penalties. Chron. arr. No index. Hdw. and typed. Vols. aver. 150 pp. 15x15x1. Clerk's office.

157. TAX CASES, 1889--. 200 file boxes.
Carbon copies of original bills filed to collect delinquent property and road paving taxes. Bills show names of parties in arrears, amount of tax past due and description of the property. Num. arr. by case num. No index. Typed. 10x12x5. Clerk's office.
158. TAX REPORTS, 1906--. 3 file boxes.
Statement certificates of tax officials and report of clerk and master as to taxes that would be a lien on property sold and estates settled through chancery court, showing case number, style of case and amount of tax due. Num. arr. by case num. No index. Hdw. 12x10x5. Clerk's office.
159. TAX RULE DOCKET (Rule Docket - Tax Cases), 1889--. 23 vols.
(labelling varies).
Record of delinquent taxes and chancery court procedure in their collection, showing filing date of bill, parties thereto, amounts involved and description of property. Num. arr. by case num. No index. Hdw. and typed. Vols. aver. 500 pp. 19x12x2 $\frac{1}{2}$. 1889-98, 3 vols., basement storage room; 1899--, 20 vols., Clerk's office.
160. TAX EXECUTION DOCKET, 1889--. 23 vols. (labelling varies).
Record of execution and settlement of decrees in tax cases, showing valuation of property, amount of taxes, penalties, interest and fees. Num. arr. by case num. No index. Hdw. Vols. aver 500 pp. 19x12x4. 1889-98, 3 vols., basement storage room; 1899--, 20 vols., Clerk's office.

Trial Papers

161. REGULAR CASES (Trial Papers), 1866--. 1208 file boxes, 86 cabinets.
Original bills, motions, pleas, answers, motions to confirm report of sales, divorce cases, depositions, injunctions and attachments. Num. arr. by case num. For index see entry 164. Hdw. and typed on ptd. form. File boxes, 12x10x5; cabinets, 22x19x18. Clerk's office.
162. TRIAL PAPERS (Cases undisposed of), 1934--. 54 file boxes.
Trial papers in unsettled cases excepting tax cases, such as original bills, pleas, motions, depositions and injunctions. On settlement, papers are transferred to Regular Chancery Files, entry 161. Num. arr. by case num. For index see entry 164. Hdw. on ptd. form. 13x10 $\frac{1}{2}$ x5. Clerk's office.
163. FI FA, 1868--. 34 file boxes.
Court orders to levy execution on property, sell the same and apply proceeds therefrom to satisfaction of judgments in chancery court. Fi Fa shows name of complainant and respondent, description of property and amount involved. Num. arr. by case num. For index see entry 164. Hdw. and typed. 12x10x5. Clerk's office.
164. GENERAL INDEX, 1889--. 25 vols.
Index to all original papers incident to chancery procedure, showing file

Clerk and Master

number and name of complainant and respondent. Alph. arr. direct and reverse. Hdw. Vols. aver. 200 pp. 11 3/4x9x1. Clerk's office.

165. MISCELLANEOUS PAPERS, 1852--. 4 file boxes. Various kinds of papers, most of which have been inadvertently detached or mislaid out of files and are parts of original bills, appeal bonds, dismissals, decrees and motions. Num. arr. by case num. No index. Hdw. and typed. 12x10x5. Clerk's office.

Bonds

166. BONDS, 1908--. 11 file boxes. Original bonds, including injunctions, attachments, receivers and appeal bonds, showing names of parties litigant, amount of bond and surety. Num. arr. by case num. No index. Hdw. on ptd. form. 12x10x5. Clerk's office.

167. PROSECUTION BONDS, 1884--. 5 vols. Records missing 1919-29. Bonds executed by parties instituting suits in chancery court, by virtue of which they assume all responsibility of judgment and costs that may be taxed to them, showing name of person making bond, amount of bond and surety. Num. arr. by case num. No index. Hdw. Vols. aver. 650 pp. 14x9 1/2 x 3 1/2. 1884-1918, 4 vols., basement storage room; 1929--, 1 vol., Clerk's office.

168. INJUNCTION AND ATTACHMENT BONDS, 1870--. 12 vols. (1-12). Copies of original bonds executed in injunction and attachment cases to insure defendant against all damages, if any, that are likely to accrue as result of the wrongful suing out of such process, showing name of person giving bond, amount and surety. Num. arr. by case num. No index. Hdw. Vols. aver. 800 pp. 14x10x3. Clerk's office.

169. REGISTER OF BONDS, 1865-69. 1 vol. Records missing 1839-64. Copies of various types of bonds, such as injunction, appeal, cost, guardian, refunding and receivers bonds, showing purpose of bond, amount and surety. Chron. arr. Alph. indexed by name of person giving bond. Hdw. 300 pp. 18x14x2. Basement storage room.

For subsequent records see entries 168, 170.

170. MISCELLANEOUS BONDS, 1865--. 5 vols. Various types of bond, i. e., appeal bonds, replevin bonds, receiver's bonds, guardian bonds, injunction bonds and refunding bonds, name of person giving bond, showing amount and surety. Chron. arr. by date of maturity. Alph. indexed within each vol. by name of bondee. Hdw. and typed. Vols. aver 650 pp. 16x7x3. Clerk's office.

Financial Records

(See also entries 5, 42, 48, 147, 160)

171. CASH BOOKS, 1897--. 18 vols. Daily record of cash received from costs of litigation, chancery court judgments and alimony payments, showing rule and execution docket number, style

of case and disbursement of funds. Chron. arr. No index. Hdw. Vols. aver. 600 pp. 14x16x2 $\frac{1}{2}$. 1897-1914, 7 vols., basement storage room; 1915--, 11 vols., Clerk's office.

172. LEDGER, 1888--. 16 vols. (num. varies).
Record of receipt and disbursement of funds acquired by litigation in chancery court, showing date received or disbursed, from or for whom, amount and by whom received or disbursed. Chron. arr. No index. Hdw. Vols. aver. 600 pp. 17x12x $\frac{3}{4}$. Clerk's office.

173. RECEIPTS, WARRANTS, 1876--. 35 vols.
Stubs of receipts, showing receipt number, date, docket number, style of case, amount received, costs and purpose of payment. Num. arr. No index. Hdw. Vols. aver. 250 pp. 16x12x1 $\frac{1}{2}$. Clerk's office.

174. TAX CASH BOOK, 1930--. 11 vols. (1-11).
Record of cash collected from delinquent taxes, showing name of owner, description of property and amount collected. Chron. arr. No index. Hdw. Vols. aver. 500 pp. 17x14x2. Clerk's office.

175. DELINQUENT TAX RECEIPTS, 1925--. 64 vols. (1-64).
Stubs from which original tax receipt has been detached, showing number of receipt, name of delinquent, location of property, amount paid and date paid. Chron. arr. and num. thereunder by receipt num. No index. Hdw. Vols. aver. 153 pp. 13 $\frac{1}{2}$ x12 $\frac{1}{2}$ x1 $\frac{1}{2}$. Clerk's office.

176. PAVING TAX CASH BOOK, 1933. 1 vol.
Record of paving tax cases in chancery court for collection, showing style of case, amount due and amount collected. Chron. arr. No index. Hdw. 500 pp. 14x14x1 $\frac{1}{2}$. Clerk's office.

177. PAVING TAX RECEIPTS (Stubs), 1933--. 1 vol.
Stubs showing receipt number, date, amount of tax and name of payor. Chron. arr. and num. thereunder by receipt num. No index. Hdw. 250 pp. 15x14x1 $\frac{1}{2}$. Clerk's office.

178. RECORD (Unclaimed Funds Reports), 1892-1900. 1 vol.
Record of funds and fees in hands of clerk and master, unclaimed for six years and turned over to the county, showing style of case, case number, respondent and amount. Chron. arr. No index. Hdw. 300 pp. 8 $\frac{3}{4}$ x14x2. Basement storage room.

For subsequent records see entry 147.

179. NOTE BOOK - LOANS, 1921--. 1 vol.
Record of money loaned under order of chancery court. Loans are made by clerk and master, who is empowered to use his discretion in the matter of security. Shows amount of each loan, name and address of person taking loan and surety. Chron. arr. Alph. indexed by name of lender. Hdw. 200 pp. 16x13x2 $\frac{1}{2}$. Clerk's office.

180. NOTE BOOK, 1871--. 9 vols. (num. varies).
Notes executed to clerk and master, with interest, for real estate sold by court order, showing date, amount and name of complainant and respondent.

Chron. arr. Alph. indexed within each vol. by name of maker of note. Hdw. Vols. aver. 300 pp. 16x14x3. Clerk's office.

181. REPORTS TO CHANCERY COURT, 1918--. 1 file box. Semi-annual reports made to chancellor by clerk and master as to amount of funds and causes to which the several sums belong, (costs not included); also shows ledger accounts. Chron. arr. No index. Hdw. 19x21x2 $\frac{1}{2}$. Clerk's office.

Miscellaneous Records

182. INSURANCE POLICIES, 1925--. 1 file box. Insurance policies naming clerk and master as beneficiary by virtue of his being receiver for the estate on which insurance is made. Chron. arr. No index. Ptd. and typed. 12x10x5. Clerk's office.

183. EXHIBITS, 1887--. 408 vols. Exhibits to the testimony of witnesses in various cases before the chancery court. Chron. arr. No index. Hdw. and typed. Vols. aver. 300 pp. 18x14x3. Clerk's office.

184. LAND SALES, 1916--. 3 vols. Newspaper clippings of advertisements of property sold by chancery court for failure to pay delinquent taxes and for judgments settling estates for minor children, showing place of sale and description of property to be sold. Chron. arr. Alph. indexed within each vol. by name of property owner. Ptd. and typed. Vols. aver. 50 pp. 17x14x2. Clerk's office.

185. RECEIPTS FOR FILES, 1893-1913. 2 vols. Discontinued 1913. Record of all files and papers removed from the office, showing date taken, by whom, and date returned. Chron. arr. No index. Hdw. Vols. aver. 300 pp. 20x14x3. Basement storage room.

IX. CRIMINAL COURT CLERK

At the time of the organizing of Hamilton County in 1819, the circuit court held original jurisdiction in matters of common law and equity and exclusive jurisdiction in criminal cases (P.A. 1809, ch. 49, sec. 4). Prior to this, criminal jurisdiction had been vested in the county court and in 1811 this power was restored, with appeals being taken from the county court to the circuit court (P.A. 1811, ch. 72, secs. 1, 3).

In 1858, a common law court was established in Chattanooga and had general common law jurisdiction in cases of a civil or criminal character, to the same extent that circuit courts of the state possessed (P.A. 1858, ch. 23). This court was presided over by the judge of the third judicial circuit and was served by the clerk of the circuit court of Hamilton County (ibid., sec. 4). This court was established only in Hamilton County (ibid., sec. 3). When the county seat was moved to Chattanooga from Harrison in 1870, this common law court was merged with the circuit court (P.A. 1870, ch. 35, sec. 6).

Criminal Court Clerk

A criminal court for the sixth judicial circuit was established in 1903 (Pr.A. 1903, ch. 361), serving Hamilton, Sequatchie, Marion and Franklin Counties and was vested with original and appellate jurisdiction over criminal causes (ibid., secs. 1, 2). The act provided that the judge be elected for a term of eight years, the circuit court clerk to serve as clerk of this court (ibid., secs. 4, 6). In 1915 all other counties were detached and Hamilton County became the sixth judicial circuit within itself (Pr.A. 1915, ch. 8). In 1917 provision was made for a criminal court clerk, to be elected by the people for a term of four years (Pr.A. 1917, ch. 780).

The criminal court was divided in 1929 and an additional judge appointed (P.A. 1929, ch. 10). The criminal court clerk serves both divisions (ibid., sec. 5).

The criminal court clerk's duties, including record keeping, are regulated by the provisions affecting all clerks listed in the chapter entitled Circuit Court Clerk.

Trial Records

186. CRIMINAL RECORD (Minutes), 1919--. 31 vols. (lettering varies). Minutes show the course and proceedings in criminal cases from their origin to termination, giving name of defendant, offense charged, date of trial, verdict of jury and sentence of the court. Chron. arr. Alph. indexed within each vol. by name of defendant. Hdw. Vols. aver. 600 pp. $18\frac{1}{2} \times 12\frac{1}{2} \times 3\frac{1}{2}$. 1919-27, 15 vols., basement storage room; 1928--, 16 vols., Cr. Ct. Clk's. office.

For prior records see entry 119.

187. GRAND JURY DOCKET, 1919--. 11 vols. (lettering varies). Docket shows name of defendant, offense charged, date of indictment and whether true bill or no true bill was returned. Chron. arr. No index. Hdw. Vols. aver. 600 pp. $19 \times 13 \times 2\frac{1}{2}$. 1919-34, 10 vols., basement storage room; 1935--, 1 vol., Cr. Ct. Clk's. office.

For prior records see entry 118.

188. GRAND JURY INDICTMENT AND DOCKET, 1927--. 5 vols. (1-5). Docket shows name of defendant, return date of indictment and nature of offense charged therein. Chron. arr. 1927-28, no index, 1929--, separate index. Hdw. Vols. aver. 600 pp. $18\frac{1}{2} \times 12\frac{1}{2} \times 3\frac{1}{2}$. 1927-34, 4 vols., basement storage room; 1935--, 1 vol., Cr. Ct. Clk's. office.

189. INDEX TO GRAND JURY INDICTMENTS (True and No True Bills), 1929--. 2 vols.

Shows name of defendant, offense charged, date and whether true bill or no true bill was returned. For use of lawyers and attorney-general. Chron. arr. Hdw. Vols. aver. 400 pp. $18\frac{1}{2} \times 12\frac{1}{2} \times 2\frac{1}{2}$. Cr. Ct. Clk's. office.

190. CRIMINAL EXECUTION DOCKET, 1919--. 44 vols. (lettering varies). Docket shows name of defendant, offense charged, final judgment, itemized cost of trial and date. Chron. arr. and num. thereunder by case num. No index. Hdw. Vols. aver. 600 pp. $18\frac{1}{2} \times 12\frac{1}{2} \times 3\frac{1}{2}$. 1919-26, 18 vols., basement storage room; 1927--, 26 vols., Cr. Ct. Clk's. office.

For prior records see entry 120.

Criminal Court Clerk

191. EXECUTION DOCKET (City of Chattanooga Appealed Cases), 1924--.
5 vols. (lettering varies).

Docket shows final judgment, date, costs, amount and payment of fines in cases appealed from city police court to criminal court. Chron. arr. and num. thereunder by case num. No index. Hdw. Vols. aver. 600 pp. $18\frac{1}{2} \times 12\frac{1}{2} \times 3\frac{1}{2}$. Cr. Ct. Clk's. office.

For prior records see entry 190.

192. CRIMINAL RULE DOCKET, 1919--. 44 vols. (num. varies).
Cases num. (41799-67884).

Docket shows offense charged, whether felony or misdemeanor, defendant's name and address, names and addresses of witnesses, list of fees and date of indictment. Chron. arr. and num. thereunder. Alph. indexed within each vol. by name of defendant. Hdw. Vols. aver. 600 pp. $18\frac{1}{2} \times 12\frac{1}{2} \times 3\frac{1}{2}$. 1919-26, 18 vols., basement storage room; 1927--, 26 vols., Cr. Ct. Clk's. office.

For prior records see entries 121, 122.

193. RULE DOCKET (City of Chattanooga Appealed Cases), 1924--.
3 vols. (A-C).

Docket lists cases appealed from city police court of Chattanooga to criminal court, showing name of defendant, offense charged and result of trial. Chron. arr. and num. thereunder by case number. Alph. indexed within each vol. by name of defendant. Hdw. Vols. aver. 600 pp. $18\frac{1}{2} \times 12\frac{1}{2} \times 3\frac{1}{2}$. Cr. Ct. Clk's. office.

For prior records see entry 192.

194. IGNORED DOCKET, 1923--. 3 vols. (1-3).

Docket lists cases originating in justice of the peace courts of the county, with costs accumulated thereon, and abandoned by prosecutors at certain stages. Bills of cost are turned over to criminal court clerk for collection. Names of parties liable for costs and steps taken for collection of same are noted. Included since 1922 are ignored civil cases. Alph. arr. by name of person liable for cost. No index. Hdw. Vols. aver. 600 pp. $18\frac{1}{2} \times 12\frac{1}{2} \times 3\frac{1}{2}$. 1923-33, 2 vols., basement storage room; 1934--, 1 vol. Cr. Ct. Clk's. office.

For prior records see entry 116.

195. APPEAL CASES, 1919--. 2 file boxes, 33 bundles. Cases num.
(1-4893).

List of cases appealed from city police court to criminal court to be tried by jury, showing name of defendant, attorneys, offense charged and result of trial. Num. arr. by case num. No index. Hdw. Files, $13\frac{1}{2} \times 4\frac{3}{4} \times 10\frac{1}{2}$; bundles, $9 \times 4 \times 12$. 1919-34, 33 bundles, basement storage room; 1935--, 2 file boxes, Cr. Ct. Clk's. office.

196. TRIAL PAPERS, 1919--. 78 file boxes, 238 bundles.
Cases num. (41799-67884).

Cardboard jackets containing all papers incident to trial of cases in criminal court, listing presentments, indictments, motions, pleas, judgments and decrees of the court. Num. arr. by case num. No index. Hdw. on ptd. form. Bundles, $9 \times 4 \times 15$; file boxes, $10\frac{1}{2} \times 4\frac{3}{4} \times 13\frac{1}{2}$. 1919-32, 238 bundles, basement storage room; 1933--, 78 file boxes, Cr. Ct. Clk's. office.

For prior records see entry 123.

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Receipts and Disbursements
(See also entries 43, 48)

197. CASH BOOK, 1922-- . 5 vols. (1-5).

An account of all cash received by criminal court clerk, showing from what source received, from whom received, date and amounts. All funds paid out in cash are accounted for in like manner. Chron. arr. No index. Hdw. Vols. avr. 400 pp. 20x17 $\frac{1}{2}$ x14. Cr. Ct. Clk's. office.

X. PROBATE OR MONTHLY COURT
(County Court Clerk as Clerk)

The so-called monthly county court in Tennessee is as illusive a body as ever found its way into the law. Theoretically it is a judicial body composed of the same individuals who constitute the quarterly county court, meeting to expedite the settlement of probate and other judicial matters. The law describes it as one of the two branches of the county court (Territorial Acts, 1794, ch. 1, sec. 44; P.A. 1835-36, ch. 6, sec. 1; 1837-38, ch. 135, 1875, ch. 70), and requires that it be convened once a month (P.A. 1855-56, ch. 253, sec. 4). Instances of the members of the county court meeting and resolving themselves into a judicial body are most rare. The term "monthly" is strictly a misnomer, since the law also requires that the court be held open at all times for settlement of special judicial matters (P.A. 1911, ch. 3, sec. 1, Mod.). Fortunately the term "probate" is becoming more generally used.

The monthly or probate county court has jurisdiction in probate of wills (P.A. 1835-36, ch. 6, sec. 2); granting of letters testamentary and of administration and the repeal and revocation thereof (ibid.); all controversies in relation to the right of executorship or of administration; the settlement of accounts of executors or administrators; the partition and distribution of the estates of decedents, and for these purposes the power to sell the real and personal property belonging to such estate, if necessary to make the partitioning or distribution, or if manifestly for the interest of the parties (P.A. 1849-50, ch. 185, sec. 1); the settlement of insolvent estates, and if necessary, to sell the real or personal property belonging thereto, at the instance of the personal representative or the creditors, where the amount of the estate does exceed \$300 (ibid.; 1873, ch. 64); the appointment and removal of guardians for minors and persons of unsound mind, and also controversies as to the right of guardians and the settlement of guardian accounts (P.A. 1849-50, ch. 27, sec. 1); the allotment of dower in lands (ibid., ch. 77, sec. 1); the partition, sale or division of land, if such lands be an estate of inheritance or for life or for years, and if the person being in possession thereof makes such demand (Acts of N. C., 1787, ch. 17, sec. 1; 1789, ch. 24; 1799, ch. 11, sec. 1; P.A. 1815, ch. 123, sec. 1; 1853-54, ch. 48, sec. 1); the changing of names and the legitimation and adoption of children (P.A. 1805, ch. 2, sec. 1; 1851-52, ch. 338, secs. 1, 2); the issuance of inquisitions of unsoundness of mind (P.A. 1797, ch. 41; 1851-52, ch. 163); the binding out of apprentices and of controversies between master and apprentice (P.A. 1815, ch. 115; 1853-54, ch. 53); lunacy (P.A. 1797, ch. 41, sec. 1; 1851-52, ch. 163, sec. 2); bastardy (Acts of N. C., 1741, ch. 14, sec. 11); estates of idiots, lunatics and other

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persons of unsound mind (P.A. 1797, ch. 41, sec. 1; 1851-52, ch. 163, sec. 2); and the appointment and removal of trustees and the investment of trust funds (P.A. 1831, ch. 107; 1853-54, ch. 74; 1855-56, ch. 113, sec. 11).

Under the law the monthly or probate court has concurrent jurisdiction with the chancery and the circuit courts in many of the above enumerated matters, particularly distribution, partition, trust funds, changes of names and legitimation, and with the chancery court alone in matters of lunacy and the estates of minors (Acts of N. C., 1862, ch. 5, secs. 3, 5; P.A. 1851-52, ch. 92; 1835-36, ch. 20, sec. 1; 1849-50, ch. 185, sec. 1; 1851-52, ch. 92, sec. 1; Acts of N. C., 1762, ch. 5, sec. 5; P.A. 1797, ch. 41; 1851-52, ch. 163).

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

Actually, jurisdiction over probate and other enumerated matters by the monthly county court assembled in session is largely a legal fiction. In counties having a county judge, as Hamilton County has, that officer has all the powers delegated to the so-called monthly or probate county court and in himself constitutes such a judicial body (P.A. 1855-56, ch. 253, sec. 4). The county judge definitely became such a judicial officer when the office was created in Tennessee and the old quorum court, the judicial branch of the county court, was abolished (*ibid.*). The act authorizing the creating of the office of county judge specifically clothed that officer with all the jurisdiction and powers that were vested in the abolished quorum court. Of course, under the law, the members of the county court may declare themselves the probate court and hear judicial matters. Generally, however, they do not avail themselves of this power. In practice the county judge may designate some member of the court, usually the county judge pro tem, to hear probate and other judicial matters and relieve himself of the burden of hearing such cases. As judge of an inferior court, the county judge is elected for a term of eight years by the qualified voters of the county (Const. of 1870, art. 6, sec. 4). As an inferior judge his salary can not be changed during his term (8 Lea 24, 28).

The clerk of the monthly or probate county court is the county court clerk, already discussed under the Quarterly County Court (P.A. 1855-56, ch. 253, sec. 7), and in a separate section entitled the County Court Clerk. As

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clerk of the monthly county court, the county court clerk is required to administer to every administrator or executor an oath to perform the will of the deceased or for the faithful performance of his duties; to take from every such representative a bond in double the value of the estate (Acts of N. C., 1715, ch. 48, sec. 5; P.A. 1841-42, ch. 177, sec. 4); to issue to said representative letters of administration or testamentary authorizing him to administer the estate of the deceased (Acts of N. C., 1715, ch. 48, sec. 5; P.A. 1813, ch. 120, sec. 4); to receive of every administrator or executor the inventory he may return of the decedent's estate and cause him to verify it by his oath and present the same to the court (Acts of N. C., 1723, ch. 10, sec. 2; P.A. 1851-52, ch. 180, sec. 1); to record said inventory, if it be found regular by the court, in the book of inventories (ibid.); to receive from every personal representative his account of sales and present to the court and record them if the court find it regular (ibid.); to take and state once a year, in vacation at his office, the accounts of every personal representative of any deceased person (P.A. 1837-38, ch. 125, secs. 1, 2); to compel such accounting party by subpoena to come before him once every year for the purpose of settling his accounts (ibid., sec. 2); to present to the court, in writing, the names of those personal representatives and guardians who refuse to answer the subpoena, or who fail to settle, and also the names of minors in their county, of his knowledge, whose guardians are in default, and the sureties of whose guardians are dead, removed out of the state or become insolvent (P.A. 1831, ch. 29); to examine such accounting party when it seems necessary, touching his receipts and disbursements (P.A. 1837-38, ch. 125, sec. 4); to continue the settlement from time to time on cause shown by affidavit (ibid., sec. 3); to charge such party with all such sums as he has received or might have received by due diligence, and credit him with such disbursements as he supports by lawful vouchers and with reasonable compensation for his services (ibid., sec. 4); to report said account to the next county court for confirmation or rejection (ibid., sec. 1); to record the said settlement when it is adjusted by the court (ibid., sec. 5); to serve every party resident in his county who is interested in said account with notice of taking such account (P.A. 1851-52, ch. 215, sec. 2); to record all refunding bonds lodged with him by any personal representative, taken from distributees, and file and preserve the originals in his office (Acts of N. C., 1789, ch. 23, sec. 3); to perform all the duties required of him in the administration of insolvent estates of deceased persons (P.A. 1851-52, ch. 283); to enter in particular books every guardian's first account of his ward's estate, received into his hands and possession, and each annual account of proceeds and disbursements after dates exhibited by such guardians (Acts of N. C., 1762, ch. 5, sec. 9); to take the probate or acknowledgment of all deeds and other instruments that are entitled to registration by law, and certify the same for registration and demand and receive the state tax thereon (P.A. 1833, ch. 150); and to record in well-bound books all letters testamentary and of administration, all guardian appointments and all settlements made by him with guardians and personal representatives (P.A. 1837-38, ch. 125, sec. 7).

As mentioned before, the county court clerk is subject to the provisions affecting clerks of all courts as may be reasonably applicable to his office. Those provisions are listed in the chapter entitled Circuit Court Clerk. His duties as clerk of the quarterly court are discussed in the chapter entitled

Quarterly County Court, and as a registration and revenue agent of the state in the chapter entitled County Court Clerk.

Probate Records
(See also entries 14, 40)

198. PROBATE RECORD (MINUTES), 1864--. 40 vols. (1-40).
Record of official business transacted by county court, including taking of bonds, probating of wills and administering of oaths of deputy sheriffs and others. Alph. arr. by name of persons involved. No index. Hdw. Vols. aver. 260 pp. 18x12x3. Co. Ct. Clk's. office.
199. RULE DOCKET, 1892--. 5 vols. (1-5).
List of all civil cases, date filed, date of issuance of summons, name and title of officer serving process, names of attorneys and date of trial. Chron. arr. Alph. indexed within each vol., direct and reverse. Hdw. Vols. aver. 500 pp. 18x12x2. Co. Ct. Clk's. office.
200. ADMINISTRATORS' BONDS AND LETTERS, 1879--. 13 vols. (1-13).
Original bonds and letters testamentary of administrators for persons dying intestate, showing name of administrator, name of deceased, date, amount of bond and surety. Chron. arr. Alph. indexed within each vol. by name of deceased. Hdw. Vols. aver. 200 pp. 18x10x2½. Co. Ct. Clk's. office.
201. GUARDIANS' BONDS AND LETTERS, 1897--. 7 vols. (1-7).
Original bonds and letters testamentary of guardians, showing name and address of guardian and ward, date, amount of bond and surety. Chron. arr. Alph. indexed within each vol. by name of minor. Hdw. Vols. aver. 708pp. 14x9x2. Co. Ct. Clk's. office.
202. EXECUTORS' BONDS AND LETTERS, 1879--. 7 vols. (1-7).
Original bonds and letters of executors, showing name of person giving bond, surety, amount, date, and name of deceased. Chron. arr. Alph. indexed within each vol. by name of executor; also separate index 1922-27. Hdw. on ptd. forms. Vols. aver. 422 pp. 14x9x2. Co. Ct. Clk's. office.
203. INDEX BOOK (To Executors' Bonds and Letters), 1922-27. 1 vol.
Index to executors' bonds and letters, showing name of executor and book and page number of recording. Alph. arr. by name of executor. Hdw. Vols. aver. 200 pp. 14x19x½. Co. Ct. Clk's. office.
204. ADMINISTRATION SETTLEMENTS, 1874--. 11 vols. (2-12).
Final settlements between administrators and the county court of estates of deceased persons, giving description of property, date and consideration of sale and all information incident to his transactions. Chron. arr. Alph. indexed within each vol. by name of deceased. Typed. Vols. aver. 850 pp. 18x12½x3½. Co. Ct. Clk's. office.
205. ACCOUNTS OF SALES, 1878-1916. 1 vol.
An itemized account of sales of estates of deceased persons as submitted

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to county court by administrators, showing date and nature of all transactions. Chron. arr. Alph. indexed by name of deceased. Hdw. 436 pp. 16x11 $\frac{1}{2}$ x2. Co. Ct. Clk's. office.

For subsequent records see entry 15.

206. GUARDIAN MINUTE BOOK, 1874-1913. 2 vols.

Shows name of guardian and minor, date of execution of bond and final settlement. Chron. arr. Alph. indexed within each vol. by name of minor. Hdw. Vols. aver. 250 pp. 16x11 $\frac{1}{2}$ x1 $\frac{1}{2}$. Co. Ct. Clk's. office.

For subsequent records see entries 201, 209.

207. ADMINISTRATORS' AND EXECUTORS' MINUTE BOOKS, 1874-1903.

3 vols. (1, 1, 2).

Record of appointments by the court of administrators and executors, and an itemized account and date of transactions and settlement. Chron. arr. Alph. indexed within each vol. by name of the estate. Hdw. Vols. aver. 150 pp. 16x11x1 $\frac{1}{2}$. Co. Ct. Clk's. office.

For subsequent records see entries 200, 202, 208.

208. ADMINISTRATORS' AND EXECUTORS' PETITIONS AND SETTLEMENTS, 1865--.

184 file boxes.

Administrators' and executors' petitions and settlements as made to and with the county court, showing names of persons concerned, date of settlement and amounts involved. Alph. arr. by name of administrators and executors. No index. Hdw. and typed. 11x5x13. Co. Ct. Clk's. office.

209. GUARDIAN SETTLEMENTS, 1864--. 10 vols. (1-10).

Settlements of guardians, showing name, address, date and amounts involved. Alph. arr. by name of guardian. No index. Hdw. and typed. Vols. aver. 590 pp. 18x12x3 $\frac{1}{2}$. Co. Ct. Clk's. office.

210. GUARDIANS' PETITIONS AND SETTLEMENTS, 1864--. 107 file boxes.

Petitions and settlements of guardians, with names of parties concerned, amounts involved and nature of transactions. Alph. arr. by name of guardian. No index. Hdw. 11x5x13. Co. Ct. Clk's. office.

211. EXECUTORS' AND GUARDIANS' RECEIPTS, 1881-1901. 1 vol.

Receipts given by heirs of deceased to county court acknowledging payment by county clerk according to settlements made by administrator or guardian, showing name of deceased, recipient, amount of estate and date of execution. Alph. arr. by name of executors and guardians. No index. Hdw. 432 pp. 16x11 $\frac{1}{2}$ x3. Co. Ct. Clk's. office.

For subsequent records see entries 208, 209.

212. WARD RECEIPTS, 1881-98. 1 vol.

Shows testimony of ward and receipt for all demands against the guardian when ward has become 21 years of age. Receipt shows date, name of guardian and ward and description of items. Chron. arr. Alph. indexed by name of ward. Hdw. 432 pp. 16x11 $\frac{1}{2}$ x2. Co. Ct. Clk's. office.

For subsequent records see entry 209.

213. EXECUTION DOCKET, 1878--. 5 vols. (1-5).
Shows final disposition of civil cases, including receipts and disbursements of administrators and guardians. Chron. arr. Alph. indexed within each vol. by name of plaintiff, deceased and ward. Hdw. Vols. aver. 250 pp. 16x12x2. Co. Ct. Clk's. office.
214. MINUTES AND ACCOUNTS OF INSOLVENT ESTATES, 1879-1908. 1 vol.
Record of insolvency of estates of deceased persons, prepared by administrators thereof, and the order of county court clerk for outstanding claims against estate to be filed and notation made. Chron. arr. Alph. indexed by name of deceased. Hdw. 222 pp. 12x15x2. Co. Ct. Clk's. office.
For subsequent records see entry 218.
215. PETITIONS AND REPORTS FILED BUT NOT COMPLETED, 1911--. 1 file box.
Petitions and reports of administrators and guardians, filed by them during the period of their incumbency. Chron. arr. No index. Hdw. 11x5x13. Co. Ct. Clk's. office.
216. SETTLEMENT BOOK-ADMINISTRATORS AND GUARDIANS, 1864-72. 1 vol.
Original bonds and letters of administration of persons qualifying as administrators of deceased persons and letters and bonds of guardians of minors and persons of unsound mind, showing names of parties, amount of bond, and name and address of each person involved. Alph. arr. by name of administrators and guardians. No index. Hdw. 480 pp. 13½x8x1½. Co. Ct. Clk's. office.
For subsequent records see entries 200, 201.
217. MISCELLANEOUS BONDS , 1883-89. 1 file box.
Miscellaneous bonds and settlements of guardians and administrators. Chron. arr. No index. Hdw. 11x3x13. Co. Ct. Clk's. office.
For subsequent records see entries 200, 201.
218. CLAIMS AGAINST ESTATES, 1921-23. 1 vol. Discontinued 1923.
Claims against estates of deceased persons, showing date of filing, nature of the claim, amount, fees charged and clerk's approval for payment. Alph. arr. by name of deceased. No index. Hdw. Vols. aver. 600 pp. 18x13x3. Co. Ct. Clk's. office.
219. WILL BOOK, 1864--. 6 vols. (1, 3-7).
Exact copies of wills, showing names of devisor, devisee and dates of probation. Alph. arr. by name of devisor. No index. Hdw. and typed. Vols. aver. 200 pp. 17x12x2. Co. Ct. Clk's. office.
220. ORIGINAL WILL AND PROOF, 1864--. 44 file boxes.
Original wills executed and proof of the testator. Alph. arr. by name of testator. No index. Hdw. 11x5x13. Co. Ct. Clk's. office.
221. INVENTORY RECORD, 1864--. 7 vols. (1-7).
An itemized list of all property, personal and real, of estates of deceased persons, with description and location thereof. Chron. arr. Alph. indexed within each vol. by name of deceased. Hdw. Vols. aver. 680 pp. 17x12x3. Co. Ct. Clk's. office.

222. CERTIFIED COPIES, 1910-14. 1 file box.
Copies of administrators' appointments, wills and reports. Chron. arr. No index. Hdw. 11x5x13. Co. Ct. Clk's. office.
223. DIRECT AND COLLATERAL INHERITANCE TAX RECORD, 1900-1929. 12 vols.
Discontinued 1929.
Complete record of direct and collateral inheritance, showing name of deceased, date of death, valuation of estate from a detailed inventory made by executor of amount of money in the bank, merchandise stock, household goods, real estate, stocks and debts. Alph. arr. by name of deceased. No index. Hdw. Vols. aver. 200 pp. 16x11x1. Co. Ct. Clk's. office.
224. MORTGAGE PROBATE BOOK, 1917--. 4 vols. (1-4).
Shows date of probate of mortgages, the amount and name of grantor and grantee. Chron. arr. No index. Hdw. Vols. aver. 300 pp. 14x9x1. Co. Ct. Clk's. office.
225. REALTY TRANSFER RECORD - PROBATE BOOK, 1873--. 42 vols.
(num. varies).
Record of real estate transfers, showing amount of sale, date of transaction, names of parties to transfer, description of property by metes and bounds and date recorded. Chron. arr. Alph. indexed within each vol. by names of parties to the transfer. Hdw. Vols. aver. 500 pp. 16x11x2½. 1873-1909, vols., 1-16, basement storage room; 1910--, vols., 11-43, Co. Ct. Clk's. office.
226. CIVIL FILE, 1906--. 33 file boxes.
Files contain real estate transfers made by county court, also contested cases and suggestions of insolvency. Num. arr. No index. Hdw. 11x5x13. Co. Ct. Clk's. office.
227. ASSIGNMENTS, 1885-1901. 5 file boxes. (1-5). Discontinued 1901.
Assignments or inventories of personal effects of bankrupt firms or individuals and bond of trustees named in assignments. Chron. arr. No index. Hdw. 11x5x13. Co. Ct. Clk's. office.
228. ADOPTION FILE, 1908--. 12 file boxes.
Petitions to county court praying for adoption of children, all intermediate pleadings incident thereto, and final decree signed by county judge granting the adoption. Num. arr. No index. Hdw. 11x5x13. Co. Ct. Clk's. office.
229. BASTARDY CASES AND CHANGE OF NAME, 1893-1918. 1 file box.
Record of bastardy cases and official change of name, and a notation of proceedings incident thereto. Chron. arr. No index. Hdw. 11x5x13. Co. Ct. Clk's. office.
For subsequent records see entries 198, 199.
230. FEEBLE-MINDED, 1923--. 1 file box.
Original commitment papers for feeble-minded, showing name, age and date of commitment. Num. arr. No index. Hdw. 11x5x13. Co. Ct. Clk's. office.
231. TRIAL DOCKET (Lunacy), 1879--. 2 vols. (1-2).
Lunacy cases in the order in which they are called in court, recording all information incident to action and final disposition of the case. Chron. arr.

Alph. indexed within each vol. by name of defendant. Hdw. Vols. aver. 450 pp. 16x11 $\frac{1}{2}$ x2. Co. Ct. Clk's. office.

232. LUNACY, 1919--. 28 file boxes.

A record of lunacy cases and commitment papers for same, showing name of patient, date of initial action, result of examination and name of physician. Num. arr. No index. Hdw. 11x5x13. Co. Ct. Clk's. office.

233. MINUTES AND INSANITY RECORD, 1919. 1 vol.

Contains record of proceedings in only one insanity case. Proceedings are signed by two doctors and chairman of the court. Alph. arr. by name of patient. No index. Hdw. 335 pp. 16 $\frac{1}{2}$ x11 $\frac{1}{2}$ x2. Co. Ct. Clk's. office.

234. MISCELLANEOUS PAPERS, 1885-1912. 4 file boxes.

State warrants, lunacy warrants, tax schedules of personal and real estate, orders to sell property and claims filed in administration cases. Chron. arr. No index. Hdw. 11x5x13. Co. Ct. Clk's. office.

XI. JUVENILE AND DOMESTIC RELATIONS COURT (CIRCUIT COURT CLERK)

The first provision for a juvenile court in Hamilton County was made by a 1911 act authorizing the establishing of a court to be held by the judge of the city police court of Chattanooga (Pr.A. 1911, ch. 182, sec. 1). This court had exclusive jurisdiction in the enforcement of all laws regulating the conduct of delinquent children under sixteen years of age; justices' courts as well as the city court were compelled to transfer the trial of minors to the juvenile court (ibid., secs. 2, 3). The judge was empowered to appoint probation officers to hold office at the discretion of the court. Their duties were to serve warrants and process, to take children into custody and present same to court, to investigate and present a complete case history to the court (ibid., sec. 8).

A private act of 1929, creating a juvenile and domestic relations court (Pr.A. 1929, ch. 675), was invalidated by the supreme court. A private act of 1935 includes most of the salient points of the 1929 enactment but overcame the objections the courts raised (Pr.A. 1935, ch. 441). While the 1929 act provided for a separate juvenile and domestic relations judge (Pr.A. 1929, ch. 675, sec. 27), under the controlling act of 1935, the judge of the second division of the circuit court presides over the juvenile and domestic relations court (Pr.A. 1935, ch. 441, sec. 1).

The court is a court of record, and the circuit court clerk is ex officio clerk. Assisted by probation officers, he is required to keep a minute record of the court's proceedings (ibid., sec. 3) and to perform general duties of all court clerks, listed in chapter entitled Circuit Court Clerk. The court itself has original and exclusive jurisdiction in juvenile cases as defined, and original and concurrent jurisdiction with the circuit and chancery courts in divorce cases (ibid., secs. 3, 13, 14). Circuit and chancery courts may transfer divorce cases to the juvenile and domestic relations court (ibid., secs. 13, 14).

The judge is empowered to appoint one probation officer at a salary between \$100 and \$200 per month, and as many assistant officers as necessary

(ibid., secs. 4, 5). The probation officers hold office at the pleasure of the court. They serve process as directed, take into custody juveniles coming within meaning of the act, investigate all cases for the court, visit homes as directed and aid the court as much as possible in accomplishing the purposes of the act, which is liberally construed and remedial in character (ibid., secs. 3, 4, 5).

The act defines a dependant or delinquent juvenile as a person under sixteen years of age who is found begging or receiving alms, or wandering without a home or settled place of abode, or without proper guardianship or visible means of subsistence, or who is a vagrant, or who frequents the company of reputed criminals, vagrants or prostitutes, or who frequents any saloon, pool room or house of assignation, or who is incorrigible, or who is a habitual truant under the educational laws, or who habitually drinks intoxicating liquors or uses narcotics (ibid., sec. 6).

Juvenile cases are brought into court upon petition of a probation or truant officer acting on his own volition or upon direction of the court (ibid., sec. 7). If endorsed by the judge, a citation is issued against persons legally responsible for the child (ibid., sec. 8).

The judge may conduct hearings or examinations in an informal manner and make inquiries calculated to serve the purposes of the act and is directed not to treat a delinquent or dependent child as a criminal, but as misdirected, misguided, neglected and needing aid and encouragement (ibid., sec. 9). The court may bind juvenile delinquents to criminal court in severe cases and may commit other juveniles to institutions provided by law or to private homes subject to orders of the court and observation of probation officers (ibid.).

Warrants may be issued by justices or police judges but all hearings must be conducted by the juvenile and domestic relations judge. Criminal judges may transfer trials of indicted juveniles to the juvenile and domestic relations court (ibid., sec. 10).

The court is specifically clothed with jurisdiction over cases arising under a 1915 act providing for liability of conviction of a misdemeanor of legally responsible adults of juvenile dependants or delinquents (ibid., sec. 16; P.A. 1915, ch. 120); over cases arising under a 1915 act regarding wife desertion (Pr.A. 1935, ch. 441, sec. 18; P.A. 1915, ch. 126); over cases arising under a 1915 act making it a misdemeanor for failure to provide for wife (Pr.A. 1935, ch. 441, sec. 17; P.A. 1915, ch. 125); and over cases arising under a 1915 act making it a felony for legally responsible adult to leave the state after deserting a juvenile dependant (Pr.A. 1935, ch. 441, sec. 19; P.A. 1915, ch. 117).

Appeals, with exceptions, may be addressed to the court of appeals from decisions, decrees or judgments of the juvenile and domestic relations court (Pr.A. 1935, ch. 441, sec. 20).

Under no circumstances may juveniles detained be kept in company with hardened criminals or other adults (ibid., sec. 22).

235. JUVENILE RECORD, 1935--. 1 vol.
Minutes of proceedings in juvenile court, showing name of defendant, date of trial and decree of court; also shows non-support and delinquent support cases. Alph. arr. by name of defendant and num. thereunder. No index. Typed. 600 pp. $18\frac{1}{2} \times 12\frac{1}{2} \times 3\frac{1}{2}$. Main office.
236. JUVENILE RULE DOCKET, 1935--. 1 vol. Cases num. (1-613).
Docket shows name of defendant, offense charged, date case filed and decision of the court; also includes non-support cases. Alph. arr. by name of defendant and num. thereunder. No index. Hdw. 600 pp. $18\frac{1}{2} \times 12\frac{1}{2} \times 3\frac{1}{2}$. Main office.
237. JUVENILE EXECUTION DOCKET, 1935--. 2 vols. (AI-BI).
Docket shows names of parties, date of trial and bill of costs for each case. Circuit court clerk collects all fines and bills of cost in juvenile cases. Alph. arr. by name of defendant. No index. Hdw. Vols. aver. 600 pp. $18\frac{1}{2} \times 12\frac{1}{2} \times 3\frac{1}{2}$. Cir. Ct. Clk's. office.
238. JUVENILE CASES (Trial Papers), 1935--. 2 steel file boxes.
Cases num. (1-613).
Trial papers incident to action, showing name of defendant, offense charged, bills of cost and warrants issued. Num. arr. by case num. No index. Typed on ptd. forms. $11\frac{1}{2} \times 12\frac{1}{2} \times 24\frac{1}{2}$. Main office.
239. NON-SUPPORT CASES (Trial Papers), 1935--. 1 steel file box.
Trial papers incident to action, showing name of defendant, date of trial, bill of costs and warrants issued. Alph. arr. by name of defendant. No index. Typed on ptd. forms. $11\frac{1}{2} \times 12\frac{1}{2} \times 24\frac{1}{2}$. Main office.

XII. JURY COMMISSION

The first board of jury commissioners for Hamilton County was established in 1901 by private act (Pr.A. 1901, ch. 124, sec. 1). Prior to this time, jurors were selected by the county court.

This commission consisted of three members appointed by the circuit judge for a term of three years, receiving \$2.00 per day for each day of service (ibid., sec. 2). The clerk of the circuit court serves as clerk of the board (ibid., sec. 2).

By private act of 1931, a more comprehensive system was outlined. This act provides that a commission be appointed jointly by the judges of the circuit and criminal courts (Pr.A. 1931, ch. 564, sec. 1). The commission is composed of three persons appointed for two year terms and entitled to \$3.00 per day for each day of actual service. The members of the commission elect a chairman from among their number and the circuit court clerk serves as clerk of the commission (ibid., sec. 2).

The justices of the peace are required to furnish a list of qualified persons to be used in preparing a jury list, other names being taken from the tax rolls and similar sources (ibid., sec. 4).

The clerk is required to provide a book for recording the list and to place each name on a separate slip to be deposited in a ballot box for later drawing. The clerk is entitled to a fee of five cents for each name entered in that manner (ibid., sec. 4).

Ten to fifteen days before the term of court, the names of the required number of persons for jury service are drawn from the box, placed in a sealed envelope and opened in court (ibid., sec. 4).

240. JURY LIST, 1905--. 9 vols. (1-9).

Shows names of persons selected as being eligible to serve as jurors by board of jury commissioners for Hamilton County. Chron. arr. and num. thereunder by juror's num. No index. Hdw. Vols. aver. 200 pp. 16x11x2. 1905-35, 8 vols., basement storage room; 1936--, 1 vol., Cir. Ct. Clk's. office.

XIII. JUSTICE OF THE PEACE

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

The Constitution of 1796 provided that there be appointed from each captain's company's district two justices of the peace and three from the district including the county seat, all of the justices to be designated by the legislature (Const. of 1796, art. 5, sec. 12). The Constitution of 1834 abolished the captain's company district system in Tennessee and divided counties into civil districts and made justices elective by popular vote (Hamer, op. cit., 320; Frank W. Prescott, "Government and Finances of Hamilton County, Tennessee," in University of Chattanooga Social Science Studies, I, No. 1, July, 1934, 10). The Constitution of 1870 limited the number of civil districts within a county to twenty-five, and directed that justices be elected by the qualified voters of their respective civil districts but to have countywide jurisdiction (Const. of 1870, art. 5, sec. 15). A justice holds office for six years (ibid.) and for his services as a minor judicial officer receives a great variety of fees (P.A. 1817, ch. 86; 1857-58, ch. 56; 1825, ch. 36; 1831, ch. 4).

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

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

take bail in bailable offenses (P.A. 1831, ch. 4).

In general, a justice hears causes that may be pending by appeal or otherwise (not exceeding \$50) and determines such cause upon the principles of equity, and renders judgment in the same manner as courts of chancery (P.A. 1817, ch. 86, sec. 1; 1857-58, ch. 56, sec. 3).

Among the chief duties of the justice of the peace which are relative to the keeping of records are the following requirements: to keep a judgment and execution docket (P.A. 1835-36, ch. 17, sec. 7); to preserve all papers in an orderly file (P.A. 1805, ch. 66, sec. 1); to transmit to the circuit court all papers in which an appeal has been taken (P.A. 1809, ch. 63, sec. 2; 1889, ch. 251); to return to the county court clerk within thirty days all marriage licenses under which he has solemnized matrimonial rites (P.A. 1815, ch. 47, sec. 1; 1879, ch. 98, sec. 2; 1889, ch. 134, sec. 27; 1915, ch. 109); to make a report of all revenue received, be it state, county or municipal, at the January term of the quarterly county court, such a report to be entered into the minutes and a copy sent to the trustee (P.A. 1851-52, ch. 159, sec. 2); at the January term to show a transcript of his docket (P.A. 1849-50, ch. 247, sec. 4); to keep safely any statutes or public documents officially received by him, under penalty of fine (P.A. 1837-38, ch. 149, sec. 1); and to deliver official books to successor when vacating office (P.A. 1835-36, ch. 17, secs. 14, 15).

The civil and criminal dockets for all justices of the peace in Hamilton County show the same information in every case. Following is a description of contents that holds true for all civil dockets. docket number, date of trial, parties to suit, judgment, stayer, officer, execution, date issued, costs, justice's fees, garnishment, judgment on garnishment, levy, writ of restitution, receipt of costs and return of officer.

The description of contents for criminal dockets in Hamilton County is as follows. docket number, date of trial, parties to suit, judgment, returning officer, witness claiming fees, costs, affidavit, warrant, arrest, subpoena, mittimus, bond, summoning witnesses, witness attendance, docketing, jail fee, fines, bill of costs and remarks.

All civil and criminal dockets are arranged chronologically, but do not have an index. All volumes for both civil and criminal dockets are handwritten. Unless otherwise noted, the size of the civil and criminal dockets is 17½x16½x3½ and the number of pages 400.

Civil Docket
(See also entries 6, 47)

241. CIVIL DOCKET (C. W. Abel), 1916. 1 vol.
Basement storage room.
242. CIVIL DOCKET (Ed. Bass), 1906-11. 7 vols.
Basement storage room.
243. CIVIL DOCKET (L. W. Bates), 1904-5. 1 vol.
Basement storage room.

244. CIVIL DOCKET (J. B. Bayless), 1924--. 17 vols. (1-17).
1924-26, 3 vols., basement storage room; 1927--, 14 vols., 626 Cherry St.
245. CIVIL DOCKET (J. J. Bork), 1906-24. 12 vols. (A-L).
Basement storage room.
246. CIVIL DOCKET (J. M. Brown), 1907-9. 1 vol.
Basement storage room.
247. CIVIL DOCKET (Hayes Brummit), 1912-13. 1 vol.
Basement storage room.
248. CIVIL DOCKET (Ben Bush), 1912-16. 3 vols. (A, B, B).
Basement storage room.
249. CIVIL DOCKET (C. E. Camp), 1922--. 41 vols. (1-41).
1516 Market Street.
250. CIVIL DOCKET (S. T. Carter), 1918--. 39 vols. (1-39).
619 Cherry Street.
251. CIVIL DOCKET (H. B. Caulkins), 1906-30. 90 vols.
1906-26, 56 vols., basement storage room; 1927-30, 34 vols., 609 Cherry St.
252. CIVIL DOCKET (Hayes Clerk), 1930--. 18 vols. (1-18).
609 Cherry Street.
253. CIVIL DOCKET (S. J. Conner), 1905-18. 3 vols.
Basement storage room.
254. CIVIL DOCKET (Thomas Cowart), 1892-1911. 3 vols.
Basement storage room.
255. CIVIL DOCKET (Ernest Dennis), 1930-33. 7 vols. (1-7).
619 Cherry Street.
256. CIVIL DOCKET (J. M. Dobbs), 1914-18. 2 vols.
Basement storage room.
257. CIVIL DOCKET (Dan S. Donelson), 1914. 1 vol.
Basement storage room.
258. CIVIL DOCKET (H. H. Eager), 1912-18. 15 vols. (1-15).
Basement storage room.
259. CIVIL DOCKET (George W. Edwards), 1907-12. 3 vols. (A-C).
Basement storage room.
260. CIVIL DOCKET (B. L. Freeman), 1926--. 18 vols. (1-18).
1926-28, 2 vols., basement storage room; 1929--, 16 vols., 626 Cherry St.

261. CIVIL DOCKET (Mack Fryar), 1934--. 9 vols. (1-9).
640 Cherry Street.
262. CIVIL DOCKET (Luther Hamby), 1911--. 60 vols. (1-60).
1911-27, 34 vols., basement storage room; 1928--, 26 vols., 619 Cherry St.
263. CIVIL DOCKET (W. B. Harris), 1894-1911. 4 vols.
Basement storage room.
264. CIVIL DOCKET (M. M. Henderson), 1900-1901. 1 vol.
Basement storage room.
265. CIVIL DOCKET (M. M. Hope), 1895-1910. 4 vols.
Basement storage room.
266. CIVIL DOCKET (C. R. Kerby), 1914-18. 2 vols. (A-B).
Basement storage room.
267. CIVIL DOCKET (H. F. Lawrence), 1906-11. 7 vols.
Basement storage room.
268. CIVIL DOCKET (D. T. Manning), 1894-1900. 2 vols.
Basement storage room.
269. CIVIL DOCKET (R. M. Morris), 1900-1906. 6 vols.
Basement storage room.
270. CIVIL DOCKET (G. L. Nelson), 1902-6. 1 vol..
Basement storage room.
271. CIVIL DOCKET (Wm. Parks), 1909-18. 2 vols. (A-B).
Basement storage room.
272. CIVIL DOCKET (Kelso Rice), 1930-34. 8 vols. (1-8).
619 Cherry Street.
273. CIVIL DOCKET (N. A. Smith), 1908-11. 2 vols.
Basement storage room.
274. CIVIL DOCKET (W. T. Thrasher), 1924--. 46 vols.
1924-27, 10 vols., basement storage room; 1928--, 36 vols., 609 Cherry St.
275. CIVIL DOCKET (W. T. Walker), 1896-1906. 1 vol.
Basement storage room.
276. CIVIL DOCKET (A. J. Ware), 1901-6. 1 vol.
Basement storage room.
277. CIVIL DOCKET (Chas. Watson), 1901-14. 14 vols.
Basement storage room.

278. CIVIL DOCKET (J. P. Webb), 1906-9. 2 vols.
Basement storage room.

Criminal Docket

279. CRIMINAL DOCKET (J. B. Bayless), 1924--. 12 vols. (1-12).
1924-32, 10 vols., basement storage room; 1933--, 2 vols., 626 Cherry St.

280. CRIMINAL DOCKET (J. J. Bork), 1906-24. 23 vols. (A-W).
Basement storage room.

281. CRIMINAL DOCKET (Ben Bush), 1912-16. 1 vol.
Basement storage room.

282. CRIMINAL DOCKET (C. E. Camp), 1922--. 11 vols. (1-11).
1516 Market Street.

283. CRIMINAL DOCKET (S. T. Carter), 1926--. 2 vols. (2-3).
619 Cherry Street.

284. CRIMINAL DOCKET (H. B. Caulkins), 1906-30. 3 vols. (1-3).
Basement storage room.

285. CRIMINAL DOCKET (Thomas Cowart), 1902-10. 1 vol.
Basement storage room.

286. CRIMINAL DOCKET (Ernest Dennis), 1930-32. 2 vols. (1-2).
Basement storage room.

287. CRIMINAL DOCKET (J. M. Dobbs), 1914-18. 2 vols.
Basement storage room.

288. CRIMINAL DOCKET (Dan S. Donelson), 1914. 1 vol.
Basement storage room.

289. CRIMINAL DOCKET (H. H. Eager), 1912-18. 1 vol.
Basement storage room.

290. CRIMINAL DOCKET (B. L. Freeman), 1926--. 4 vols. (1-4).
1926-34, 3 vols., basement storage room; 1935--, 1 vol., 626 Cherry Street.

291. CRIMINAL DOCKET (Mack Fryar), 1934--. 2 vols. (1-2).
640 Cherry Street.

292. CRIMINAL DOCKET (Luther Hamby), 1930--. 3 vols. (1-3).
619 Cherry Street.

293. CRIMINAL DOCKET (M. M. Henderson), 1900-1906. 1 vol.
Basement storage room.

294. CRIMINAL DOCKET (H. F. Lawrence), 1911-35. 1 vol.
Basement storage room.

295. CRIMINAL DOCKET (R. M. Morris), 1900-1906. 1 vol.
619 Cherry Street.

296. CRIMINAL DOCKET (M. L. Mulkey), 1930--. 3 vols. (1-3).
609 Cherry Street.

297. CRIMINAL DOCKET (Kelso Rice), 1930-34. 2 vols. (1-2).
619 Cherry Street.

298. CRIMINAL DOCKET (C. A. Shinn), 1900-1906. 1 vol.
Basement storage room.

299. CRIMINAL DOCKET (W. T. Thrasher), 1924--. 7 vols. (1-7).
1924-30, 4 vols., basement storage room; 1931--, 3 vols., 609 Cherry St.

300. CRIMINAL DOCKET (A. J. Ware), 1901-6. 3 vols. (1-3).
Basement storage room.

Road Tax

301. ROAD TAX (J. J. Bork), 1922. 1 vol.
Basement storage room.

XIV. SHERIFF

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

The sheriff in Tennessee is a constitutional officer (Const. of 1796, art. 6, sec. 1), and is elected by the qualified voters of the county for a period of two years (ibid., sec. 1). His salary is \$6,000 per year (P.A. 1921, ch. 101, sec. 3, Mod.). With the creating of Hamilton County in 1819, the office of sheriff was filled as required by law.

Following are the most important provisions concerning the records of this office: the sheriff is paid by voucher for interstate travel (P.A. 1901, ch. 96, sec. 1; 1905, ch. 447); accounts for boarding of prisoners charged with state crimes are sworn to and submitted to the comptroller of the state for payment (P.A. 1887, ch. 24, sec. 1); accounts for board of county prisoners are submitted to county judge monthly for payment (P.A. 1870-71, ch. 7, secs. 1, 3); bond of the sheriff is filed with the county court clerk and spread on the minutes of the county court (P.A. 1839-40, ch. 63, sec. 5); the sheriff delivers to his successor all books, papers and attached property and takes a receipt for same (Williams' Code of Tennessee, 1932, sec. 705); the sheriff is custodian of the county jail and all prisoners confined therein (P.A. 1897, ch. 66); the mittimus or process by which any prisoner is committed or discharged is filed by the sheriff or jailor (Code of Tennessee, 1932, sec. 11985).

The absence of any records of the office prior to 1904 is probably due to courthouse fire of 1910. The records from 1904 to 1910 were probably current at the time of the fire and consequently at the jail, where the sheriff is required to maintain his office.

Jail Accounts

(See also entries 8, 44, 48, 132)

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

Docket shows name and description of prisoner, offense charged, name of prosecutor, process of commitment and date and process of discharge. Chron. arr. No index. Hdw. Vols. aver. 300 pp. 16x12x2½. 1902-1904, 1 vol., records room; 1921--, 7 vols., Co. Jail, Sheriff's office.

Record of Prisoners

303. LEDGER (City and Federal Prisoners), 1929--. 2 vols. Prior records destroyed.

Record of city and Federal prisoners committed to jail, showing name and physical description of prisoner, date and process of commitment, disposition of prisoner and date. Chron. arr. No index. Hdw. Vols. aver. 200 pp. 14x8½x1. Co. Jail, Sheriff's office.

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

305. FEDERAL COMMITMENTS, 1932--. 2 bundles. Prior records destroyed. Shows Federal district number, name of prisoner, offense, length of sentence, name of judge, clerk and deputy clerk. Chron. arr. No index. Typed. 9x4x8. Co. Jail, Sheriff's office.

XV. CORONER
(See also entries 12, 132)

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

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

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

306. CORONER'S RECORDS, 1934---. 1 vol. Prior records destroyed. Record of inquests held by the coroner, showing date of death, cause, location, by whom injured, and the verdict as to whether the death was by foul play, accident or natural causes. Chron. arr. No index. Hdw. 100 pp. 5x7x $\frac{1}{2}$. National Funeral Home, office of Coroner.

XVI. CONSTABLE
(See also entry 132)

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

In Tennessee counties, there is one constable from each civil district except the district containing the county seat, which elects two (Const. of 1870, art. 6, sec. 15; P.A. 1851-52, ch. 139, sec. 1). The constable is elected by the qualified voters of the district for a term of two years (ibid.).

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

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truly, according to his power and ability, do and execute all other duties of his office (Acts of N. C., 1741, ch. 5, sec. 2).

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

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

XVII. COUNTY ATTORNEY

The office of county attorney for Hamilton County was created in 1899 (P.A. 1899, ch. 352, sec. 1). Elected by the quarterly county court, the attorney serves for one year at a salary not to exceed \$2,000 per year (Pr. A. 1911, ch. 605).

It is the duty of the county attorney to transact all legal business for the county, in court or otherwise, and to advise county officials on legal matters affecting their offices (P.A. 1899, ch. 352, sec. 2).

307. OPINIONS OF COUNTY ATTORNEYS, 1927--. 10 file boxes. Records missing 1899-1927.

Record of transactions of the legal affairs of the county both in and out of court; opinions of county attorney on legality of various actions pertaining to the offices of county officials. Chron. arr. No index. Hdw. $9\frac{1}{2} \times 11\frac{1}{2} \times 24$. Volunteer Bldg., 1927-30, 4 file boxes, office Will Chamlee; 1930--, 6 file boxes, office Dawson Hall.

XVIII. TAX ASSESSOR

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

The Constitution of 1834 divided each county into civil districts instead of into captain's districts (Const. of 1834, art. 6, sec. 15), and in 1836 the legislature authorized the county court to appoint as a revenue

commissioner one justice or other person for each district (P.A. 1836, ch. 14), and whose duty it was to make annually a list of taxable property and polls (*ibid.*, sec. 1). The commissioner was subject to removal at any time by the county court for failure to perform faithfully his duties (*ibid.*, sec. 2).

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

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

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

Assessments

308. ASSESSMENT OF REAL AND PERSONAL ESTATE (Districts), 1893--.
1359 vols. (num. by civil districts).

Real estate assessments by districts, showing name of person assessed, value of property, description and location. Alph. arr. by name of property owner. No index. Hdw. Vols. aver. 650 pp. 18 $\frac{1}{2}$ x10x2 $\frac{1}{4}$. 1893-1914, 487 vols., basement storage room; 1915-24, 240 vols., annex, 1st floor; 1925--, 632 vols., Assessor's office.

309. CORPORATION SCHEDULES, 1925--. 7 bundles, 4 file boxes.

Property listed by corporations for purposes of assessment, showing location and assessed valuation. Alph. arr. by name of corporation. No index. Hdw. Bundles, 10x8x8; files, 23 $\frac{1}{2}$ x13x11 $\frac{1}{2}$. Assessor's office.

310. PERSONALTY SCHEDULES, 1922--. 10 boxes, 80 file boxes.

Personal property listed by individuals for purposes of tax assessment, showing assessed valuation and description of property owned by assessee. Hdw.

Boxes, 22x10x13; file boxes, 13 $\frac{1}{2}$ x5x10 $\frac{1}{4}$. 1922-23, 1 box, basement storage room; 1924-32, 9 boxes, annex, 1st floor; 1933--, 80 file boxes, Assessor's office.

Field Records

311. FIELD BOOK, 1897--. 134 vols.

Plats used for location of property to be assessed by sections, showing owner's name and assessed valuation. Chron. arr. Alph. indexed within each vols. Hdw. Vols. aver. 300 pp. 18x12x2. 1897-1917, 52 vols., basement storage room; 1918-30, 32 vols., annex, 1st floor; 1931--, 50 vols., Assessor's office.

312. PLAT BOOKS, 1914-1928. 6 vols.

Plat book of "Greater Chattanooga," portions of Hamilton County, Tenn., and Catoosa, Dade and Walker Counties, Ga. Vols. aver. 225 pp. 23x16x2. Assessor's office.

XIX. BOARD OF EQUALIZATION

The county board of equalization was created by public act in 1907 (P.A. 1907, ch. 602, sec. 32). The board is composed of five freeholders, three of whom are elected by the quarterly county court and two by the city commission of Chattanooga (*ibid.*). The function of this board is to equalize assessments and compare values for purposes of taxation (*ibid.*). The term of office of the members is two years (P.A. 1909, ch. 495, sec. 1).

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

313. MINUTES OF BOARD OF EQUALIZATION, 1908--. 8 vols., 5 bundles.

Records missing 1909-30.

Daily record of procedure in meetings to approve or disapprove assessments

Trustee

on real estate, personal property and corporations, showing names of board members, date, amount of original assessment and changes. Chron. arr. No index. Hdw. Vols. aver. 100 pp. 10½x8x3/4, bundles 12x9x½. Assessor's office.

XX. TRUSTEE

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

In 1796 the office became constitutional in Tennessee and the county court was directed to elect a trustee for a two-year term (Const. of 1796, art. 6, sec. 1). This was done in Hamilton County with the creating of the county in 1819.

The Constitution of 1834 provided that the office be filled by the qualified voters of each county. The term of office is two years (Const. of 1834, art. 7, sec. 7; P.A. 1870, ch. 23, sec. 6; 1907, ch. 602, sec. 9). No further changes in the method of election of term of office have been made since that time. He receives a salary of \$6,000 per year under the general salary act of 1921 which eliminated his fees (P.A. 1921, ch. 101, secs. 1, 3).

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

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

County Funds

(See also entries 7, 38, 39)

314. CASH BOOK, 1895-- . 10 vols.
Trustee's cash book, showing date of deposits, name of bank, check number and

record of all disbursements. Num. arr. No index. Hdw. Vols. aver. 300 pp. 17x15x1 $\frac{1}{2}$. 1895-1919, 6 vols., basement storage room; 1920-- , 4 vols., Trustee's office.

315. RECEIVABLE WARRANTS, 1892-- . 5 vols.
Receivable warrants show date, warrant number, name of recipient, reason for issuance and amount of warrant. Num. arr. by warrant num. No index. Hdw. Vols. aver. 185 pp. 16 $\frac{1}{2}$ x14 $\frac{1}{2}$ x1 $\frac{1}{2}$. 1892-1906, 2 vols., basement storage room; 1907-- , 3 vols., Trustee's office.

316. TRUSTEE'S GENERAL RECEIPTS, 1905-- . 7 vols.
Record of all money received other than taxes, showing date received, receipt number and the amount. Num. arr. by receipt num. No index. Hdw. Vols. aver. 135 pp. 11x10x1 $\frac{1}{2}$. 1905-9, 2 vols., basement storage room; 1910-- , 5 vols., Trustee's office.

317. TRUSTEE'S DISBURSEMENT BOOK, 1895-- . 40 vols.
Reproduction of warrants drawn on county funds, showing date of payment, payee and amount. Chron. arr. No index. Hdw. Vols. aver. 425 pp. 22x17x2 $\frac{1}{4}$. 1895-1913, 18 vols., basement storage room; 1914-- , 22 vols., Trustee's office.

318. SCHOOL AND ROAD WARRANTS, 1900-1916. 10 vols.
School and road warrants show date, name of firm or individual in whose favor warrant is drawn, warrant number and amount. Chron. arr. No index. Hdw. Vols. aver. 410 pp. 17x13 $\frac{1}{2}$ x2. 1900-1913, 9 vols., basement storage room; 1914-16, 1 vol., Trustee's office.

For prior and subsequent records see entry 317.

319. MISCELLANEOUS REPORTS - COUNTY TRUSTEE, 1892-1922. 1 file box.
Reports of county trustee to county court, showing various funds and fees collected by his office; also included are election returns. Chron. arr. No index. Hdw. 11x5x1 $\frac{1}{2}$. Co. Ct. Clk's. office.

For subsequent records see entry 198.

Property and Poll Tax

320. TAX BOOK, 1881-- . 231 vols.
Shows property owner's name, description of property, location of property, amount, date of assessment and date tax is paid. Alph. arr. by name of property owner. No index. Hdw. Vols. aver. 550 pp. 18 $\frac{1}{2}$ x17 $\frac{1}{4}$ x3 $\frac{1}{4}$. 1881-1911, 102 vols., basement storage room; 1912-- , 129 vols., Trustee's office.

321. TAX COLLECTION BOOK, 1896-- . 40 vols.
Shows amount of property tax paid by property owners, date paid, tax receipt number and amount of discount. Num. arr. No index. Hdw. Vols. aver. 412 pp. 18 $\frac{1}{2}$ x17x2 $\frac{1}{2}$. 1896-1919, 24 vols., basement storage room; 1920-- , 16 vols., Trustee's office.

322. REAL AND PERSONAL TAX RECEIPT BOOK, 1907-- . 5,756 vols.
Shows location and description of property, assessed valuation, amount of tax,

Chief Clerk and Purchasing Agent

date of payment of tax and receipt num. Num. arr. No index. Hdw. on ptd. form. Vols. aver. 100 pp. $11\frac{1}{2} \times 7 \times \frac{1}{2}$. 1907-33, 4,637 vols., basement storage room; 1934-- , 1,119 vols., Trustee's office.

323. TAX RECEIPTS, 1914-19. 20 vols.

Receipts for payment for all taxes, showing date payment was made, receipt number and amount paid. Num. arr. by receipt num. No index. Hdw. on ptd. form. Vols. aver. 150 pp. $11 \times 9 \times 1$. Basement storage room.

For subsequent records see entries 322, 327.

324. DELINQUENT TAX BOOK, 1894-1915. 20 vols. Discontinued 1915.

Record of delinquent property owners, showing description of property, location, assessed valuation and date of last tax payment. Back tax attorney now secures list of delinquent taxpayers from trustee's tax book and turns it over to clerk and master's office for collection. Alph. arr. by name of property owner. No index. Hdw. Vols. aver. 100 pp. $12 \times 10 \times 1$. 1894-1913, 18 vols., basement storage room; 1914-15, 2 vols., Trustee's office.

325. POLL TAX BOOK, 1910-28. 21 vols.

Shows name and address of person paying poll tax, giving month, day and year of payment, receipt number and total amount of tax. Alph. arr. by name of payor. No index. Hdw. Vols. aver. 450 pp. $18 \times 13 \times 2\frac{1}{2}$. 1913, 1919, 2 vols., basement storage room; 1910-12, 1914-18, 1920-22, 19 vols., Trustee's office.

For subsequent records see entry 326.

326. POLL TAX RECORD, 1929-- . 12 file boxes.

Name and address of persons subject to payment of poll tax, showing date of payment and amount paid. Alph. arr. by name of payor. No index. Hdw. $25 \times 17 \times 6\frac{1}{2}$. Trustee's office.

327. POLL TAX RECEIPT BOOK, 1913-- . 2,112 vols.

Shows name of person for whom poll tax was paid, date of payment, receipt number and amount paid. Num. arr. by receipt num. No index. Hdw. on ptd. form. Vols. aver. 300 pp. $6\frac{1}{2} \times 3\frac{1}{2} \times \frac{1}{2}$. 1913-32, 2,016 vols., basement storage room; 1933-- , 96 vols., Trustee's office.

XXI. CHIEF CLERK AND PURCHASING AGENT

A clerk and purchasing agent was first provided for Hamilton County in 1911 (Pr. A. 1911, ch. 443). The county judge was authorized to make the appointment and the clerk, in addition to his duties as purchasing agent, was subject to miscellaneous instructions of the county judge. He could receive up to \$150.00 per month (ibid.).

The chief clerk and purchasing agent at the present functions under a private act of 1927 which outlined a definite and comprehensive method of procedure in making county purchases (Pr. A. 1927, ch. 298). The chief clerk and purchasing agent is appointed by the county judge, serves during good behavior and receives a salary determined by the judge (ibid., sec. 1). He is required to purchase all supplies of every description used by any county office, bureau,

Claims Committee

department or institution (*ibid.*, sec. 2). The agent makes vouchers to the county judge, showing the details of each purchase, and warrants are then issued by the judge (*ibid.*, sec. 3). The judge is forbidden to issue warrants for any supplies not purchased on a regular purchasing order issued by the purchasing agent (*ibid.*, sec. 7). All county officers must make their purchases by requisitions upon the agent, and the purchase orders must be approved by the county judge (*ibid.*, sec. 5).

The chief clerk and purchasing agent is required to submit a monthly statement to each department, showing disbursements from the department's funds the previous month (*ibid.*, sec. 4).

328. PURCHASE ORDERS, 1919--. 792 vols. Prior records destroyed. Duplicate orders issued by the county purchasing agent for all supplies and materials purchased by the county, showing item purchased, unit price, total, date, account chargeable and name of vendor. Num. arr. by order num. No index. Hdw. and typed. Vols. aver. 200 pp. 10x8x4. 1919-23, 492 vols., basement storage room; 1924--, 300 vols., Co. J's. office.

XXII. CLAIMS COMMITTEE

The claims committee of Hamilton County is composed of five members, annually designated by and from the membership of the county court. The claims committee does not have statutory origin, being created by resolution of the court. It is charged with the consideration of certain matters that would be inconvenient for the entire court to consider at length. The committee has no legal or conclusive authority in itself but acts as an informal or unofficial agency of the court. The committee receives and audits claims against the county, but has no conferred power to pay them. Claims, if deemed payable in the opinion of the committee, are submitted to the court for approval. The committee receives applications for exemptions from payment of privilege and poll taxes and recommends that the court formally exercise its power to grant exemptions as provided by law, if the facts warrant it. The court may grant relief to war veterans and paupers (P.A. 1845-46, ch. 97). Relief from double taxations and tax errors and releases are also considered by the committee, which recommends action by the court. If applications are found valid, the court may grant relief (P.A. 1851-52, ch. 171).

Tradition and common consent have made the claims committee an effective body, even though in itself it has no power of conclusive action.

329. REPORTS OF CLAIMS COMMITTEE, 1907-8. 1 file box. Records missing 1909--.

Reports showing approval or rejection of applications for exemption from payment of privilege license. Also included are resolutions for the building of McCallie Avenue Tunnel and various public roads to Hamilton County. Chron. arr. No index. Typed. 11x5x13. Co. Ct. Clk's. office.

XXIII. FINANCE COMMITTEE

The finance committee of Hamilton County is composed of five members, annually designated by and from the membership of the county court. Like the claims committee, the committee was not created by statute but by resolution of the court, and merely forms a convenient agency for the court to expedite the consideration of certain matters. The committee makes and receives estimates of both revenues and expenditures for the following fiscal year, prepares a proposed budget and recommends the adoption of it by the court and recommends the tax rate.

The body is not legal in the sense that it is not of statutory creation, but tradition and common consent have made it a powerful, however, extra-legal body.

330. MINUTES OF FINANCE COMMITTEE, 1927--. 1 vol.

Record of business transacted at meetings of the committee, such as the making of contracts with banks, estimation of receipts and disbursements, recommendation for tax levy, and handling of all claims for refunds on taxes and licenses. Chron. arr. No index. Hdw. 200 pp. 9x14x2. Finance Com. office.

XXIV. SINKING FUND COMMISSION

A sinking fund commission for Hamilton County was created by private act in 1917 (Pr.A. 1917, ch. 45). The commission consists of three members, citizens of the county, elected by the county court for terms of ten years, and subject to removal at any time by the county court (ibid., sec. 1).

The county court provides by resolution the method of handling and investing county funds, and the commission takes charge of all funds set apart by the county court for the payment of bonds issued, and is held responsible for the same (ibid., sec. 2).

No records except a deposit book were kept by the commission prior to 1928, when an audit was made from actual notes, mortgages and other papers. A change in the chairmanship occurred at the same time and since then records have been kept.

331. LEDGERS, 1928--. 1 vol.

Ledger records of bank and mortgages account, showing date of all transactions and amounts. Alph. arr. by title of account. No index. Hdw. 200 pp. 7x9x2. Hamilton National Bank, office C. H. Jerden.

332. CASH JOURNAL, 1928--. 3 vols.

Record of sinking fund cash deposited to bank accounts, list of notes receivable, showing amount of interest due and date of payment. Chron. arr. No index. Hdw. Vols. aver. 200 pp. 9x14x1½. Hamilton National Bank, office C. H. Jerden.

The general revenue and assessment reorganization bill of 1907 directed the county court to designate as an auditing agency a revenue commission of three members, one of whom should be an expert accountant (P.A. 1907, ch. 602, sec. 76). The commission was directed to meet and critically examine the settlements of the county judge with all collecting officers of the county; to inspect the reports of the collecting officers; to inspect the books of these officers, if necessary; to examine the financial report of the county judge; to examine the checks and warrants on which disbursements from the treasury were made and compare these with the books of the county trustee; to ascertain what warrants had been drawn by the county judge, which had been paid, registered, or registered and remained unpaid; to compare balances reported by the county judge with balances shown by the trustee; and to report in writing, every quarter, the result of the investigations and call attention to any violations of the law (ibid.). The commissioners were paid on a per diem basis (ibid.).

A private enactment of 1911, affecting only Hamilton County, specifically repealed the section of the 1907 act creating a revenue commission and in its place created the office of auditor for Hamilton County (Pr.A. 1911, ch. 234). The county judge was directed to appoint the county auditor for a four year term at a salary of \$1,800 a year. The duties of the county auditor were substantially the same as those of the revenue commission, except that in addition he was directed to see that the justices of the peace paid the fines they collected to the county and to pass on all bills of costs paid by the county (ibid., sec. 2).

In 1915 the county court, by resolution, contracted with a private accountant to audit the books of all county officers and determine any shortages (Minutes of the Quarterly Court, IX, 876, October term, 1915), and in 1917 this contract was ratified and validated by the legislature (Pr.A. 1917, ch. 423).

In the same year, 1917, the legislature by public act authorized any county to employ accountants to audit county books (P.A. 1917, ch. 67, sec. 1). The act places the employing of an auditor in the hands of a county court committee (ibid., sec. 2), and leaves the fixing of the compensation of the auditor and the costs of an audit up to the county court (ibid., sec. 4). In 1919 the 1911 private act creating the office of auditor for Hamilton County was repealed (Pr.A. 1919, ch. 129).

The present auditor functions under contract with Hamilton County. These contracts have been renewed from time to time and have specified varying terms of office and salaries (Minutes of the Quarterly Court, IX, 876, October term, 1915; XI, 556, July term, 1930; XII, 60, October term, 1934; XII, 306, October term, 1936).

A private enactment of 1935 authorized the county court to designate special auditing commissions from time to time, as necessary, to employ special auditors to audit and otherwise examine the books, papers and offices of all county officers (Pr.A. 1935, ch. 340, sec. 1). Such auditing commissions may fix the scope of a special investigation and make contracts with special auditors, but all contracts must be ratified by the county court (ibid., sec. 2).

Although the names of the auditing agencies have been changed from time to time, as shown above, there was no break in the records which are titled "auditor" even though some of the records are those of the revenue commission and special auditors.

333. AUDITOR'S REPORTS TO COUNTY JUDGE, 1927--. 1 vol.
Yearly statement of receipts and disbursements of budget funds and financial condition of the county at beginning of the fiscal year. Chron. arr. No index. Typed. 25 pp. 11x15x $\frac{1}{4}$. Auditor's office.

334. TAX DISTRIBUTION, 1909--. 2 bundles.
Yearly report of tax rate, showing distribution to various funds such as, county school, interest, road and pike funds. Also an estimate of receipts and expenditures by years. Chron. arr. No index. Hdw. 9x14x $\frac{1}{2}$. 1907-8, 1 bundle, basement storage room; 1909--, 1 bundle, Auditor's office.

335. GENERAL LEDGER, 1913--. 7 vols.
Control accounts of all departments excepting offices on a fee basis, viz., chancery, criminal and circuit courts, register, trustee, county court clerk and sheriff. Chron. arr. No index. Hdw. Vols. aver. 470 pp. 10x14x1 $\frac{3}{4}$. 1913-14, 1 vol., basement storage room; 1915--, 6 vols., Auditor's office.

336. CONDENSED RECEIPTS AND DISBURSEMENTS, 1913--. 5 vols.
Monthly summary of receipts and disbursements of Hamilton County, compiled by auditor, showing dates for period covered in the audit. Chron. arr. No index. Hdw. Vols. aver. 215 pp. 11x14 $\frac{3}{4}$ x1. Auditor's office.

337. GENERAL JOURNAL, 1909--. 1 vol.
Closing entries (summaries of ledger accounts), cancelled warrants, details of bonds issued, adjustments and other items needing explanation other than mere transfers from ledger. Chron. arr. No index. Hdw. 500 pp. 12x16 $\frac{1}{4}$ x1 $\frac{1}{2}$. Auditor's office.

338. PROPERTY RECORD, 1875-1913. 1 vol.
Description and valuation of property owned by Hamilton County, such as schools, hospitals, courthouse and vacant property. Chron. arr. No index. Hdw. 200 pp. 17x12 $\frac{1}{2}$ x1 $\frac{1}{2}$. Auditor's office.

For subsequent records see entries 362, 414.

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

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

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

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

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

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

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

A private act of 1917, repealing the 1907 act in Hamilton County and creating another board of education, was similar to the later and general education bill of 1925. Under each act, the board of education is composed of seven members elected by the county court for seven-year terms, one vacancy occurring each year (P.A. 1925, ch. 115; Pr.A. 1917, ch. 475). Some of the board's most important duties are: to hold meetings to transact school business; to make contracts with employees of this department and fix salaries; to manage and control all county public schools; to purchase all supplies for the various departments, and to provide proper record books for the superintendent (P.A. 1925, ch. 115, sec. 6). The 1925 act is the controlling one.

The office of superintendent of schools still functions under the controlling act of 1873, modified by several amendments. The superintendent is elected by the county court for a term of two years (P.A. 1925, ch. 115). Definite qualifications and requirements are necessary for election to the office

(P.A. 1867, ch. 27, sec. 24; 1873, ch. 25; 1895, ch. 54; 1925, ch. 115). Following are the more important duties of the superintendent as regards the keeping of records: to keep a complete and accurate record of the proceedings of all meetings of the board of education and of his official acts; to keep separately for elementary and high schools a record of receipts and disbursements of public school funds; to require all teachers to submit teaching certificates, issued by the state, to his office; to file all contracts with teachers; to require daily reports of city schools; to report annually to the trustee and city commissioner of education, the average daily attendance of all schools; to make full report of all activities to the quarterly county court; to prepare a budget annually for submission to the county court at its April term; and to deliver all papers and records to his successor (P.A. 1925, ch. 115, sec. 6).

Minutes and Reports

339. MINUTES OF MEETINGS OF HAMILTON COUNTY BOARD OF EDUCATION, 1906--. 17 vols. Records partially missing 1908-12, 1918-21. Record of business transacted by Hamilton County board of education, showing date of meetings, nature of subjects under discussion, decisions and results. Chron. arr. No index. Hdw. and typed. Vols. aver. 105 pp. $10\frac{1}{4} \times 13\frac{1}{4} \times \frac{1}{2}$. 1906-8, 2 vols., basement storage room; 1909--, 15 vols., Supt's. office.
340. REPORTS (Superintendent), 1915--. 6 file boxes. Reports from county superintendent of education to county court, city superintendent of schools, county judge and board of education, showing financial relations and progress of the schools; reports from county teachers, showing weekly and monthly attendance of pupils; reports from truant officers; and county trustee's reports to county superintendent of schools on receipts and disbursements of school funds. Chron. arr. No index. Typed. $13\frac{1}{4} \times 10\frac{1}{2} \times 4\frac{1}{2}$. Supt's. office.
341. ANNUAL STATISTICAL REPORT TO STATE DEPARTMENT OF EDUCATION, 1921--. 15 vols. Combined summaries of city and county enrollment and attendance, showing name of school, number of pupils in attendance and total days in each term. Chron. arr. No index. Ptd. Vols. aver. 50 pp. $8\frac{1}{2} \times 14 \times \frac{1}{4}$. Supt's. office.
342. REPORT OF SUPERINTENDENT OF PUBLIC SCHOOLS, 1894-98. 1 file box. General report of public schools as submitted to county court by superintendent of schools, showing enrollment by grades for each school. Chron. arr. No index. Typed. $11 \times 5 \times 13$. Co. Ct. Clk's. office.
For subsequent records see entry 340.
343. PRINCIPALS' ANNUAL REPORTS, 1925--. 17 bundles. Reports show name of school, promotions, non-promotions, cause of failures, enrollment by ages, failures by studies, amount of fuel used, etc. Alph. arr. by name of school. No index. Hdw. and typed on ptd. forms. $9\frac{1}{4} \times 11 \frac{3}{4} \times \frac{1}{2}$. Supt's. office.

344. PRINCIPAL'S MONTHLY REPORTS, 1933--. 10 bundles.
Reports to department of education giving complete account of attendance, transfers, reentries, absences and tardiness. Chron. arr. No index. Hdw. on ptd. form. $7\frac{1}{2} \times 10\frac{1}{2} \times 4$. Supt's. office.

345. TRUANT OFFICER'S REPORTS, 1936--. 1 file box.
Weekly report of truant officer as to number of pupils absent without legal excuse, showing name of school, pupil, age, days absent and parents' or guardians' address. Alph. arr. by name of pupil. No index. Hdw. on ptd. form. $12\frac{1}{2} \times 11 \times 23$. Chairman's office.

346. TRANSPORTATION CARDS, 1932--. 1 file box; 2 cardboard boxes; 4 bundles.
Weekly reports of drivers of county buses as to number of children transported daily, length of route and approval of principal. Chron. arr. No index. Hdw. on ptd. form. File box, $3\frac{1}{2} \times 5\frac{1}{2} \times 12$; cardboard boxes, $8 \times 13 \times 17$; bundles, $9 \times 9\frac{1}{2} \times 21$. 1932-34, 4 bundles, 2 boxes, basement storage room; 1935--, 1 file box, Chairman's office.

347. (TENNESSEE EMERGENCY RELIEF ADMINISTRATION) ADULT EDUCATION, 1933--. 7 folders.
Monthly and semi-monthly reports of schools financed through TERA for underprivileged. Report shows student's name, age, address, grade, progress and interest. Chron. arr. No index. Hdw. on ptd. form. $10 \frac{3}{4} \times 9 \times 1$. 1933-34, 1 folder, basement storage room; 1935--, 6 folders, Supt's. office.

Teachers' Records
(See also entries 342, 343)

348. DIRECTORY OF HAMILTON COUNTY SCHOOLS, 1887--. 21 vols.
Records missing 1891-1901, 1905, 1908-10, 1912-23, 1929.
Yearly record of office staff, supervising teachers, and principals and teachers of various schools, giving home address and the subjects taught by each. Alph. arr. by name of teacher. No index. Hdw., typed and ptd. Vols. aver. 50 pp. $11 \times 9 \times \frac{1}{4}$. Supt's. office.

349. TEACHERS' RECORD CARDS, 1926--. 1 file box.
Card shows teachers experience in local schools, salary, type of teaching certificate held, name, address, phone number and date of birth. Alph. arr. by name of teacher. No index. Hdw. on ptd. form. $9 \times 11 \frac{3}{4} \times 15$. Supt's. office.

350. TEACHERS' CERTIFICATE CARDS, 1913--. 4 file boxes.
Qualification record of present and past personnel, showing extent of education, preparation, number of certificate, date issued, date of expiration and type of certificate. Alph. arr. by name of teacher. No index. Hdw. on ptd. form. $4 \times 14 \times 5$. Supt's. office.

351. TIME CARDS, 1933--. 1 file box.
Teachers' daily time record, submitted monthly by all county schools, showing

days and hours worked, name, address and dates. Alph. arr. by name of teacher. No index. Hdw. on ptd. form. $3\frac{1}{2} \times 5\frac{1}{2} \times 24$. Supt's. office.

Financial and Property Records
(See also entry 46)

352. LEDGERS, 1906-12. 2 vols.
Record of funds received from tax levy and bond funds, showing budgetary items to which funds are disbursed, such as salaries for teachers and janitors, school equipment, premium and interest on bonds and cost of repairs and additions to buildings. Chron. arr. Alph. indexed within each vol. by subjects. Hdw. Vols. aver. 400 pp. $3 \times 10\frac{1}{2} \times 16$. Basement storage room.
353. PAYABLE WARRANTS, 1897--. 11 vols. Records missing 1900-1902.
Record of disbursements of department of education funds for administration, supervision, salaries, improvements and operating expenses, showing date, warrant number, to whom issued, purpose and amount. Chron. arr. No index. Hdw. Vols. aver. 200 pp. $16 \times 11 \times 1\frac{1}{4}$. 1897-1918, 7 vols., basement storage room; 1907-14, 1922--, 3 vols., Supt's. office; 1914-22, 1 vol., Co. J's. office.
354. CHECK STUBS, DUPLICATE VOUCHERS, 1907--. 68 vols. Records missing 1919-20.
Stubs of warrants and duplicate vouchers for disbursement of department of education funds, showing date paid, for what purpose and amount. Chron. arr. and num. thereunder by warrant num. No index. Hdw. Vols. aver. 150 pp. $14 \times 7\frac{1}{2} \times 3\frac{1}{4}$. 1907-18, 44 vols., basement storage room; 1921--, 24 vols., Supt's. office.
355. REQUISITIONS, 1912--. 138 vols. Records partially missing 1913-28.
Orders from the superintendent of education for supplies and equipment to be charged to school for which purchase was made, showing description of item and purchase price. Chron. arr. and num. thereunder by requisition num. No index. Hdw. Vols. aver. 100 pp. $5 \times 7\frac{1}{2} \times \frac{1}{2}$. 1912-17, 1921-30, 103 vols., basement storage room; 1931--, 35 vols., Supt's. office.
356. RECORD OF TUITION, 1931--. 2 vols. Record started 1931.
Record of tuition collected from pupils residing outside of Hamilton County and attending school within it, showing name of pupil, parents, school, date, amount collected, also an account of money paid for use of school buildings. Alph. arr. by name of pupil. No index. Hdw. Vols. aver. 100 pp. $6 \times 11 \times \frac{1}{2}$. Supt's. office.
357. CONTRACTS, 1927--. 8 bundles. Temporary records.
Yearly contracts between Hamilton County board of education and its principals and teachers, showing duration of contract and consideration. Alph. arr. by name of teacher. No index. Typed. $8 \times 7 \times 2$. Chairman's office.
358. SCHOOL BUS OPERATORS' CONTRACTS, 1936--. 1 file box.
Temporary records.
Contracts between operators of school buses and department of education, setting forth fourteen requirements for safety and proper conduct of driver and

pupils. Shows length of route and salary. Alph. arr. by name of operator. No index. Typed. $12 \times 6 \times 10\frac{1}{2}$. Chairman's office.

359. SCHOOL BUS OPERATORS' BOND, 1936--. 1 file box. Temporary records. Yearly bonds, executed in the sum of \$500 by operators of school buses, to insure faithful performance of driver as set out in contract entered into with department of education, showing name of contractor, bondsmen, record investigation, approval by superintendent and by chairman of board of education. Alph. arr. by name of driver. No index. Hdw. $12 \times 6 \times 10\frac{1}{2}$. Chairman's office.

360. INSPECTION OF SCHOOL BUS REPORT, 1935--. 3 bundles. Card record of inspection and repairs on buses used in transporting school children, showing name of owner, make of bus, date of inspection and condition. Chron. arr. No index. Hdw. on ptd. form. $8 \times 3\frac{1}{4} \times 1$. Chairman's office.

361. SCHOOL BUILDING PLANS, 1915. 20 bundles. Blueprints and specifications for school buildings constructed in 1915, also contracts and bonds of building, heating and plumbing contractors. Each bundle contains papers for one school. $10 \times 15\frac{1}{2} \times 1$. Basement storage room.

362. BUILDING AND GROUNDS, 1931--. 2 vols. Shows name of school, size of building and campus, construction of building, type of heating and lighting system and equipment of all county schools. Chron. arr. Alph. indexed within each vol. by name of school. Hdw. Vols. aver. 150 pp. $11\frac{1}{2} \times 8\frac{1}{2} \times 1\frac{1}{2}$. Chairman's office.

363. PETITIONS, 1925--. 2 file boxes. Requests drafted by patrons of schools and addressed to board of education, asking for various and sundry considerations, such as improvements on school buildings and grounds, transportation for children and permission to use buildings for purposes other than teaching. Chron. arr. No index. Hdw. $13\frac{1}{4} \times 10\frac{1}{2} \times 4\frac{1}{2}$. Supt's. office.

364. DEEDS, 1876--. 1 file box. Deeds to various school properties owned by Hamilton County, showing location of property, description and purchase price. Alph. arr. by name of school. No index. Typed. $13\frac{1}{4} \times 10\frac{1}{2} \times 4\frac{1}{2}$. Supt's. office.

Miscellaneous Records

365. SUPERVISOR'S FILES, 1925--. 15 file boxes. Miscellaneous records of teachers meetings, county parent-teachers meetings, achievement tests, unit materials, bulletins, government publications and home demonstration work. Alph. arr. by subjects. No index. Hdw. $16 \times 23\frac{1}{2} \times 11$. Supt's. office.

366. CENSUS, 1919-31. 1 file box. Discontinued 1931. Enumeration of scholastic population, showing name of parents, name of pupil, age, color, sex and physical condition of child. Chron. arr. No index. Hdw. $13\frac{1}{4} \times 10\frac{1}{2} \times 4\frac{1}{2}$. Supt's. office.

367. PUPILS RECORD CARDS, 1932--. 14 file boxes. Record started 1932. Annual report of elementary pupils scholastic record, showing grade, health department and progress in general. Alph. arr. by name of pupil. No index. Hdw. 16x23 $\frac{1}{2}$ x6 $\frac{1}{2}$. Supt's. office.

368. PERMIT CARDS, 1907--. 4 file boxes. Record of permits issued to children between 14 and 18 years of age who are employed. Working certificates, made mandatory by the state child labor law, show name of child, father, address, date of birth, proof of birth, date permit granted and whether temporary or permanent. Alph. arr. by name of child. No index. Hdw. 13x6x4. Supt's. office.

369. RECORD OF HAMILTON COUNTY SCHOOLS, 1894-1903. 1 vol. Lists members of county court, 1894-1900; district directors, 1896-99, scholastic population, 1898-99; summary of abstracts, 1897-1900, payable warrants, 1897-99; teachers and school directors, 1901-3. Chron. arr. No index. Hdw. 100 pp. 14x8 3/4x1 $\frac{1}{2}$. Basement storage room.

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

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

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

The legislature, by public act, in 1885 directed that the county judge, the county court clerk, and the county jail physician or health officer should constitute a county board of health, presided over by the jail physician or health officer (P.A. 1885, ch. 95, sec. 1). The board was charged with the management of the general health of the county and directed to institute

measures to control and combat actual or threatened epidemics and contagious diseases (ibid., sec. 1). It was directed that the health officer or jail physician should adopt and carry out such rules and regulations as the state board should promulgate (ibid., sec. 1). The expenses incurred by the county board of health were to be considered necessary county expenses and paid out of county funds (ibid., sec. 1). Later legislation reaffirmed the duty of the county board in carrying out state regulations (P.A. 1893, ch. 151, sec. 3; 1905, ch. 519, sec. 3).

A legislative act of 1921 authorized any county to establish a county department of health headed by a full-time health officer, assisted by sanitary inspectors, visiting nurses and clerical assistants (P.A. 1921, ch. 89, sec. 1). The act provided that the health officer be appointed by the county court for a term of four years (ibid., sec. 4). The county court is required to furnish funds for the activities of the department (ibid., sec. 5). An enactment of 1923 charged the health officer with the management of the general health of the county, and gave him rather wide discretion in matters concerning public health and directed him, in instances of epidemics, to consult and report to the state commissioner and execute any regulations made by the latter (P.A. 1923, ch. 7, Mod.). The legislative act of 1921 was designed to place public health work in the state on a uniform and centralized and consequently, more effective basis.

Acting under authority of the 1921 act, Hamilton County, in 1926, established a full-time department of health (Minutes of the Quarterly Court, XI, 730, January term, 1926).

Further legislation has enlarged and re-vitalized the county board of health which constitutes, roughly, the administration of the health department (P.A. 1923, ch. 7; 1935, ch. 37, sec. 1). The board of health is composed of the county judge, superintendent of education, county health officer, two medical doctors, one acting as director of the board, and one dentist (ibid.). The doctors and dentist are selected by the county court from a list submitted by the county medical and dental societies. The tenure of the different members varies (P.A. 1885, ch. 95, sec. 1; 1923, ch. 7; 1935, ch. 37, sec. 1).

In effect, the county health department has replaced the office of county or jail physician as chief public health agency in the county, and, at least in Hamilton County, where the city-county clinic cares for curative cases, is concerned more with preventive measures than curative (P.A. 1935, ch. 37, sec. 1), such as vaccination and inoculation of school children, sanitary inspections, education and prevention and control of disease and epidemics. The county health department is a unit of unified system of state-wide public health work, and the county board adopts rules and regulations prescribed by the state department of health through the commissioner (P.A. 1885, ch. 95, sec. 1; 1923, ch. 7; 1935, ch. 37, sec. 1).

Medical Records

370. INDEX FILES, 1927-- . 17 file boxes.
An index to all medical and general health records in this department, showing

subjects, addresses, dates and location of records. Alph. arr. by subjects. Hdw. 4x5x13.

371. COMMUNICABLE DISEASES, 1930--. 3 file boxes. Shows name and address of persons having a communicable disease; also a history of the case. Alph. arr. by name of patient. For index see entry 370. Hdw. 6 5/8x5 3/8x8 1/4.

372. RECORD OF PHYSICIANS' REPORTING, 1935--. 2 charts. Lists physicians of county and their reports to health department on communicable diseases. Alph. arr. by name of physician. For index see entry 370. Hdw. 15x30.

373. IMMUNIZATION RECORDS, 1927--. 36 file boxes. Record of patients who have had serum for prevention of smallpox, typhoid and diphtheria and tuberculin for tuberculosis, showing name of patient, date and type of serum administered. Alph. arr. by name of patient. For index see entry 370. Typed. 4x5x13.

374. LABORATORY REPORTS, 1931--. 3 file boxes. Reports on culture and tests of specimens of water, blood and urine, showing date, type of test and name of person making the test. Alph. arr. by name of individual. For index see entry 370. Hdw. 5x8x16.

375. TESTS AND ANALYSIS, 1927--. 3 file boxes. Wasserman and miscellaneous tests, analysis of water, sputum and urine, showing date, type of test and name of person making test. Alph. arr. by individual cases. For index see entry 370. Hdw. 5x6 1/2x19 1/2.

376. REPORTS OF HEALTH DEPARTMENT PROFESSIONAL PERSONNEL, 1931--. 3 file boxes, 2 bundles. Records missing 1932. Reports on field work by nurses, consisting of tests of vision and hearing, vaccination and inoculation of school children, maternity service, lectures on infant hygiene and other health services. Chron. arr. For index see entry 370. Hdw. File boxes, 5x8x16; bundles, 3 1/2x5 1/2x7.

377. FAMILY ROSTER, 1930--. 5 file boxes. General medical record of families visited by nurses, including communicable diseases, maternity, infant and pre-school records. Alph. arr. by name of family. For index see entry 370. Hdw. 8x5x16.

Health Activities

378. APPRAISAL OF RURAL HEALTH ACTIVITIES, 1931--. 5 vols. Annual summary of rural health activities, such as testing of vision and hearing, vaccinations and inoculations. This record is compiled and sent to state health department in cooperation with United States public health service. Alph. arr. by subjects. No index. Hdw. Vols. aver. 108 pp. 9 7/8x6 7/8x1 1/4.

379. HEALTH RECORD OF SCHOOL CHILD, 1927--. 4 file boxes. Health report on each school child, showing name of child and history of health

throughout school life. Alph. arr. by name of pupil. For index see entry 370. Typed. 10x12x21.

380. BLUE RIBBON RECORDS, 1930--. 2 file boxes, 1 bundle. Shows names of county school pupils who have perfect records in health, studies and behavior, based on teachers and doctors reports. Alph. arr. by name of pupil. No index. Hdw. File boxes, $3\frac{1}{4}$ x8x5; bundle, 3x6x4.

381. SANITATION RECORDS, 1927--. 5 file boxes. Record of inspections made by sanitary inspectors of excreta, water, milk and food, also a copy of all lectures given by sanitary inspectors. Chron. arr. No index. Hdw. 5x8x16.

382. MAPS OF HAMILTON COUNTY, 1933. 2 maps. Political maps of Hamilton County, showing point of incidence of communicable diseases and location of school sanitation programs. Ptd. Scale. 1 in. equals 1 mi. 30x37 $\frac{1}{2}$.

Miscellaneous Records

383. PAYROLLS, 1928--. 2 folders. Payroll shows name, date, time worked and amount due each employee. Chron. arr. No index. Hdw. 8 $\frac{1}{4}$ x11x3.

384. VITAL STATISTICS, 1934--. 14 file boxes. Record of births, deaths and midwife cases by civil districts, showing date of birth, death, cause of death and name of physician and midwife. Alph. arr. by name of individual and chron. thereunder. No index. Hdw. 5x8x16.
For prior records see entries 81-83.

385. SCRAP BOOK, 1927--. 1 vol. Newspaper clippings pertaining to activities of the health department and a list of original personnel. Chron. arr. No index. Typed and ptd. 50 pp. 11 $\frac{1}{2}$ x14 $\frac{1}{2}$ x2.

XXVIII. COUNTY PHYSICIAN

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

An 1859-60 session of the legislature directed the jailer of the county jail to call in physicians to care for prisoners when necessary, and to pay the physician a reasonable fee to be attached to the bill of costs (P.A. 1859-60, ch. 95, sec. 1). An 1871 enactment directed the county court to fix the salary of a county jail physician, but not to exceed \$1,000 per year (P.A. 1871, ch. 115, sec. 1). In 1873 the legislature repealed the act limiting the salary of the jail physician, excepting the three supreme court counties of Knox, Davidson and Madison (P.A. 1873, ch. 29, sec. 1). In each of the remaining

counties, including Hamilton, the sheriff was ordered to provide jail inmates with medical attention, the physician's compensation to be agreed upon by the physician and the county court (ibid., sec. 2).

In 1877 the sheriff was relieved of this duty after the legislature declared it to be the exclusive power and duty of the county court to arrange for medical care for prisoners, the compensation still to be determined by agreement between the court and the jail physician. The act did, however, void contracts already held by any attending jail physician (P.A. 1877, ch. 160, secs. 1, 2).

In 1885 the legislature directed the county court to elect or appoint, for a four-year term, a jail physician or county health officer to render medical or surgical attention to inmates of the county jail (P.A. 1885, ch. 95, sec. 4). The same act declared that the county judge, the county court clerk and jail physician or health officer should constitute a county board of health, with the physician or health officer presiding over the board, and as presiding officer was charged with the management of the general health of the county, empowered to institute any necessary measures, and, in instances of actual or threatened epidemics, ordered to consult the state board of health for instructions (ibid., sec. 1). Expenses incurred were borne by the county court. The jail physician's compensation was fixed by the county court (ibid., sec. 5).

When, in 1922, the city-county clinic, maintained jointly by the City of Chattanooga and the county, was created, the city paying sixty per cent of the expenses and the county forty per cent, the county physician, in addition to his duties as jail physician, became director of the clinic. As head of the clinic, the county physician is concerned with curative rather than preventive measures (Minutes of the Quarterly Court, X, 703, July term, 1922), differentiating him sharply, after 1926, from the head of the county health department, the county health officer.

In 1926, when Hamilton County, under authority of a legislative act of 1921, established a county department of health, the county physician, as chief public health agent in the county and head of the board of health, was replaced by the county health officer but continued to serve the newly created department in an indefinite advisory capacity (P.A. 1921, ch. 89; Minutes of the Quarterly Court, XI, 73, January term, 1926).

Legislation in 1933 and 1935 enlarged the duties of the county physician so as to include care of inmates of all county institutions (P.A. 1933, ch. 140; 1935, ch. 37).

386. CLINIC CHARTS, 1927--. 28 file boxes.

Chart shows name and address of all charity patients, number of visits, treatments given and a complete history of each case. Alph. arr. by individual cases. No index. Hdw. $11\frac{1}{2} \times 12 \times 23\frac{1}{2}$.

387. TESTS AND ANALYSES, 1927--. 3 file boxes.

Card record of Wasserman and miscellaneous tests and analyses of water, sputum and urine, showing name of patient, date, type of test and result. Alph. arr. by name of patient. No index. Hdw. $5 \times 6\frac{1}{2} \times 19\frac{1}{2}$.

XXIX. SURVEYOR

In the early history of the county, under the government of the proprietors, the making of land surveys was under the authority of the high steward's court.

The office of surveyor is not a constitutional one. It was, however, a very short time after the framing of the North Carolina Constitution of 1776, definitely established as a permanent county office.

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

The surveyor continued on this basis except for minor changes until 1806 when the state was divided into six land districts and a surveyor for each district was elected by joint ballot of the legislature. He was allowed deputies, chain carriers and other necessary helpers (P.A. 1806, ch. 1).

Following the cession of the western territory and the evacuation of the Indians, other districts were created until a total of thirteen was reached. This system was in effect until 1835, at which time an act provided for the election of the surveyor by the county court for a term of four years (P.A. 1835-36, ch. 2, sec. 4; ch. 73, sec. 2).

The surveyor's chief duties are: to make surveys directed to him by any court of record in the state; to survey any lot or piece of land in the county for any person paying the required fee (P.A. 1873, ch. 9, sec. 3); and to test instruments by the Meridian line every six months (P.A. 1871, ch. 120, secs. 2, 3).

In Hamilton County, the county engineer is usually designated as surveyor, but the office is, for all practicable purposes, defunct.

Very few records of this bureau have been preserved and those now in existence are so interwoven with those of the county engineer and highway department that specific location references can not be given.

XXX. HIGHWAY DEPARTMENT

(Highway Commission, County Engineer and Superintendents of Roads and Workhouses)

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

Practically all authority concerning roads and bridges was lodged in the county court (P.A. 1804, ch. 1, secs. 17, 89; 1883, ch. 128, sec. 1; 2 Swan 207; 5 Lea 161). Sometimes turnpike, bridge and ferry corporations were chartered and allowed to build roads and bridges and maintain ferries and collect tolls (Philip Hamer, ed., Tennessee - A History, 1673-1932, I, New York, 1932, 385-87; P.A. 1877, ch. 101), but generally road construction and maintenance depended on requiring male residents of the county to work on roads a specified number of days or pay a commutation tax (P.A. 1804, ch. 1; 1881, ch. 38; 1882, ch. 18; 1883, ch. 128; 1891, ch. 1; Pr.A. 1919, ch. 668, sec. 2; P.A. 1925, ch. 287, sec. 13).

The administrative set-up in the county was changed and re-defined from time to time but there were no fundamental changes in the system. Roads were classified as turnpikes, or roads leading to the county seat, and as district roads (P.A. 1883, ch. 167; 1881, ch. 38; 1891, ch. 1). A district commissioner, operating through section overseers, summoned residents of the district and section to work on the roads or pay a commutation tax (P.A. 1881, ch. 38; 1883, ch. 128). Turnpike commissioners, provided for in 1883, had general supervision over turnpike roads throughout the county and expended the turnpike levies (P.A. 1883, ch. 167). The road tax, payable in labor and money, was fixed by the county court (P.A. 1891, ch. 1). Commissioners and overseers received small salaries (P.A. 1881, ch. 38, sec. 36).

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

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

A private act of 1907 created a board of public road commissioners for Hamilton County to consist of three citizens of the county, to be elected by the people for terms of two years. No office holder was permitted to offer for election (Pr.A. 1907, ch. 368, sec. 1). The board was charged with control of all public roads and bridges in the county and with the supervision of the county workhouse. The board received and disbursed all funds earmarked for construction and maintenance of bridges and roads and for maintenance of the county workhouse, the accounts of the last to be kept separately. The commission audited accounts of the district commissioners and overseers, these offices, created by prior legislation, being held over, and certified the accounts to the county judge. The commission was required to report to the quarterly county court and to keep a minute book (*ibid.*, sec. 2).

One member of the board was designated superintendent of roads and one clerk of the road commission, the former receiving \$1,400 per year, the latter \$1,200 (*ibid.*, sec. 3). The commission was empowered to make all contracts necessary for the proper maintenance of pike roads for an ensuing year (*ibid.*, sec. 4). The superintendent was required to be a competent and skilled road

builder and to devote his entire time to his duties and to visit and inspect road jobs and make reports to the commission and the quarterly court. He was to superintend all work let by contract and determine if contracts were fulfilled, was held responsible for condition of public roads under his supervision (ibid., sec. 4).

Another member of the board was designated superintendent of the workhouse, and had general control and management over the county workhouse, subject to orders of the quarterly court. He worked convicts on county roads, gave his entire time to his duties, and with the other commissioners formulated desirable workhouse regulations. He was empowered to employ guards and foremen and was held responsible for all property entrusted to him. He reported to the quarterly court. As workhouse superintendent, he was removable by the court (ibid., sec. 6).

The clerk of the commission was required to keep complete records on roads and the workhouse, to make and preserve vouchers, to receive reports of overseers, to collect and credit all commutation money, to prepare a list of persons delinquent in payment of road taxes, either in money or labor and present same to district commissioners for legal proceedings (ibid., sec. 7).

The act of 1907 designated a civil district as a road district and re-affirmed the duties of the district commissioner but gave him, with the magistrate from the district, considerable discretion in apportioning the work within a district (ibid., sec. 9). The system of requiring district residents to work on the roads was re-affirmed, but a resident could commute the entire amount of labor due by payment of money at the rate of seventy-five cents per day, the money payable, however, to the clerk of the commission and not to the district commissioner (ibid.). The act of 1907 set limits of road tax and made it applicable only to unincorporated areas of the county (ibid., sec. 10). The court was empowered to elect a civil engineer with rather indefinite functions, but all work was subject to his approval. He was paid from the county treasury (ibid., sec. 13).

The county court clerk furnished the commission with a list of all persons granted exemptions by the court (ibid., sec. 14). All commutation money received had to be expended in the appropriate district (ibid., sec. 15).

Private legislation in 1915, applicable to Hamilton County, completely revolutionized the public road administration. One act authorized the creating of a board of highway commissioners (Pr.A. 1915, ch. 204), and the closely related office of county engineer (Pr.A. 1915, ch. 15). Each act recognizes the other as a supplement.

The board of highway commissioners, composed of three members, elected for two-year terms by the county court, and to serve without compensation, headed the new administration (Pr.A. 1915, ch. 204, sec. 71). The highway commission manages and controls all pikes and public roads, the classification being made by the court within limits set forth in the act, and bridges and the county workhouse. The commission controls expenditures, within reasonable limits, supervises the letting of contracts, keeps a minute book and reports to the quarterly court (ibid., sec. 9). Under the act, the county court

levies a pike tax of from ten to twenty cents per \$100, and a district road tax applicable to unincorporated areas, of from ten to fifteen cents, both funds to be administered by the board of commissioners, the accounts kept separately (*ibid.*, secs. 5, 9). The district road tax must be expended in district collected (*ibid.*, sec. 5), and the pike funds apportioned among the various pikes according to their importance and condition (*ibid.*, sec. 10). The board of commissioners may let contracts, but cannot obligate the county in excess of the annual tax levy (*ibid.*, sec. 10).

The act of 1915 provided that the board of commissioners elect a superintendent of roads, a superintendent of the workhouse and a clerk of the commission (*ibid.*, sec. 12), but this delegation of authority was held unconstitutional and the duty of making such appointments reverted to the county court. The superintendent of roads is a full-time officer, charged with visiting and inspecting all pikes and roads and reporting to the board. He recommends what work should be done on pikes, is in charge of all road construction and maintenance, is responsible for condition of all pikes not built of permanent material or not under jurisdiction of the county engineer and all district roads, and has supervision of the district commissioners (*ibid.*, sec. 12).

The superintendent of the workhouse is the active manager of the workhouse and places county prisoners at work on pikes as directed by the board. He is a full-time officer and is directly responsible to the board for the efficient, sanitary, healthful and proper management of the workhouse. With the board, he formulates workhouse regulations and employs guards and other persons (*ibid.*, sec. 12).

The clerk of the board keeps the minutes, accounts of road and pike funds, and an account of all expenditures of the board. The clerk's salary must not be in excess of \$100 per month, the road superintendent's not in excess of \$200, and the workhouse superintendent's not in excess of \$100 (*ibid.*, sec. 12).

The board lets contracts for essential requirements of road building, such as leasing of rock quarries, and lets contracts for workhouse supplies (*ibid.*, sec. 13).

The board of commissioners was directed to appoint a district commissioner for each road district, each one receiving \$1.50 per day, but such an officer no longer functions. Each district road commissioner was to divide his district into sections and assign road hands to each section. All citizens between twenty-one and forty-one years of age were required to work from four to ten days, or pay a tax of \$1.00 for each day's labor required (*ibid.*, sec. 14). This provision requiring work on road or payment of a tax was finally declared unconstitutional. With the superintendent of roads, the district road commissioner was required to advise the board on the best way of expending a district's funds (*ibid.*, sec. 14).

All taxes levied under authority of act of 1915 are collected by county trustee, and paid on warrants of the county judge on orders signed by superintendent of roads and endorsed by board of commissioners (*ibid.*, sec. 16).

The board is empowered to formulate a system of rules and regulations looking to the creating of a permanent system of highways (ibid., sec. 19).

County Engineer

The other private act of 1915, creating for Hamilton County the office of county engineer (Pr.A. 1915, ch. 15), is a definite supplement to the act creating the highway commission. He is a full-time officer elected by the county court for a two-year term at a salary of \$2,400 per year (ibid., secs. 1, 2, 3). He has charge and supervision of all civil engineering work necessary to be done in connection with the laying out, construction and improvement of public roads and highways, the building of bridges and culverts and all other work of public improvement in the county unless otherwise directed by the court (ibid., sec. 2). He is required to make estimates for work done by any department of the county, including estimates for building of roads, bridges and culverts, and to approve all statements, vouchers and orders affecting his work (ibid., sec. 4).

The county engineer is required to prepare road and highway maps and keep them up to date (Pr.A. 1915, ch. 204, sec. 3). With the superintendent of roads, he is to fix the limits of road districts or rearrange the same (ibid., sec. 4). He is required to prepare specifications if directed by the board of highway commissioners, to prepare estimates for the board, to approve or disapprove all work being done or done by contract, and to maintain a close cooperation with the superintendent of public roads (ibid., sec. 11).

Close cooperation on the parts of the county engineer, the superintendent of roads, the superintendent of the workhouse, and the county surveyor is made easy in Hamilton County where all these offices are lodged in one individual.

Maps and Field Records

388. FIELD BOOKS, GENERAL NOTES, 1911--. 146 vols.
Contains levels, grade elevations, bench marks and cross-sections of various roadways built by the highway commission. Chron. arr. Hdw. and drawn. Vols. aver. 50 pp. $7\frac{1}{2} \times 4\frac{3}{4}$. Main office.

389. INDEXES, 1911--. 3 file boxes.
Card index to field books and general notes, showing book and page number of recordation; also location of old and new maps, profiles and blueprints. Alph. arr. by subject. Hdw. $16 \times 4\frac{1}{2} \times 6\frac{1}{2}$. Engineer's office.

390. MAPS, (Miscellaneous Maps, Blueprints and Drawings of Roads and Highways of Hamilton County), 1911--. 1674 blueprints.
Drawings and blueprints of county roads, showing plats and profiles, cross-sections, grade elevations, approaches and dimensions of bridges and dimensions and locations of culverts; also subdivision roads and proposed roads. Size varies. Main office.

391. PLATS - COMPILED, 1928--. 1 vol.
Thirty-four plats of area known as "Greater Chattanooga," and portions of

Catoosa, Dade and Walker Counties, Ga., showing water and sewer lines, electric and steam railways, subdivisions, frame and fireproof buildings and wards. No arr. Alph. indexed within the vol. by title of the plat. $18\frac{1}{2} \times 2\frac{3}{8} \times 2$. Main office.

392. COMPILED PLAT BOOKS, 1904, 1914. 73 plats.
Plats of Chattanooga and vicinity. 1904, 40 plats, scale 1" to 2000'; 1914, 33 plats, scale 1" to 150', $17\frac{1}{4} \times 23\frac{1}{2} \times 2$. Main office.

393. ROAD MAPS OF HAMILTON COUNTY, 1924, 1935. 2 maps.
Maps showing rural routes of Hamilton County. Blueprints and hand drawings. 1924, 1 map, scale 1" to 1 mile, $32\frac{1}{2} \times 37\frac{1}{2}$; 1936, 1 map, scale 1" to 1 mile, 36×48 . Main office.

Minutes and Reports

394. MINUTES OF BOARD OF PUBLIC ROAD COMMISSION (Minutes of Highway Commission), 1911--. 13 vols.
Record of business transacted at meetings of the board of public road commission, such as condemnation proceedings, resolutions on and disposition of bids for construction, repair and improvement of public highways. Chron. arr. No index. Hdw. and typed. Vols. aver. 250 pp. $14 \times 9 \times 1$. 1918-21, 1 vol., basement storage room; 1911-17, 2 vols., 1922--, 10 vols., Main office.

395. MINUTES OF MEETINGS OF WORKHOUSE COMMISSION, 1894-1902. 1 vol.
Record of business transacted at meetings of the workhouse commission, monthly payrolls of employees of workhouse, amounts owed for supplies and record of repairs and tools bought for workhouse. Chron. arr. No index. Hdw. 500 pp. $16\frac{1}{2} \times 21\frac{1}{4} \times 4$. Main office.

For subsequent records see entry 394.

396. MINUTES OF HAMILTON COUNTY ROAD COMMISSION, 1911-12. 1 vol.
Record of meetings of a special commission appointed to handle a \$500,000 bond fund for the construction of culverts and improving, macadamizing and paving public roads. Chron. arr. No index. Typed. 200 pp. $14 \times 8\frac{1}{2} \times 1\frac{1}{2}$. Main office.

397. MINUTES OF MEETINGS OF ROSSVILLE BOULEVARD COMMISSION, 1909-13.
1 vol.
Record of business transacted at the meetings of a special board in charge of building Rossville Boulevard. Chron. arr. No index. Hdw. 200 pp. $14 \times 8\frac{1}{2} \times 1\frac{1}{2}$. Main office.

398. DIARY OF WAUHATCHIE PIKE, 1915-17. 1 vol.
Detailed account of building of Wauhatchie Pike, engineers data on culverts, grades, walls, fills and figures for materials needed. Chron. arr. No index. Hdw. and typed. 100 pp. $9\frac{1}{2} \times 12 \times \frac{1}{2}$. Engineer's office.

399. REPORTS FROM CAMPS, 1933--. 4 bundles.
Daily reports from work camps to chairman of highway commission as to daily activities, number of men working and number of trucks and graders used on

road work. Chron. arr. No index. Hdw. $13\frac{1}{2} \times 8\frac{3}{4} \times 2\frac{3}{4}$. 1933-35, 3 bundles, basement storage room; 1936--, 1 bundle, Engineer's office.

Financial Records

400. CONTRACTS, 1911--. 14 file boxes.

Contracts between the county and contractors for construction or improvement of roads to be built or repaired by standard specifications for roads and bridges adopted by the state department of highways and public works, showing nature of work, consideration, names of contractors, proposals, bids; payroll estimates and bond of contractor. Alph. arr. by name of road or bridge. No index. Hdw. $10 \times 10 \times 9\frac{1}{4}$. 1911-25, 13 file boxes, Main office; 1926--, 1 file box, Engineer's office.

401. VOUCHER LEDGER, 1911--. 7 vols.

Ledger shows expenditures for purchases and services charged to pike, workhouse or Federal funds, showing name of party to whom paid and nature of payment. Chron. arr. No index. Hdw. Vols. aver. 250 pp. $14 \times 7 \times 1\frac{3}{4}$. Main office.

402. VOUCHERS, 1915--. 7 boxes, 2 files.

Duplicates of vouchers sent county judge authorizing him to issue a warrant for payment of attached invoice and charge to workhouse or pike fund, showing voucher number, to whom issued, amount, purpose and date. Chron. arr. No index. Typed. 1915-33, size varies; 1934--, $22 \times 12 \times 12$. 1915-33, 7 boxes, basement storage room; 1934--, 2 files, Engineer's office.

403. CASH BOOK, 1913--. 3 vols.

Record of cash received from fines and costs, showing date, receipt number, fines, costs, offense and rule number of case. Chron. arr. No index. Hdw. Vols. aver. 300 pp. $12 \times 14 \times 1$. Main office.

404. ROAD TAX CASH BOOK, 1915-30. 3 vols. Discontinued 1930.

Record of cash received from tax assessment on every male resident of the state and county, 21 years of age or over, in the sum of \$2.00 per year, showing date of payment, name of payee and amount paid. Chron. arr. No index. Hdw. Vols. aver. 308 pp. $14 \times 13\frac{1}{2} \times 2$. Main office.

405. DUPLICATE RECEIPT BOOKS, 1916--. 185 vols.

Copies of receipts given on payment of fines and costs of workhouse prisoners, showing name of prisoner, offense and amount paid. Chron. arr. by date of payment. No index. Hdw. Vols. aver. 100 pp. $10\frac{3}{4} \times 3\frac{1}{4} \times \frac{3}{4}$. Main office.

406. JOURNALS, 1915-33. 2 vols. Discontinued 1933.

Monthly disbursements of workhouse and pike funds for office expense, provisions, tools, auto repairs, supplies, clothing, lights and other. Chron. arr. No index. Hdw. Vols. aver. 400 pp. $15\frac{1}{2} \times 9\frac{3}{4} \times 1\frac{3}{4}$. Main office.

407. TIME BOOKS, 1925--. 51 vols.

Individual time record of employees paid from pike fund, showing name, hours worked and amount paid. Chron. arr. No index. Hdw. Vols. aver. 50 pp. $4 \times 6\frac{3}{4} \times \frac{1}{2}$. Main office.

408. PURCHASES AND EXPENSES, 1895-1927. 4 vols. Discontinued 1927. Record of supplies purchased for both workhouses, such as rations, clothing, bedding, fuel and office supplies, showing totals for each item. Chron. arr. No index. Hdw. Vols. aver. 200 pp. $18 \times 12 \frac{1}{2} \times 2$. 1895-1907, 2 vols., basement storage room; 1908-27, 2 vols., Main office.

409. REQUISITIONS, 1912--. 95 vols. Records missing 1922-31. Duplicate orders for supplies charged to pike and workhouse funds, showing quantity of supplies and how used. Num. arr. by order number. No index. Hdw. Vols. aver. 200 pp. $8 \frac{1}{4} \times 12 \times 1$. 1912-21, 91 vols., basement storage room; 1932--, 4 vols., Main office.

410. GAS AND OIL REPORTS, 1934--. 4 bundles. Daily record of gas consumed by camps number 1 and 2, on roadwork, showing number of truck or auto and driver's name. Chron. arr. No index. Hdw. $8 \frac{1}{2} \times 10 \frac{1}{2} \times 2 \frac{1}{2}$. 1934-35, 3 bundles, basement storage room; 1936--, 1 bundle, Engineer's office.

411. FEEDING COSTS, 1934--. 3 bundles. Daily report of feeding costs for employees and prisoners of both White Oak and Silverdale workhouses. Chron. arr. No index. Hdw. $9 \times 10 \times 4$. 1934-35, 2 bundles, basement storage room; 1936, 1 bundle, Main office.
For prior records see entry 420.

412. WORKHOUSE REPORT BOOKS, 1911--. 659. Shows name of employee, time worked by employees and prisoners, supplies used at workhouse, list of prisoners by workhouse location and supplies charged. Chron. arr. No index. Hdw. Vols. aver. 44 pp. $6 \times 8 \times \frac{1}{4}$. Main office.

413. WORKHOUSE BONDS, 1911--. 4 vols. Bonds securing fines and costs in workhouse cases, showing name of prisoner and bondsman, date and amount of bond. Alph. arr. by name of prisoner. No index. Hdw. Vols. aver. 300 pp. $17 \frac{1}{2} \times 16 \frac{1}{2} \times 1 \frac{1}{2}$. Main office.

414. DEEDS, 1887--. 4 file boxes. Deeds to rights-of-way, buildings, grounds, workhouses and county hospitals under supervision of highway commission. Alph. arr. by subject of deed. No index. Hdw. and typed. $16 \times 16 \times 8 \frac{1}{2}$. Main office.

Record of Prisoners

415. MITTIMUS TO WORKHOUSE, 1911--. 73 file boxes. Copies of judgments and sentences of prisoners to workhouse on misdemeanor and felony charges. Commitments are made by justices of the peace, city judge and criminal court. Alph. arr. by name of prisoner. No index. Hdw. $4 \frac{1}{2} \times 4 \frac{1}{2} \times 10$. Main office.

416. RECORDS OF PRISONERS, 1893--. 7 vols. (num. varies). List of prisoners sent to workhouse, showing description, offense, amount of fines and costs, name of court giving sentence and date of release. Alph. arr. by name of prisoner. No index. Hdw. Vols. aver. 300 pp. $16 \times 16 \frac{1}{2} \times 3$. Main office.

417. RECORD OF ESCAPED PRISONERS, 1911--. 2 vols.
Shows date of escape from guard or camp, offense, sentence, description of prisoner and date of return. Alph. arr. by name of prisoner. No index. Hdw. Vols. aver. 200 pp. 11 3/4x18x1/2. Main office.

XXXI. RELIEF COMMITTEE
(See also entry 35)

The relief committee was created in 1932 by resolution of the county court and is composed of three members, serving for one year, designated by and selected from the membership of the court. As an agency of the court, the relief committee was established for the purpose of distributing relief orders for fuel and clothing to the poor residing in the rural areas of Hamilton County. Of course, technically the expenditure of funds has to be approved by the court and orders honored for payment through the usual channels. There is no specific statutory authority for the county court, or its agent, to make direct grants to the poor, but the supreme court, in a suit to enjoin counties from making direct grants, many years ago ruled that it is a proper function of the county court to make grants or allowances to persons likely to become chargeable as paupers, citing the Iowa Code of 1851 (Shannon's Code of Tennessee, 1896, sec. 2705). Whatever the legality of the relief committee, it is, as an agency of the court, a valid body.

418. APPLICATIONS FOR ASSISTANCE, 1932--. 40 folders.
Case histories of families asking for assistance, showing name, address, number in family, income, occupation, landlord and unemployment history. Alph. arr. by communities. No index. Hdw. on ptd. forms. 11x9 1/2x3. Relief Com. office.

419. RELIEF ORDERS, 1932--. 104 vols.
Duplicates of orders issued monthly to individuals by relief committee to be honored by merchants, and presented to county purchasing agent for payment. Shows order number, date, number in family, name, address, signature of recipient and signature of merchant. Chron. arr. and num. thereunder by order num. No index. Hdw. on ptd. forms. Vols. aver. 50 pp. 4x3 1/2x1/2. Relief Com. office.

XXXII. POOR COMMISSION

An act of 1797 authorized the county court to provide for the needy at the expense of the court (Scott's Laws of Tenn. and N. C., ch. 5) but it was 1826 before any comprehensive system was outlined. Hamilton County's poor commission, the administrative agency for caring for the county's poor, functions under general laws of 1826, 1827, 1879, 1889 and 1929. The poor law of 1826 directed that the county, through the county court and a commission appointed by the court to make suitable provision for the care of the county's poor (P.A. 1826, ch. 56, sec. 2). Subsequent legislation has made the poor commission a permanent body (P.A. 1879, ch. 102; 1889, ch. 150, Mod.). The commissioners are elected by the quarterly court for three-year terms (ibid.).

Poor Commission

The commissioners are empowered to prescribe rules and regulations for the management of the county poor farm, and for the treatment of the inmates of the poor home or asylum; to prescribe the manner in which the inmates live; to appoint a suitable superintendent; to receive bond of the superintendent; and to deliver such bond to the county court clerk (P.A. 1827, ch. 112, sec. 6).

The commissioners elect of their own number chairman and are required to keep minutes of their proceedings in a well-bound book. Money is expended on the commission's signed order, describing in detail the purposes for which it is intended and approved by the quarterly county court before it is delivered to the county judge (Mod.). The commission is required to keep account books, listing all expenditures and details concerning such expenditures, and to preserve all vouchers. The account book and vouchers are delivered to the county judge once a year (Williams' Code of Tennessee, 1932, secs. 4802, 4803, 4804). The commission is required to make an annual report to the county court, including a report on the condition of the poor and other important matters (ibid., sec. 4814). The commissioners are entitled to a reasonable compensation, to be fixed by the court (ibid., sec. 4815).

The superintendent of the poor home or farm overlooks and manages the institution under such rules as the commission prescribes (P.A. 1827, ch. 112, sec. 6). Appointed by the commission, the superintendent serves during good behavior (ibid.). The superintendent is required to submit an annual report to the commission, showing full details of the previous year's activity (ibid., sec. 9, Mod.), to be incorporated in the commissioner's report to the county court (Code of Tennessee, 1932, sec. 4813). His compensation is fixed by the court (ibid., sec. 4815). In Hamilton County the poor farm and home is known as the William L. Bork Memorial Hospital, built in 1929.

William L. Bork Memorial Hospital

Reports and Financial Records

420. FARM LEDGER, 1929--. 1 vol.
Record of farm and dairy products produced on hospital farm, shown in itemized detail. Chron. arr. No index. Hdw. 288 pp. 14 $\frac{1}{2}$ x8 $\frac{1}{2}$ x1 $\frac{1}{2}$.
421. DISBURSEMENTS AND BILLS, 1929--. 1 file box.
Record of purchase of various items, such as medical supplies and food, showing name of firm from which items were purchased and amount paid for each. Chron. arr. by date of purchase. No index. Hdw. 3x11 3/4x10 3/4.
422. ANNUAL REPORT, 1929--. 1 file box.
Shows name of all patients, date admitted and date discharged, cate of transfer, date of death, color and sex; also contains a report of farm and dairy products produced on hospital farm. Chron. arr. No index. 3x11 3/4x10 3/4.

Admissions, Deaths and Discharges

423. ALMSHOUSE AND HOSPITAL RECORDS, 1929--. 2 vols.
Record shows name and age of inmate, date entered and discharged. Chron. arr.
No index. Hdw. Vols. aver. 495 pp. $12 \times 7 \frac{1}{2} \times 1 \frac{1}{2}$.

424. PATIENTS PRESENT, 1929--. 1 file box.
Previous health records and commitment papers for all inmates. Alph. arr. by
name of patient. No index. Hdw. $11 \frac{1}{2} \times 13 \frac{1}{2} \times 24$.

425. PRESENT ALMSHOUSE INMATES, 1929--. 1 file box.
Shows name, age, color and date of admission of all inmates. Alph. arr. by
name of patient. No index. Hdw. $6 \times 8 \frac{1}{2} \times 14$.

426. PRESENT INMATES OF HOSPITAL, 1929--. 1 file box.
Shows names of present inmates of hospital, age, color and date of admission.
Alph. arr. by name of inmate. No index. Hdw. $6 \times 8 \frac{1}{2} \times 14$.

427. HOSPITAL RECORD, 1929--. 1 vol.
Shows date and by whom patients were committed, age, sex, color, occupation
before admittance, date of discharge or death and by whom admitted. Chron.
arr. by date of committal. No index. Hdw. 140 pp. $19 \frac{1}{2} \times 13 \times 1 \frac{1}{2}$.

428. PATIENTS DISCHARGED (Hospital), 1929--. 2 file boxes.
Shows name of patient discharged, history of disease, record of treatment
patient received and date of discharge. Alph. arr. by name of patient. No
index. Hdw. $11 \frac{1}{2} \times 13 \frac{1}{2} \times 24$.

429. DISCHARGE FROM HOSPITAL, 1929--. 1 file box.
Shows name, age, color, date of admission and discharge of inmates. Alph.
arr. by name of patient. No index. Hdw. $6 \times 8 \frac{1}{2} \times 14$.

430. DISCHARGE FROM ALMSHOUSE, 1929. 1 file box.
Shows name of inmate, age, color, sex, date admitted and date discharged.
Alph. arr. by name of inmate. No index. Hdw. $8 \frac{1}{2} \times 14 \times 6$.

431. BURIAL RECORD, 1933--. 1 vol.
Names of all inmates dying, showing date of birth, death and burial and cause
of death, also the address of nearest living relative. All burials are pauper
burials. Alph. arr. by name of deceased. No index. Hdw. 200 pp. $16 \times 10 \times 1 \frac{1}{2}$.

Reports

432. REPORT OF POOR COMMISSION, 1894-1910. 1 file box.
Report shows number of patients on hand, number admitted during the fiscal
quarter, number discharged and number who died; also included is a report on
the financial condition of the county hospital. Chron. arr. No index. Hdw.
 $11 \times 5 \times 13$. Co. Ct. Clk's. office.

For subsequent records see entry 1.

XXXIII. RANGER

The ancient office of ranger, although constitutional, is now defunct for practicable purposes. Early North Carolina law permitted landowners to take up stray cattle on their lands, forbade the driving of cattle on the land of another, and later required "taker-up" to attempt to return cattle to owner (Acts of N. C., 1715, ch. 444; 1729, ch. 5, sec. 6).

The ranger was something of a police officer in this field. He was overlooked by the Constitution of 1776 but provided for by statute in 1777 (Acts of N. C., 1777, ch. 9). The ranger handled transactions between "taker-up" and owner or turned unclaimed animals back to "taker-up" upon payment of a fee. He kept record of such strays and transactions and made an annual report called "Abstract of Strays" (ibid.; Const. of 1834, art. 7, sec. 1).

The office became constitutional in Tennessee in 1834 (Const. of 1834, art. 7, sec. 1). Previously holding office during good behavior, the ranger, under the Constitution of 1834, is appointed by county court for two years (ibid.; P.A. 1835-36, ch. 2, sec. 4). He makes a report to county judge or chairman and settles accounts with him (Const. of 1834, art. 7, sec. 1; P.A. 1859-60, ch. 2, sec. 45).

There are no records of this office extant.

XXXIV. AGRICULTURAL DEPARTMENT
(County Farm Agent and Home Demonstration Agent)

The so-called county agricultural department is composed of the county farm agent, the home demonstration agent and various clerks and assistants. Representing the county court in the department is the agricultural extension committee, a statutory body composed of certain members of the county court, designated by the court, and serving in an advisory capacity, particularly in the selection of employees of the department (P.A. 1929, ch. 81, sec. 5; Pr.A. 1913, ch. 325, sec. 2).

By a series of resolutions and a private act of the legislature, the quarterly county court through a committee in 1913 appointed a "demonstrator of agriculture," or farm agent, the expenses to be met by the county and the Federal government (Pr.A. 1913, ch. 325; Minutes of the Quarterly Court, IX, 121, January term, 1912; 180, April adjourned term, 1912; 240, July term, 1912; 342, January term, 1913; 399, 423, April term, 1913; 563, January term, 1914; 645, July term, 1914).

The appointing a county farm agent and similar officers was made much easier by a 1914 act of Congress, the Smith-Lever bill, which authorized the granting of financial aid to counties which had appointed farm agents or desired to do so. Working in close cooperation with the extension service of the University of Tennessee, as required by law, the county availed itself of

the Federal grants. The county agent is selected jointly by the county agricultural extension committee and the cooperative extension service of the University of Tennessee, the selection being subject to ratification by the county court (P.A. 1929, ch. 81, sec. 5). Almost from the beginning of the department, the county farm agent's work has been supplemented by that of a home demonstration agent.

The county farm agent's contact is mainly with the men, instructing and advising them on such matters as more efficient methods of cultivation, crop distribution and marketing and encouraging the boys to stay on the farm. The home demonstration agent, a woman, is in charge of rural home economics, such as canning, sewing, handicraft, gardening, home improvements and other matters of interest to the farm women and girls.

A legislative act of 1929 set aside \$160,000 annually to be used in matching Federal funds for aid to counties as provided by the Capper-Ketchum bill, passed by Congress in 1928 (P.A. 1929, ch. 81). Thus under the present set-up, expenses of the department are met by state, county and Federal funds. The 1929 act is designed to further such activities as practical demonstration instruction in agriculture and home economics, conducting 4-H clubs, introducing new crops and methods, developing new methods of marketing and, in general, making rural life more desirable and attractive (ibid., sec. 2, Mod.).

Reports and Financial Records

433. ANNUAL REPORT, 1923--. 13 vols.

Complete cooperative extension work reports of the farm and home demonstration agents on all activities of that department, such as men, women, boys and girls activities, showing specific lines of extension work undertaken by the agent during the year; also photos of crops and live stock, newspaper clippings and detailed information pertaining to extension work done by boys 4-H clubs, girls home demonstration clubs and soil conservation program. Chron. arr. No index. Typed. Vols. aver. 150 pp. 8x10x1.

434. AGRICULTURAL CONSERVATION PROGRAM, 1936--. 3 file boxes.

Shows application for payment, report of performance, work sheet, name of applicant, date of application, address, amount of production in previous year, kind of crop and number of acres in cultivation or idle. Alph. arr. by name of farm owners. No index. Hdw. on ptd. forms. 12x12x24.

435. APPLICATION FOR ALLOTMENT AND TAX EXEMPTION CERTIFICATES
(Agriculture Adjustment Administration), 1934-36. 3 vols.
Discontinued 1936.

Applications for allotment and tax exemption certificates of the Agriculture Adjustment Administration, showing name and address of applicant, number of acres planted, estimated yield, total estimated production of lint cotton and dates filed. Chron. arr. Alph. indexed within each vol. by name of applicant. Hdw. Vols. aver. 200 pp. 9x14x1.

436. APPLICATION FOR WHEAT ALLOTMENT CONTRACT
(Agriculture Adjustment Administration), 1934-35. 1 file box.
Discontinued 1935.

Shows name of applicant, address, date, size of farm, map of farm, acres seeded, whether owner or tenant and production of farm prior to 1934. Chron. arr. No index. Hdw. on ptd. form. 12x12x24.

437. COTTON CONTRACTS
(Agriculture Adjustment Administration), 1934-36. 1 vol.
Discontinued 1936.

Cotton acreage reduction contracts of the Agriculture Adjustment Administration listing name of producer, tenure, description of farm, location, date of contract, total acreage in cultivation, number of bales and pounds of cotton produced. Chron. arr. Alph. index. Hdw. on ptd. form. 300 pp. 9x11x1½.

438. CORN-HOG CONTRACTS
(Agriculture Adjustment Administration), 1933-36. 1 file box.
Discontinued 1936.

Gives name and address of signer, basis for determining adjustment in production and payments, performance of producer, division of payments, county allotment and committee certification. Alph. arr. by names of growers. No index. Hdw. on ptd. form. 12x12x24.

439. TOBACCO PRODUCTION ADJUSTMENT CONTRACT
(Agriculture Adjustment Administration), 1934-35. 1 file box.
Discontinued 1935.

Shows producer's name, address, whether owner or tenant, number of acres planted, crops produced prior to 1934, performance by producer and method of payment. Chron. arr. No index. Hdw. on ptd. form. 12x12x24.

440. MISCELLANEOUS CORRESPONDENCE, 1934--. 7 file boxes.
Letters pertaining to corn-hog contracts, cotton, agricultural extension service, etc. Alph. arr. by name of writer. No index. Hdw. and typed.
12x12x24.

Activities

441. BOYS 4-H CLUB WORK (Secretary's Record), 1925--. 3 file boxes.
Shows name and address of members, name of president, secretary and county farm agent, also projects of each member and their performance. Alph. arr. by name of members. No index. Hdw. on ptd. form. 12x12x24.

442. GIRLS HOME DEMONSTRATION CLUB RECORD, 1932--. 1 file box.
Shows name and address of member, name of club leader and county home demonstration agent, date of entry and activity of each member. Alph. arr. by name of member. No index. Hdw. and typed. 12x12x24.

443. MISCELLANEOUS PAPERS, 1932--. 1 file box.
Miscellaneous papers, such as weekly field reports, radio programs, pictures, newspaper articles, and general notes. Chron. arr. No index. Typed and ptd. 12x12x24.

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Arabic numerals refer to the entries.

Arabic numerals preceded by p. refer to page numbers.

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

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