

FLORIDA WORKS PROGRESS ADMINISTRATION

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INVENTORY OF THE COUNTY ARCHIVES  
OF FLORIDA

No. 18

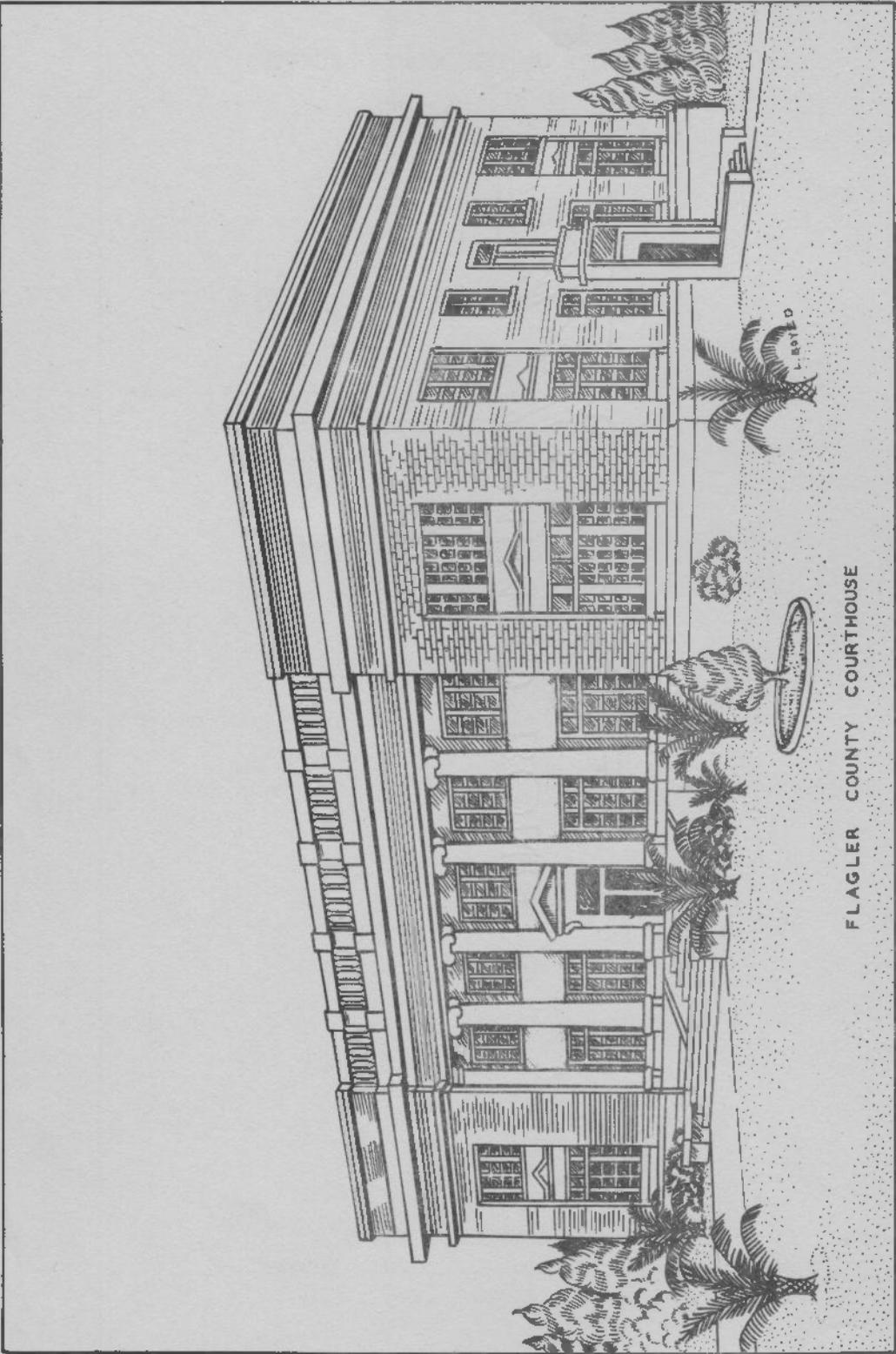
FLAGLER COUNTY

(BUNNELL)

THE HISTORICAL RECORDS SURVEY

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FLAGLER COUNTY COURTHOUSE

INVENTORY OF THE COUNTY ARCHIVES

OF FLORIDA

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

No. 18. FLAGLER COUNTY (BUNNELL)

Jacksonville, Florida  
The Historical Records Survey  
August 1938

The Historical Records Survey

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## FOREWORD

The Inventory of the County Archives of Florida is one of a number of bibliographies of historical materials prepared throughout the United States under the direction of the Historical Records Survey of the Works Progress Administration. The publication herewith presented, an inventory of the archives of Flagler county, is number 18 of the Florida series.

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carrying out this objective, the project was organized to compile inventories of historical materials, particularly the unpublished government documents and records which are basic in the administration of local government, and which provide invaluable data for students of political,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

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

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

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

HARRY L. HOPKINS  
Administrator

## PREFACE

The Historical Records Survey was organized as a national survey in the winter of 1935-36 and began work in Florida in March 1936. The Survey is making, in all states, an inventory of historical records which includes an inventory of state, county, and town records. The inventory of public records in Florida will result in three publications: an inventory of county records, an inventory of town records, and an inventory of state records. The publication of the Inventory of the County Archives of Florida will constitute a complete set of 67 volumes, one for each county. The books will be numbered according to the position of the county in an alphabetical list of the counties. The inventory of the archives of Flagler county is therefore number 18.

Forms prepared by the national office of the Historical Records Survey were used by field workers in obtaining necessary information on records. Information on the forms has been compiled in entries for the inventories according to instructions received from the national office of the Historical Records Survey. Although a condensed form of entry is used, information is given as to limiting dates of extant records, contents of individual series, and continuity of records under change of title and location. In Florida a check list of county records required by statutes was prepared by a member of the State Bar Association. The inventory of the county is checked with this check list. The index to each county inventory refers to entries describing records required by law, if located in the county. If any record is not located, the district supervisor of the survey asks for a statement from the county official that this record is not maintained.

The original inventory of county records in Flagler county was started July 18, 1936. On February 15, 1937 the district supervisor reported the original inventory completed. The complete file of forms on Flagler county was edited and returned to the field for correction. The file was then held in abeyance until the check list was available to the state office and to the field. The check list of county records required or approved by Florida statutes was not completed until November 1937. A comparison of the file of forms on Flagler county records with this check list indicated 54 records were not inventoried or were missing. The discrepancy list which was the result of this comparison was then assigned to the field, and was returned twice before final acceptance by the state office. Since the inventory of Flagler county records includes both records maintained at the discretion of local officials and records required by law, it is difficult for the field to identify rapidly the latter type, which are often maintained locally as parts of other records. The discrepancy list work in Flagler county was completed May 28, 1938. A complete and accurate inventory of records of Flagler county has thus been assured.

A reliable published inventory of county records is useful to all sections of the public - county officials, state agencies, the legal profession, and numerous other groups - which have occasion to examine the records. An inventory of records should result in improved care of

records, better supervision of records, and a more active interest in records on the part of the public at large.

The inventory of the records of Flagler county is the work of many persons. The personnel of the Historical Records submit to the public the Inventory of the County Archives of Florida, No. 18, Flagler County, with the expectation that this inventory, in use, will prove to be reliable and correct.

Sue A. Mahorner, State Director  
Historical Records Survey

Jacksonville, Florida  
August 1, 1938

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## 1. HISTORICAL SKETCH

Flagler county was created by act of the legislature of Florida on April 28, 1917, from the northern part of Volusia county and the southern part of St. Johns county. The territory comprising the county lay entirely within St. Johns county between 1822 and 1824. From the latter date until 1854 the southern portion was in Orange county, which was called Mosquito county until 1845; between 1845 and 1917 it was in Volusia county. The county was named in honor of Henry M. Flagler, an associate of Rockefeller in the Standard Oil Company, who came to Florida in 1883 and was instrumental in the development of the entire East Coast through his activities as builder and president of the Florida East Coast Railroad. Bunnell was made the county seat.

Although Flagler county is one of the newer counties of the state, the history of the territory which it now embraces is interwoven with the earliest history of Florida. Less than two months after the founding of St. Augustine, in 1565, Pedro Menendez de Aviles led an expedition of 150 men across this section to attack a colony of French who were building a fort at Canaveral. Evidences of French settlement are still found on the old Dupont place, in the northeast part of the county.

The first known settlement in this territory was made by the Franciscans, who established a mission about 26 miles south of St. Augustine early in the seventeenth century. The Franciscan fathers undertook to instruct the Indian braves in agriculture, but found them much opposed to manual labor, which they considered squaw's work. This and other early missions to the south were mere palmetto huts, but as the influence of the Franciscans increased Indian labor was used to construct substantial buildings of coquina stone. The missions in this section were destroyed by the Indians about the middle of the eighteenth century. The ruins of some of them can still be seen; one is between the old King's Road and the canal that now connects the Matanzas and Halifax Rivers.

The first permanent settlers within the present limits of Flagler county removed into the territory in the early nineteenth century. Perhaps the earliest was John Russell, a wealthy planter from the Bahamas, who brought his family and slaves to St. Augustine in 1812, by way of Charleston, South Carolina. Russell traded the schooner in which he made the trip to the governor of the Province of East Florida for 4,000 acres of land, built a home on the grant, and engaged in the cultivation of sugarcane. He later sold the property to Charles W. Bulow, whose son, John, built on it the first pine coquina residence in the county and a sugar mill. Henry Culting and Joseph M. Hernandez were other early settlers. Culting, an Englishman, bought the Pellicer grant on Pellicer Creek. Hernandez, who was Florida's first territorial delegate to Congress, in 1817 secured a Spanish grant which included the site of the old Franciscan Mission. On his plantation, called San Jose, he cultivated sugarcane, which he manufactured into sugar in his own mill.

The early prosperity of this section was destroyed by the Seminole Indian War, which began in 1835. Not only did immigration cease, but the plantations that had been established were made untenable by Indian hostilities. In 1842, at the close of the War, Congress passed a

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temporary free homestead act to encourage settlement in the section that had been the seat of hostilities. All of the peninsula lying south of the line dividing townships nine and ten, south, which is now the northern boundary of Flagler county, was thrown open to homesteaders for one year under the terms of the Armed Occupation Act. In spite of this act and of the fact that the public lands were open to purchase at the regular price of \$1.25 an acre, settlement in the Flagler county area was slow for the next decade.

The section suffered another set-back during the War between the States, and it was not until the 1880's that any appreciable development again occurred. The St. Johns Railway Company was incorporated in 1881 to build a narrow gauge railroad from Rollestown in Putnam county to Daytona, by way of East Palatka and San Mateo. This railroad gave Bunnell, which had been founded by Alva A. Bunnell as a saw mill town in 1881, connection with St. Johns River transportation. It was soon linked with the Jacksonville, St. Augustine and Halifax River Railway, which was purchased by Henry M. Flagler in 1886, and with the St. Augustine and Palatka Railway, thus providing through connections between Bunnell and Jacksonville and the latter's deep water harbor.

Another improvement which increased the section's transportation facilities was the intracoastal canal connecting the Matanzas and Halifax Rivers, construction of which was begun in 1880 by the East Coast Canal and Transportation Company. Originally a toll canal, built under the supervision of Dr. John T. Westcott, the East Coast Canal has since been acquired and enlarged by the Federal Government.

Until the War between the States, sugarcane was the most important crop in the Flagler county area; citrus culture was important in the section's economy in the decades immediately following 1880. After the Florida freeze of 1894-5, Henry M. Flagler hurriedly shipped into East Coast counties, at his own expense, all manner of vegetable seeds and cuttings. The farmers in the Flagler county area discovered that their soil was ideally adapted to Irish potatoes, which are now the principal money crop of the county, although general farming, dairying and livestock production are important. Irish potato acreage increased from 2,175 acres in 1929 to 3,124 acres in 1934, and the production increased from 260,364 bushels to 302,512 bushels. The greater part of the potato crop is marketed through an agricultural cooperative marketing association. Extensive drainage operations in recent years have made some of the best lands in the county available for agriculture.

Flagler county lies, in part, in the East Florida flatwoods region, and the lumbering and naval stores industries are of considerable importance in the county's economy. There are three naval stores plants and three lumber mills which cut annually about one million board feet, consisting mainly of longleaf and slash pine and some cypress. Some of the lumber is manufactured into barrel staves in a large mill at Bunnell. Also operating in the county are plants for the production of clay brick and cement and concrete products. A canning factory at Bunnell is said to be the only factory in the world that cans early Irish

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potatoes. Mineral resources of the county are coquina, marl, ocher, sand and large deposits of brick clay.

The clear waters of the Atlantic Ocean, which comprise the east boundary of Flagler county, have afforded optimum conditions for an unique scientific project on the coast about 18 miles south of St. Augustine. The Marine Studios, planned and developed by W. Douglas Burden and Count Ilia Tolstoy, includes the two largest aquaria in the world, where submarine life is presented under conditions that approximate as nearly as possible the actual ocean environment.

The first meeting of the board of county commissioners of Flagler county was held in Bunnell on the first Monday in July 1917, when arrangements were made for temporarily carrying on the county government. The Lambert Building was used as a courthouse, and served as such until a permanent courthouse was built in 1927.

The original boundaries of the county have not been changed. They are: "Commencing at a point on the extension of the township line being (between) townships nine and ten, south of range thirty-one, east, and immediately north of Summer Haven; thence southwesterly along an imaginary line extending from said point of beginning, to the mouth of Pellicer's creek; thence westerly along an imaginary line up the middle of Pellicer's creek to a point where said Pellicer's creek intersects the range line between township ten south of range thirty, east, and township ten south of range twenty-nine, east; thence south along said range line to the northeast corner of section twenty-four, township ten south of range twenty-nine, east; thence west along the section line between sections thirteen and twenty-four, fourteen and twenty-three, fifteen and twenty-two, sixteen and twenty-one, seventeen and twenty, eighteen and nineteen, in township ten south of range twenty-nine, east, and between sections thirteen and twenty-four, fourteen and twenty-three, fifteen and twenty-two, sixteen and twenty-one, seventeen and twenty, eighteen and nineteen, in township ten south of range twenty-eight, east, to a point where said section line intersects the eastern boundary line of Putnam county; thence south along said eastern boundary line of Putnam county to a point where the township line between townships eleven and twelve intersects the range line between twenty-seven and twenty-eight, east; thence down the middle of Crescent lake to the mouth of Haw creek where said Haw creek empties into said Crescent lake; thence along Haw creek following the boundary line between St. Johns and Volusia counties to the range line between ranges twenty-eight and twenty-nine; thence south along said range line to the northwest corner of section thirty, township fourteen, range twenty-nine, east; thence east on the section line between sections nineteen and thirty, twenty and twenty-nine, twenty-one and twenty-eight, twenty-two and twenty-seven, twenty-three and twenty-six, twenty-four and twenty-five, in township fourteen south of range twenty-nine, east; and between sections nineteen and thirty, twenty and twenty-nine, twenty-one and twenty-eight, twenty-two and twenty-seven, twenty-three and twenty-six, twenty-four and twenty-five, in township fourteen south of range thirty, east; and between sections

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nineteen and thirty, twenty and twenty-nine, twenty-one and twenty-eight, twenty-two and twenty-seven, in township fourteen south of range thirty-one east to the northeast corner of said last numbered section twenty-seven; thence north along section line between sections twenty-two and twenty-three, fourteen and fifteen, ten and eleven, two and three, in township fourteen south of range thirty-one, east, and between sections thirty-four and thirty-five, twenty-six and twenty-seven, twenty-two and twenty-three, fourteen and fifteen, ten and eleven, two and three, to the northeast corner of said section three, in township thirteen south of range thirty-one, east; thence north-easterly along the boundary line of Volusia county to the Atlantic Ocean; thence northerly along the shores of the Atlantic Ocean to the point of beginning" (sec. 36, C. G. L.).

The population of Flagler county was 2,442 in 1920. Its population in 1935 was 3,179, of whom 1,480 were Negroes. The total acreage of the county is 364,429, of which 13,463 acres were in farms in 1930, 12,277 acres in 1935. The number of farms decreased from 144 in 1930 to 134 in 1935 and the value of farm lands and buildings decreased from \$927,125 to \$735,675 during the same period. The total assessed value of real estate in 1936 was \$991,630, of which \$681,500 was the assessed valuation of lands under tax certificates, not extended on the tax rolls, and \$44,610 was the assessed valuation of homestead exemptions. The taxable assessed valuation of real estate was \$265,520.

## 2. GOVERNMENTAL ORGANIZATION AND RECORDS SYSTEM

The first counties in Florida were created on July 21, 1821, at which time Andrew Jackson, as governor of East and West Florida, established Escambia and St. Johns counties by executive ordinance ("Historical (Preface)" to C. G. L., p. 4). Florida became a territory on March 30, 1822, and on August 12, 1822, the Legislative Council divided the territory into four counties, two in West Florida, called Escambia and Jackson, and two in East Florida, called Duval and St. Johns (*ibid.*, p. 28). Florida was admitted to the Union on March 3, 1845, under a Constitution that had been adopted in 1838. In 1845 there were 25 counties in existence (*ibid.*, pp. 12, 29-30). There are now 67 counties in the state. Flagler county was created on April 28, 1917, from Volusia and St. Johns counties, and was the fifty-third county created in the state (*ibid.*, p. 30).

The county as a separate unit of government is more clearly defined and recognized in the present Constitution of Florida, adopted in 1885, than in any of the four previous state Constitutions. The Constitution of 1885 directs that the state shall be divided into political divisions to be called counties, and recognizes the several counties in existence prior to its adoption as the legal political divisions of the state (Fla. Const., 1885, Art. VIII, secs. 1-2). The supreme court of Florida has held that, "While the county is an agency of the state, it is also under our Constitution, to some extent at

least, an autonomous, self-governing, political entity with respect to exclusively local affairs, in the performance of which functions it is distinguished from its creator, the state, and for its acts and obligations when acting in purely local matters the state is not responsible" (Amos, State Comptroller et al v. Mathews, 99 Fla. 1, 126 So. 308).

The legislature is given the power to establish a uniform system of county and municipal government, which shall be applicable, except where local or special laws for counties are provided by the legislature that may be inconsistent therewith (Fla. Const., 1885, Art. III, as amended). The legislature is also given the power to establish new counties and to change county lines. But every newly established county is held liable for its proportion of the then existing liabilities of the county or counties from which it is formed, rated upon the basis of the assessed value of the property, both real and personal, subject to taxation within the territory taken from any county or counties. Conversely, every county acquiring additional territory from another county is held liable for its proportion of the liabilities of such other county existing at the time of such acquisition, to be rated upon the basis of the assessed value of all property subject to taxation within such acquired territory. (Ibid., Art. VIII, sec. 3.) The act creating Flagler county directed the board of county commissioners of the new county to hold a conference at as early a date as possible with the respective boards of county commissioners of Volusia and St. Johns counties and agree with those boards upon a plan or plans for the assumption by Flagler county of its pro rata share of the bonded and other indebtedness of Volusia and St. Johns counties in accordance with the Constitution, and also upon an equitable division of the surplus funds, including outstanding tax certificates, that Volusia and St. Johns counties might have on hand or that might be owing respectively to Volusia and St. Johns counties on the 1st day of July 1917 (Ch. 7399, Acts, 1917, sec. 18).

Provision for a board of county commissioners has been made in each of the five Constitution of Florida (Fla. Const., 1838, Art. V, sec. 19; Fla. Const., 1861, Art. XVII, sec. 5; Fla. Const., 1865, Art. XVII, sec. 5; Fla. Const., 1868, Art. V, sec. 19; Fla. Const., 1885, Art. VIII, sec. 5). The present Constitution of Florida directs the county commissioners of the several counties of the state to divide their respective counties into five commissioner's districts, to be numbered respectively from one to five, inclusive, and each district must be as nearly as possible equal in population. A county commissioner is elected in each of these districts by the qualified electors of the county and holds his office for two years. (Id.) It is through the board of county commissioners that the county performs its usual functions of government, and the board is as a general rule, for all financial and ministerial purposes, the county itself.

Until recent years the only roads which the state had were county or district roads, constructed and maintained by the counties or special road districts, without state aid (secs. 2153, 2436, 2451, 2666 et seq.,

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C. G. L.). The requirements of modern transportation led in 1915 to the creation of the state road department and in 1923 to the designation and establishment of a system of state roads which, when located and established by the state road department, became the property of the state. This system of state roads has been enlarged by subsequent statutes. (Secs. 1632, 1657, Perm. Cum. Supp. to C. G. L.). Today the state has an extensive system of hard-surfaced roads constructed under statutory authority by the state and by counties and special taxing districts by the use of the proceeds of ad valorem and excise tax levies and by special assessments and bond issues by counties and special taxing districts (secs. 2309, 2666, C. G. L.; secs. 1632, 1657, Perm. Cum. Supp. to C. G. L.). Special road and bridge districts created in the various counties of the state are empowered to raise funds for the construction or rebuilding of roads and bridges within such districts either by the issuance and sale of bonds or by the levy and collection of a special road and bridge tax upon the taxable property in such special road and bridge district (sec. 2679, C. G. L.). Five such special road and bridge districts have been created in Flagler county.

A county board of health, appointed by the governor, was authorized in every county in Florida between 1879 and 1893 (McClellan's Digest, 1881, p. 855; sec. 786, Revised Statutes of Florida, 1892, as amended). In the latter year, the governor was empowered to appoint boards of health in counties in which were situated ports having a specified number of sailing vessels coming into such ports during the preceding year, at the request of the board of county commissioners (id.). This act was repealed in 1897 (Ch. 4541, Acts, 1897, sec. 1). The Constitution of 1885 had directed the legislature to establish a state board of health and also county boards of health in all counties where it might be necessary (Fla. Const., 1885, Art. XV, sec. 1). A state board of health was established in 1889 (sec. 3142, C. G. L.); but no county board of health has existed in the state since 1897. The state board of health has supervision of all matters relating to public health, with such duties, powers and responsibilities as are prescribed by law (Fla. Const., 1885, Art. XV, sec. 2). In addition, in 1931, the legislature provided that the several counties of the state, and the cities therein, are authorized to cooperate with the state board of health in the establishment and maintenance of full-time local health units for the control and eradication of preventable diseases and for the purpose of inculcating modern scientific methods of hygiene, sanitation, and the prevention of communicable diseases (sec. 2934(22), Perm. Cum. Supp. to C. G. L.). No local health unit has been established in Flagler county.

Social welfare in Florida is administered by the state welfare board, consisting of seven members appointed by the governor. It is the duty of the state board to administer, or cause to be administered, within the state, all social welfare and relief work which is or will be carried on by the use of Federal or state funds, and to receive and distribute all commodities donated by the United States or any agency thereof. Social welfare within the meaning of this law is declared to include

aid to dependent children, mothers' aid, old age relief, aid to the sick, blind, indigent, unemployed, and similar unfortunates. (Ch. 18285, Acts, 1937, secs. 1-2). The governor is directed to appoint a state welfare commissioner to serve the state board in carrying out the purposes of the welfare law, and it is provided that his duties shall be prescribed by the board (*ibid.*, Ch. 18285, sec. 11). The state is also divided into 12 social welfare districts and a district board of social welfare is appointed by the governor in each district. Flagler county is in District No. 5 (*ibid.*, Ch. 18285, secs. 8-9). The county commissioners of the county are authorized to furnish aid, as provided by law, for poor mothers having dependent children and for needy blind persons (secs. 3727(1), 4151(304), Perm. Cum. Supp. to C. G. L.).

In 1828, the county court in each county of the territory was authorized and required to levy a county tax, which should be sufficient to discharge the demands on the county, upon the same persons and species of property as were subject to a territorial tax (Duval's Compilation, 1839, p. 317). The county court was also given the power to appoint an assessor and a collector of taxes in each county (*ibid.*, p. 310). Each of the five Constitutions of Florida has empowered the legislative body of the state to authorized counties to impose taxes for county purposes (Fla. Const., 1838, Art. VIII, sec. 4; Fla. Const., 1861, Art. VIII, sec. 4; Fla. Const., 1865, Art. VIII, sec. 4; Fla. Const., 1868, Art. XII, sec. 6; Fla. Const., 1885, Art. IX, sec. 5).

The assessment of taxes is made by the county assessor of taxes, and the total millage to be assessed is certified to the county assessor by the board of county commissioners (sec. 2306, Perm. Cum. Supp. to C. G. L.; Ch. 18134, Acts, 1937, sec. 15). The board also sits as a board of equalization for the purpose of hearing complaints as to the value of any property, real or personal, as fixed by the county assessor of taxes, and for the purpose of perfecting, reviewing, and equalizing the assessment (sec. 929, C. G. L.). The collection of taxes is made by the county tax collector as prescribed by law. The offices of county assessor of taxes and county tax collector first became constitutional offices under the Constitution of 1868 (Fla. Const., 1868, Art. V, sec. 19).

The Constitution empowers the legislature to levy a tax on licenses (Fla. Const., 1885, Art. IX, sec. 5). Occupational licenses are furnished by the county judge, under his seal of office, to the tax collector and are distributed by this officer (Ch. 18011, Acts, 1937, sec. 30). Marriage licenses and licenses for hunting, fishing, and trapping are issued by the county judge (sec. 5848, C. G. L.; sec. 1977(20), Perm. Cum. Supp. to C. G. L.). Malt and vinous beverage licenses and liquor licenses are distributed by the tax collector (*ibid.*, secs. 4151(206), 4151(228) ). Motor vehicle license plates are also distributed by the tax collector, but in DeSoto and Highlands counties the law provides that these license plates shall be distributed by the county judge (*ibid.*, secs. 1281, 1281(1)-1281(2) ).

Drainage districts may be formed in Florida by the board of drainage commissioners of the state, or a majority, either in numbers or in

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acreage, of the holders of any contiguous body of wet or overflowed lands, or lands subject to overflow, situated in one or more counties in the state, for the purpose of having such land reclaimed and protected from the effects of water, for sanitary or for agricultural purposes, or when the same may be conducive to the public health, convenience, or welfare, or of public utility or benefit (sec. 1451, C. G. L.). The following drainage districts function in Flagler county: Bimini Drainage District, located wholly within the county, South Hastings Drainage District, located in Putnam and Flagler counties, and Bunnell Drainage District and North Ormond Drainage District, both located in Volusia and Flagler counties. It is the duty of the tax collector of each county in which lands of any drainage district are situated to collect drainage taxes as prescribed by law (ibid., sec. 1469).

Prior to 1914, there existed in each county of the state a duly created constitutional officer, the county treasurer, whose office served as a depository for county funds. In that year an amendment to the Constitution was adopted abolishing this office and directing the legislature to provide by law for the care and custody of all county funds and for the method of reporting and paying out all such funds. (Fla. Const., 1885, Art. VIII, sec. 6.) In accordance with this amendment, the legislature has provided that any bank, national or state, which will offer to the board of county commissioners, or the board of public instruction, or both boards, the best inducement as to interest and security on the daily balances of the various county funds is created a county depository and is entitled to receive public funds in the manner and method prescribed by law (sec. 2403 et seq., C. G. L.; sec. 2404 et seq., Perm. Cum. Supp. to C. G. L.). Since Flagler county was created in 1917, the office of county treasurer has never existed in the county.

In 1822, Congress reserved every sixteenth section of land throughout the Territory of Florida for the purpose of aiding in the maintenance of primary schools (Cocran, History of Public-School Education in Florida, p. 1). These lands were granted to Florida on its admission as a state. During the territorial period and the first two years of statehood, the supervision and control of the sixteenth sections were confided largely to township trustees. However, by an act approved on January 6, 1847, this power was placed almost entirely in the hands of the register of public lands of the state, and that officer was directed by law to sell the sixteenth-section lands and pay the proceeds into the treasury of the state for the establishment of a permanent school fund. (Ibid., p. 16.)

Florida's first really effective school law, passed in 1853, gave the control and direction of schools to the register of public lands, as state superintendent of schools, the county commissioners, as county boards of education, the judges of probate, as county superintendents of schools, and local trustees (ibid., p. 20). The school system of Florida as we know it today was made possible by certain provisions of the Constitution of 1868, which authorized the legislature to organize a system of schools for all the children of the state. The Constitution

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provided for a superintendent of public instruction as a separate state officer, created a state board of education, consisting of the superintendent of public instruction, the secretary of state, and the attorney general, provided for appointment by the governor of a superintendent of common schools in each county for a term of two years, and authorized the levy of state and county taxes for school purposes. (Ibid., pp. 35-36; Fla. Const., 1868, Art. V, sec. 19, Art. VIII, secs. 4-8.)

The present Constitution of Florida directs the legislature to provide for a uniform system of public free schools and to provide for the liberal maintenance of the same (Fla. Const., 1885, Art. XII, sec. 1). A state board of education is created, composed of the governor, the secretary of state, the attorney general, the state treasurer, and the state superintendent of public instruction (ibid., Art. XII, sec. 3); and provision is made for the levying of school taxes by the state and the several counties (ibid., Art. XIX, secs. 6-9). Provision is also made for the legislature to divide any county or counties into convenient special tax school districts, and for the election biennially of three school trustees, who hold their offices for two years, and who have the supervision of the schools within the district. It is further provided that a district school tax for the exclusive use of public free schools within the district may be levied and collected whenever a majority of the qualified electors votes in favor of such levy. (Ibid., Art. XII, sec. 10.) The legislature may also provide for special tax school districts to issue bonds for the exclusive use of public free schools within any such special tax school district, whenever a majority of the qualified electors thereof who are freeholders votes in favor of the issuance of such bonds (ibid., Art. XII, sec. 17). There are three special tax school districts in Flagler county.

The principal school officers in each county are the county superintendent of public instruction, provided for by the Constitution (ibid., Art. VIII, sec. 6), and a county board of public instruction, established under either a general or special act of the legislature. The county board of public instruction in Flagler county, consisting of three members elected by the voters of the county, exists under a general law passed in 1889 (sec. 516, C. G. L.). The first board of public instruction of Flagler county was directed by the act creating the county to hold a conference with the respective boards of public instruction of Volusia and St. Johns counties and to agree with these boards upon a plan or plans for the assumption by Flagler county of its pro rata share of the indebtedness of the boards of public instruction of Volusia and St. Johns counties and also upon an equitable division of the surplus funds that these boards might have on hand or that might be owing to these boards on July 1, 1917. It was further provided that the amount of such indebtedness should be determined from the books of the county auditors of Volusia and St. Johns counties, whose duty it was made to make a complete statement of this indebtedness and furnish the same to the board of public instruction of Flagler county on July 1, 1917, or as seen thereafter as might be practicable, without any charge for such service. (Ch. 7399, Acts, 1917, sec. 19.)

Judicial functions within Florida counties are performed by the several courts established by the Constitution and such other courts as the legislature may from time to time ordain and establish (Fla. Const., 1885, Art. V, sec. 1). There are three justice of the peace districts in Flagler county, but only one of these districts is active at the present time. A justice of the peace and a constable are elected in this district. (Ibid., Art. V, secs. 21-22.) Justice of the peace courts existed in Florida even before its admission as a territory, by executive order of Andrew Jackson ("Historical (Preface)" to C. G. L.). At the present time a justice of the peace has jurisdiction in cases at law in which the demand or value of the property involved does not exceed one hundred dollars, and in which the cause of action accrued or the defendant resides in his district. He may act in criminal cases only as a committing magistrate. A justice of the peace also has the power to hold inquests of the dead. (Fla. Const., 1885, Art. V, sec. 22.)

The county judge in Flagler county is judge of the county judge's court. He has the same civil jurisdiction and powers as a justice of the peace (sec. 5202, C. G. L.); and, by a law passed in 1937, he has been given the trial jurisdiction of misdemeanors formerly possessed by a justice of the peace of the county (Ch. 18002, Acts, 1937, sec. 1). The county judge is also the probate judge of the county (Fla. Const., 1885, Art. V, sec. 17). The powers of a probate court were exercised in territorial Florida by the county court of the time (Duval's Compilation, 1839, p. 168); the Constitutions of 1838 and 1861 provided for the appointment in each county of an officer to take probate of wills (Fla. Const., 1838, Art. V, sec. 9; Fla. Const., 1861, Art. V, sec. 8); the Constitution of 1865 provided for the election in each county of an officer to be styled the judge of probate (Fla. Const., 1865, Art. V, sec. 8); while the Constitution of 1868 provided for the appointment by the governor of a county judge, who should be confirmed by the senate and should hold his office for four years (Fla. Const., 1868, Art. VI, sec. 9). In addition, the county judge in Flagler county is judge of the juvenile court of the county (sec. 3685, C. G. L.).

The prosecuting attorney in the county judge's court is employed by the county commissioners under a law which empowers the commissioners to employ such an attorney in the several counties of the state where there is no county court or criminal court of record. It is the duty of this attorney to prosecute all persons, firms, and corporations, charged with the commission of any kind of offense against the laws of the state, in the county judge's court. (Ibid., sec. 2155.)

Provision has been made in each of the five Constitutions of Florida for the division of the state into judicial circuits and the establishment of circuit courts in the several counties (Fla. Const., 1838, Art. V, sec. 1; Fla. Const., 1861, Art. V, sec. 4; Fla. Const., 1865, Art. V, sec. 4; Fla. Const., 1868, Art. VI, sec. 7; Fla. Const., 1885, Art. V, sec. 45). The first circuits established were the western, middle, eastern, and southern circuits (Fla. Const., 1838, Art. V, sec. 5); and, in 1845, the year in which Florida became a state, the General Assembly

provided that all cases pending in the superior courts and county courts of the territory should be transferred to the circuit courts to be held for the several counties in which such causes might be pending, together with all the papers relating to such causes (Thompson's Digest, 1847, p. 54). Under the present Constitution of Florida, the state may be divided into not more than 15 judicial circuits, to be appropriately designated, numbered, and defined by a suitable law enacted by the legislature (Fla. Const., 1885, Art. V, sec. 45). Pursuant to this authority, the legislature divided the state into 15 judicial circuits in 1935 (sec. 4769, Perm. Cum. Supp. to C. G. L.). Flagler county is in the seventh judicial circuit, which also includes Volusia, Putnam, and St. Johns counties. This circuit has two circuit judges, who are appointed by the governor and confirmed by the senate for terms of six years. (Fla. Const., 1885, Art. V, sec. 8; sec. 4786, Perm. Cum. Supp. to C. G. L.) The prosecuting officer of the circuit court is the state attorney, who is appointed for the circuit by the governor, by and with the consent of the senate, for a term of four years (Fla. Const., 1885, Art. V, sec. 15). This officer was designated the solicitor of the circuit by each of the first three Constitutions of Florida (Fla. Const., 1838, Art. V, sec. 17; Fla. Const., 1861, Art. V, sec. 16; Fla. Const., 1865, Art. V, sec. 19).

The chief law enforcement officer of the county is the sheriff (Fla. Const., 1885, Art. V, sec. 15). He is also, in Florida, ex officio the timber agent of the county, and it is his duty as such timber agent to prevent trespasses on public lands (secs. 2860-2861, C. G. L.). In addition, the sheriff is the executive officer of the circuit court (*ibid.*, sec. 4869); and he, or any constable of the county, may serve as the executive officer of the courts of justices of the peace and the county judge's court (*ibid.*, secs. 8294, 8296). The sheriff is also charged with the duty of executing the processes and orders of various state boards and commissions in the county.

Prior to 1895, the registration of voters in the several counties of the state was made by the clerk of the circuit court (Thompson's Digest, 1847, p. 66; Fla. Const., 1868, Art. XIV, sec. 6). In that year the legislature created the office of supervisor of registration in each county of the state. It is provided that this officer shall have exclusive control and management of all matters pertaining to the proper registration of electors at all times. (Secs. 258, 293, C. G. L.) Returns of elections in Florida are canvassed by the supervisor of registration, the county judge, and the chairman, or another member, of the board of county commissioners. When meeting for the purpose of canvassing the returns of elections, other than primary elections, these officers constitute the county canvassing board of elections; when meeting for the purpose of canvassing the returns of any primary election, they constitute the county canvassing board of primary elections. (*Ibid.*, secs. 343-344; secs. 407-408, Perm. Cum. Supp. to C. G. L.) Whenever the county canvassing board certifies that any officer has been elected, it is the duty of the supervisor of registration to give a certificate of his election to the person elected (sec. 345, C. G. L.). Returns of

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elections for delegates to constitutional conventions constituted for the purpose of ratifying or rejecting an amendment proposed to the Constitution of the United States are canvassed by the board of county commissioners of each county (secs. 319(1), 319(7), Perm. Cum. Supp. to C. G. L.). From 1895 to 1937 the payment of a poll tax was required in Florida as a prerequisite to voting, but in 1937 the legislature provided that the payment of a poll tax shall not be required of any person, otherwise qualified as an elector, to vote at any primary, special, general, or other election hereafter held in the state under the constitution or any laws passed in pursuance thereof (Ch. 18061, Acts, 1937, sec. 1).

Elective officers of Flagler county are: the clerk of the circuit court; county judge; county assessor of taxes; county tax collector; county superintendent of public instruction; sheriff, who also serves as ex-officio timber agent of the county; a justice of the peace and a constable in the one active justice of the peace district in the county; a board of county commissioners, consisting of five members; and a board of public instruction consisting of five members. The county commissioners of the county appoint the prosecuting attorney for the county judge's court and, upon the approval of the commissioner of agriculture, a captain of convicts.

The following officers are appointed by the governor: two circuit judges and a state attorney, appointed from the seventh judicial circuit, of which the county is a part, and a supervisor of registration. Although it is an extra-legal practice, it is customary for candidates for these offices to qualify for and participate in the Democratic primaries and the governor usually appoints the persons nominated in the primary elections.

The Constitution provides that all county officers must hold their respective offices and keep their official books and records at the county seats of their respective counties, and the clerk or sheriff must either reside or have a sworn deputy within two miles of the county seat (Fla. Const., 1885, Art. XVI, sec. 4).

The financial records of the several county officers are, in general, prescribed by designated state officers and boards. The state auditor prescribes the form of books of account and record of the clerk as clerk of the board and auditor and of the sheriff (sec. 475, C. G. L.); the state comptroller prescribes the form of records of the assessor of taxes and the tax collector (*ibid.*, sec. 944); and the state board of education prescribes the form of the school budget prepared annually by the county superintendent and the board of public instruction (Ch. 18134, Acts, 1937, sec. 30). State-wide uniform systems of accounts were inaugurated for county superintendents and boards of public instruction in 1933, for clerks as clerks of the boards and auditors in 1934, and for sheriffs in 1935. A uniform system of accounts for county judges and justices of the peace was designed by the state auditing department in cooperation with the Florida county judge's association in 1935, but



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its use is not prescribed by law. The secretary of state supplies registration books, in the form prescribed by law, to the supervisor of registration (sec. 285, C. G. L.).

The act creating Flagler county, passed in 1917, empowered the board of county commissioners of the new county to direct the clerk of the circuit court and the county judge to procure from the records in the offices of the clerks of the circuit courts and county judges of Volusia and St. Johns counties transcripts of all court records, property records, and all other papers and documents affecting the interests of Flagler county (Ch. 7399, Acts, 1917, sec. 9). The only transcription that has been made is a transcription of the record of lands sold for taxes between 1890 and 1916, transcribed from the records of Volusia county. Original tax certificates dated between 1894 and 1916 have been transferred from Volusia to Flagler county.

In 1927, a law was passed authorizing the board of county commissioners of Flagler county to photostat or cause to be photostated all records in the offices of the county clerks and county judges of Volusia and St. Johns counties affecting the interests of Flagler county. It was provided that the cost of photostating these records was to be paid by the issuance of interest-bearing time warrants, and the county commissioners were authorized to levy a special tax to pay off both the principal and interest of these warrants. (Ch. 12468, Acts, 1927). The next session of the legislature repealed this law without this photostating ever having been done (Ch. 14038, Acts, 1929).

Alphabetical indexes, direct and inverse, to property records kept by the recorder and to court records kept by the clerk of the circuit court are prescribed by law (secs. 4857-4858, C. G. L.). Separate indexes to deeds and a general index to mortgages, liens, assignments, and satisfactions are maintained by the recorder in Flagler county. Estate records kept by the county judge are required by law to be indexed by estates and by subject matter (sec. 5541(7), Perm. Cum. Supp. to C. G. L.). No office in Flagler county maintains a general index to all its records.

The county commissioners may order the clerk to transcribe any book or books of record which are not properly bound, or are mutilated, and may require the clerk to abstract any or all instruments of writing affecting any real estate situated in the county (secs. 2153, 5755 et seq., C. G. L.). The county judge in each county in the state is authorized to record any and all instruments entitled to record by such photographic process and equipment as may be recommended by him and approved and designated by the board of county commissioners (sec. 5541(7), Perm. Cum. Supp. to C. G. L.); but this equipment has not yet been installed in Flagler county.

The current public recorded instruments of Flagler county are handwritten and typed. The uniform systems of accounts in the several offices are handwritten on printed forms. In general, it may be said that the condition of the county records in Flagler county is good.

## Housing, Care, and Accessibility of the Records (First entry, p. 28)

Under the laws of Florida, all state, county, and municipal records must at all times be open for personal inspection by any citizen of the state, and those officers in charge of such records are forbidden to refuse this privilege to any citizen (sec. 490, F. G. L.). Furthermore, any official who violates the provisions of section 490 is subject to removal or impeachment, and also subjects himself to a criminal prosecution for a misdemeanor, upon conviction of which he may be punished by fine or imprisonment, or both, in the discretion of the court (secs. 491, 7520(6), Perm. Cum. Supp. to C. G. L.). The right of making copies of public records by photographic process is also granted by law to any person, firm, or corporation having the right to inspect them (sec. 492, C. G. L.).

## 3. HOUSING, CARE, AND ACCESSIBILITY OF THE RECORDS

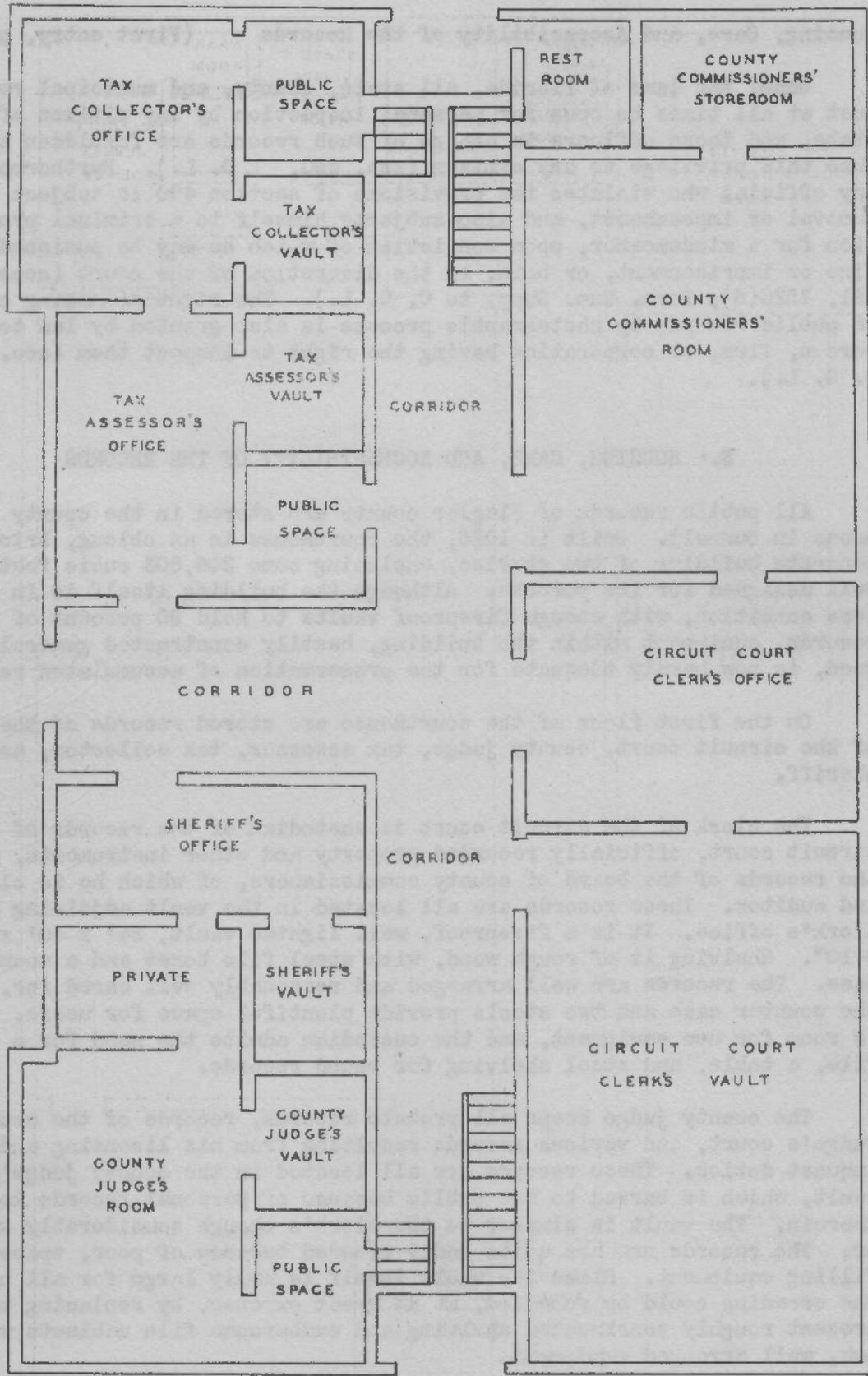
All public records of Flagler county are stored in the county courthouse in Bunnell. Built in 1926, the courthouse is an oblong, brick and concrete building of two stories, enclosing some 246,803 cubic feet, and well designed for its purpose. Although the building itself is in faultless condition, with enough fireproof vaults to hold 90 percent of the records, equipment within the building, hastily constructed generally of wood, is now hardly adequate for the preservation of accumulated records.

On the first floor of the courthouse are stored records of the clerk of the circuit court, county judge, tax assessor, tax collector, and the sheriff.

The clerk of the circuit court is custodian of the records of the circuit court, officially recorded property and other instruments, and the records of the board of county commissioners, of which he is clerk and auditor. These records are all located in the vault adjoining the clerk's office. It is a fireproof, well lighted vault, 24' x 40' x 9'10". Shelving is of rough wood, with steel file boxes and a counter case. The records are well arranged and reasonably well cared for, while the counter case and two stools provide plentiful space for users. There is room for new equipment, and the custodian admits the need for a letter file, a table, and steel shelving for bound records.

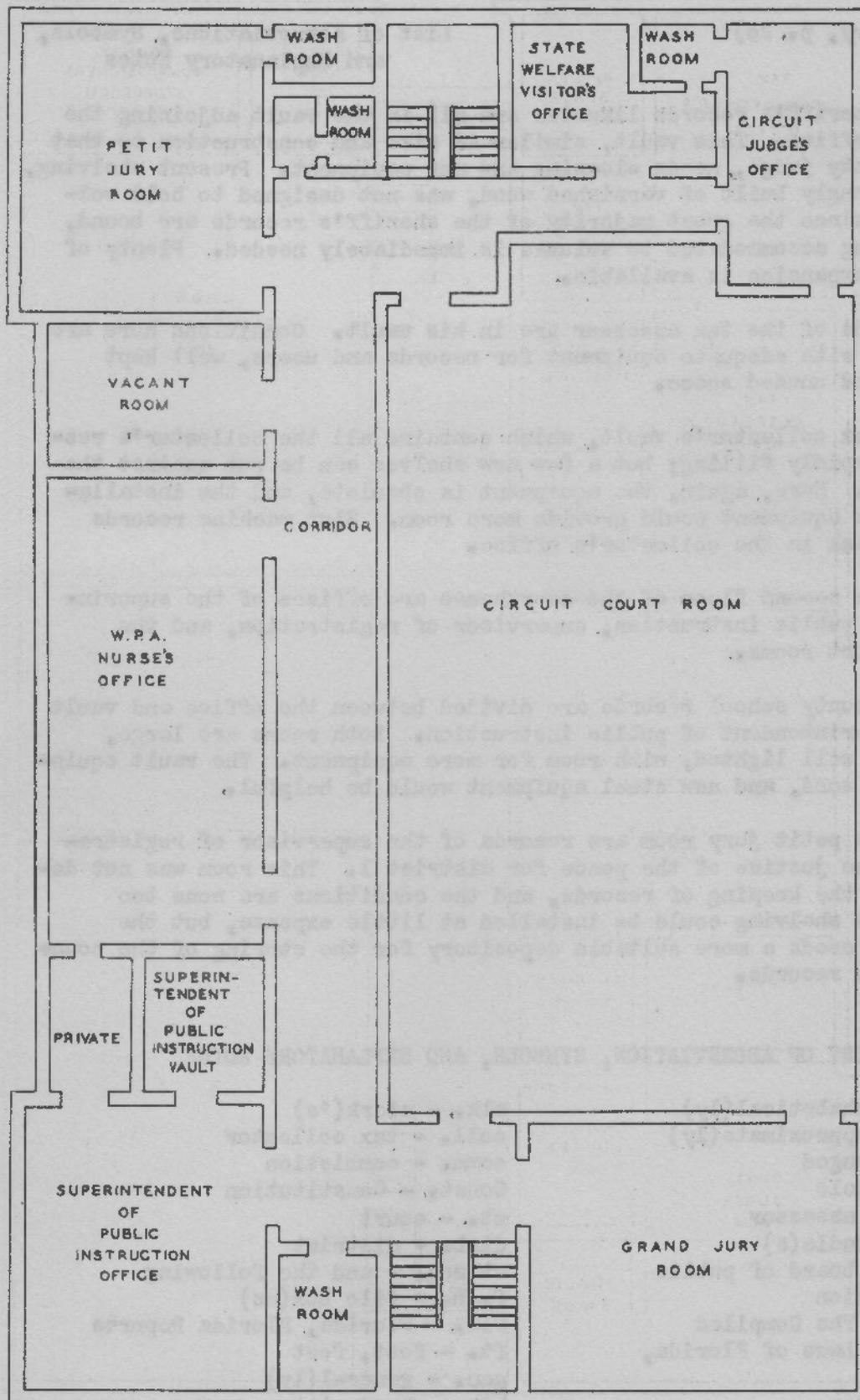
The county judge keeps all probate records, records of the county judge's court, and various records resulting from his licensing and inquest duties. These records are all located in the county judge's vault, which is barred to the public because of personal records kept therein. The vault is similar to the clerk's though considerably smaller. The records now are quite badly crowded because of poor, space-filling equipment. Since the vault itself is amply large for all needs, the crowding could be remedied, at no great expense, by replacing the present roughly constructed shelving and cumbersome file cabinets with new, well arranged equipment.

In the county judge's vault also are kept the records of the Trustees of county bonds.



FIRST FLOOR PLAN  
 FLAGLER COUNTY COURTHOUSE  
 SCALE. 1 IN. : 12 FT.





SECOND FLOOR PLAN  
 FLAGLER COUNTY COURTHOUSE  
 SCALE. 1 IN : 12 FT.

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List of Abbreviations, Symbols,  
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The sheriff's records likewise are all in the vault adjoining the sheriff's office. This vault, similar in size and construction to that of the county judge, needs cleaning and new equipment. Present shelving, though strongly built of varnished wood, was not designed to hold volumes; and since the great majority of the sheriff's records are bound, new shelving accommodated to volumes is immediately needed. Plenty of space for expansion is available.

Records of the tax assessor are in his vault. Conditions here are excellent, with adequate equipment for records and users, well kept records, and unused space.

The tax collector's vault, which contains all the collector's records, is rapidly filling; but a few new shelves can be put against the south wall. Here, again, the equipment is obsolete, and the installation of new equipment would provide more room. Slot machine records are in a desk in the collector's office.

On the second floor of the courthouse are offices of the superintendent of public instruction, supervisor of registration, and the various court rooms.

The county school records are divided between the office and vault of the superintendent of public instruction. Both rooms are large, clean, and well lighted, with room for more equipment. The vault equipment is of wood, and new steel equipment would be helpful.

In the petit jury room are records of the supervisor of registration and the justice of the peace for district 1. This room was not designed for the keeping of records, and the conditions are none too good. More shelving could be installed at little expense, but the supervisor needs a more suitable depository for the storing of the county election records.

4. LIST OF ABBREVIATION, SYMBOLS, AND EXPLANATORY NOTES

alph. - alphabetical(ly)	clk. - clerk('s)
approx. - approximate(ly)	coll. - tax collector
arr. - arranged	comm. - commission
Art. - Article	Const. - Constitution
ass. - tax assessor	ct. - court
bdl(s) - bundle(s)	dist. - district
b. p. i. - board of public instruction	et seq. - and the following
C. G. L. - The Compiled General Laws of Florida, 1927	f. b. - file box(es)
Ch. - Chapter	Fla. - Florida, Florida Reports
chron. - chronological(ly)	ft. - foot, feet
cir. ct. - circuit court	gen. - general(ly)
	hdw. - handwritten
	ibid. - in the same place
	id. - the same

List of Abbreviations, Symbols,  
and Explanatory Notes

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in. - inch(es)	reg. supv. - supervisor of registration
jkt. - jacket(s)	sec(s). - section(s)
j. p. - justice of the peace	So. - Southern Reporter
mi. - mile(s)	s. p. i. - Superintendent of public instruction
mo(s). - month(s)	syst. - systematically
no(s). - number(s)	twp. - township(s)
num. - numerical(ly)	v. - versus
off. - office	va. - vault
p., pp. - page, pages	vol(s). - volume(s)
Perm. Cum. Supp. to C. G. L., - Permanent Cumulative Supplement to Compiled Gener- al Laws of Florida	yr(s). - year(s)
pr. - printed	-- current
pr. fm. - printed forms	' feet
	" inches

Entries throughout this inventory are numbered consecutively (1-231).

Exact titles of records are written in solid capitals without parentheses.

Descriptive titles, written in solid capitals and enclosed in parentheses, have been assigned to records having no exact titles. Explanatory titles, written with initial capitals and enclosed in parentheses, have been added to records whose exact titles are misleading or not sufficiently indicative of record contents.

All date spans are inclusive. Apparent overlapping of dates is due to the practice of setting up a new volume or container before the old volume or container is completely filled, and the consequent concurrent use of both volumes or containers.

Actual duplication of records is indicated in every case by a statement of duplication.

Figures or letters in parentheses following the number of volumes or containers indicate the labelling of a record.

Title line cross references are used to complete series where a record is kept separately for a period of time and in other records for other periods of time. They are also used in artificial entries which are prepared to describe, under their proper office or subject heading, records kept in the same master volume or file with other unrelated records. In both instances, the description of the master record, in a master entry, shows both title and entry number of the contained record. Dates shown in the description of the master entry cover only the part or parts of the record contained therein, and such dates are indicated only when they vary from those of the master entry.

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Third-paragraph cross references from entry to entry and "See also" references from subject headings and sub-heads are used to show prior, subsequent or related records which are not parts of the same series.

When a series consists of more than one volume, the average number of pages is given or the extremes in the numbers of pages are indicated. Number of pages refers to number contained, not to number used.

The approximate total number of papers contained in an entire series of unbound records is given in the title line.

Dimensions are given in inches unless otherwise noted, and refer to dimensions of volumes, containers, or maps mentioned in title line.

Unless otherwise indicated, the condition of a record may be assumed to be good or excellent.

All indexes to records, unless otherwise stated, are self-contained.

Room locations are given in the last paragraph of each legal essay, except as otherwise noted in individual entries.

All records are in the county courthouse.

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## I. BOARD OF COUNTY COMMISSIONERS

The first Constitution of Florida empowered the General Assembly of the state to establish in each county a board of commissioners for the regulation of the county business therein (Fla. Const., 1838, Art. V, sec. 19). Pursuant to this authority, the General Assembly provided in 1845 that four county commissioners should be elected in each county of the state (Thompson's Digest, 1847, p. 71). The Constitution of 1861 reenacted the provision of the Constitution of 1838 relating to the county commissioners (Fla. Const., 1861, Art. XVII, sec. 5). The Constitution of 1865 provided for the election of county commissioners, but did not specify the number to be elected (Fla. Const., 1865, Art. XVII, sec. 5). The Constitution of 1868 provided for the appointment by the governor of five county commissioners in each county, whose term of office was two years and whose duties were to be prescribed by law (Fla. Const., 1868, Art. V, sec. 19).

At the time of the adoption of the present Constitution of Florida in 1885, the office of county commissioner was still an appointive office. However, an amendment was adopted in 1900 directing the county commissioners to divide their several counties into five commissioner's districts, to be numbered respectively from one to five, inclusive, each district to be as nearly as possible equal in population. A county commissioner is elected in each district by the qualified electors of the county, and holds his office for two years. The powers, duties, and compensation of the county commissioners are prescribed by law. (Fla. Const., 1885, Art. VIII, sec. 5.)

Before he is commissioned, each county commissioner must give a bond, conditioned for the faithful performance of the duties of his office, which bond must be approved by the board of county commissioners and the state comptroller and filed with the secretary of state (*ibid.*, Art. VIII, sec. 7; sec. 2419, C. G. L.).

Flagler county was created on April 28, 1917, from Volusia and St. Johns counties, and the first board of county commissioners was appointed by the governor, who was directed under the creating act to appoint, on or before the 1st day of July 1917, all officers to which the county was entitled under the Constitution and laws of the state (Ch. 7399, Acts, 1917, secs. 1-3). The board of county commissioners thus appointed was directed to hold its first meeting on the first Monday in July 1917, and to make arrangements at this meeting for temporarily carrying on the county government and to perform such other duties as might be required of it by law (*ibid.*, Ch. 7399, sec. 5). This board was further directed to hold a conference with the respective boards of county commissioners of Volusia and St. Johns counties and to agree with these boards upon a plan or plans for the assumption by Flagler county of its pro rata share of the bonded and other indebtedness of Volusia and St. Johns counties in accordance with the Constitution and also upon an equitable division of the surplus funds, including outstanding tax certificates, that Volusia and St. Johns counties might have on hand or that may be owing respectively to Volusia and St. Johns counties on the 1st day of July 1917 (*ibid.*, Ch. 7399, sec. 18).

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## Board of County Commissioners

The board of county commissioners is the general administrative board of the county. It is through the board that the county performs its usual functions of government, and the board is for many purposes the county itself. Thus, the board may, at any legal meeting, make such orders concerning the care and improvement of the corporate property of the county as may be deemed expedient (sec. 2153, C. G. L.). County buildings are insured in the name of the board (id.). The board represents the county in the prosecution and defense of all legal causes, and, in Flagler county, is represented by an attorney employed to handle its legal business (ibid., secs. 2153, 2202-2203). The power of eminent domain which is given to counties in Florida is exercised through the commissioners (ibid., secs. 2282, 2285 et seq.). The commissioners also have the duty of caring and providing for the poor and indigent people of the county, and the specific types of relief to be given are prescribed by law (ibid., sec. 2153; secs. 3727(1) et seq., 4151 et seq., Perm. Cum. Supp. to C. G. L.).

Some of the most important duties of the county commissioners are those relating to taxation. The commissioners are authorized to divide the county into taxation districts, where it is deemed necessary for assessment purposes, and to appoint in, and for each district, an assistant assessor of taxes (Fla. Const., 1885, Art. VIII, sec. 7). The commissioners are further authorized to apportion and order the levy of all taxes, either for specific or general purposes, in accordance with law (secs. 923, 937-939, 2153, C. G. L.; secs. 937(1)-937(2), Perm. Cum. Supp. to C. G. L.). This levy must be based on the annual budget set up by the county commissioners prior to the making of the levy for the year (ibid., sec. 2306). The commissioners also sit as a board of equalization for the purpose of hearing complaints and receiving testimony as to the value of any property, real or personal, as fixed by the county assessor of taxes, and for the purpose of perfecting, reviewing and equalizing the assessment (sec. 929 et seq., C. G. L.).

The county commissioners have the power to build and keep in repair county buildings, roads, and bridges, and the law prescribes in great detail their duties in the exercise of this power (ibid., secs. 2153, 2436 et seq.). They may issue bonds in the county for the purpose of erecting a courthouse, a jail, or other public buildings, to build and construct roads, to fund the outstanding indebtedness of the county, and may prescribe the rate of interest on these bonds (ibid., secs. 2153, 2309 et seq.). Bonds may be issued for the construction of bridges in the county when a majority of the board votes to construct such bridges or when a petition signed by 10 percent of the qualified electors of the county asks that such bridges be built. But no bridge may be constructed across any navigable stream in the state without first obtaining the approval of the Secretary of War as to its location and construction. (Ibid., secs. 2347-2349, 2459-2460.) Furthermore, when the county is by law given the power to issue bonds, such bonds may be issued only after the same have been approved by the majority of the votes cast in an election in which a majority of the qualified electors residing in the county have participated (ibid., secs. 2312-

Board of County Commissioners

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2314, 2347-2349; secs. 457(1)-457(19), Perm. Cum. Supp. to C. G. L.).

The letting of contracts by the county commissioners for the building and repair of county buildings, roads, and bridges is regulated by statute (sec. 2191, C. G. L.). The commissioners may put county convicts to labor upon the roads, bridges, or other public works of the county, and they may hire county convicts to other counties for this purpose (ibid., sec. 8549 et seq.).

There are five special road and bridge districts in Flagler county. These districts are formed for the purpose of having permanent roads and bridges constructed or rebuilt within the territory embraced in such special road and bridge district. The petition asking that certain territory in the county be constituted into a special road and bridge district must be presented to the board of county commissioners, and after determining that such petition has been drawn in accordance with law, it is the duty of the commissioners to order an election to be held in the territory to determine whether or not it shall be constituted into a special road and bridge district and the proposed roads and bridges constructed or rebuilt and paid for as specified in the petition (ibid., secs. 2679-2680).

The county commissioners also have the power to grant leave to applicants, under the conditions prescribed by law, to establish ferries, toll bridges, mills and dams, and log ditches, upon and across the rivers and streams of the county, which license may continue for a time to be specified therein by the commissioners, not exceeding 10 years (ibid., secs. 2153, 2740 et seq.).

A law was passed in 1937 directing the county commissioners of Flagler county to provide for a complete re-registration of all electors in the county who intended to register or qualify in any general, primary, or special election to be held after this law went into effect. It was made the duty of the supervisor of registration to open the registration books of the county in the manner required by law. Furthermore, it was provided that all registrations of electors previously had in the county should be null and void. (Ch. 18125, Acts, 1937, secs. 1-2.) Other duties of the county commissioners under the election laws of the state are to secure ballot boxes, to cause the names of candidates to be printed on the ballots to be used, to appoint three inspectors of election and a clerk of election for each polling place in each election district of the county, to prepare instructions for the guidance of electors in preparing their ballots, and to provide booths for voters at the several polling places of the county (secs. 324, 326, C. G. L.; secs. 212, 319(1), Perm. Cum. Supp. to C. G. L.; Ch. 17898, Acts, 1937). In addition, the chairman, or another member, of the board of county commissioners serves with the county judge and the supervisor of registration of the county as a member of the county canvassing board of elections and the county canvassing board of primary elections; it is the duty of these boards to canvass publicly the returns of general elections and primary elections respectively (secs. 343-344, C. G. L.; secs. 407-408, Perm. Cum. Supp. to C. G. L.).

(First entry, p. 28)

## Board of County Commissioners

A close relation exists between the board of county commissioners and other county officers. Thus, the commissioners are charged with the duty of approving the bonds of county officers as provided by law (Fla. Const., 1885, Art. VIII, sec. 7; secs. 2416 et seq., 4580, C. G. L.). It is also the duty of the county commissioners to inspect the offices and records of the county judge, the sheriff, the clerk of the circuit court, and other officers of the county at least once every three months in order to see that the laws prescribing and regulating the duties of these officers are being complied with, and to report to the governor any failure on the part of such officers to perform their duties (*ibid.*, sec. 2196). It is further the duty of the commissioners to have work left undone by any county officer whose term has expired, or who has died, resigned, or been removed from office, finished by the successor of such officer (*ibid.*, sec. 2197). Another duty of the commissioners is to furnish the books of account and record which are required to be kept by the sheriff and clerk of the circuit court (*ibid.*, sec. 476).

The law provides that certain reports must be made to the county commissioners by other county officers. Thus, it is the duty of the commissioners to require, from all justices of the peace, the clerk of the circuit court, and the county judge, a full report for each month, within 30 days after the expiration of the said month, of the amount of fines and forfeitures imposed by their courts, and the commissioners must report to the governor the failure or refusal of any officer to make such reports (*ibid.*, sec. 2827). In addition, each county official receiving compensation for his official duties paid wholly or partly by fees or commissions, or fees and commissions, must file with the commissioners, at the expiration of each semi-annual period, a sworn itemized statement of the receipts and expenditures of his office, and it is the duty of the commissioners to report to the governor the failure of any county official to comply with the provisions of this law (secs. 2877(1)-2877(2), Perm. Cum. Supp. to C. G. L.).

It is further the duty of the commissioners to make such financial reports to the state comptroller as may be prescribed from time to time by him (sec. 2295, C. G. L.).

The Constitution provides that the clerk of the circuit court shall also be clerk of the board of county commissioners (Fla. Const., 1885, Art. V, sec. 15). It is the duty of the clerk to keep the minutes and accounts of the commissioners, and to perform such other duties as their clerk as they may direct. He has the custody of their seal, and must affix the same to any paper or instrument to which it is proper or necessary that the seal shall be affixed. He may also give copies of writings in his custody as clerk of the board, attested by his signature and authenticated by the said seal. (Secs. 2198 et seq., 2261, C. G. L.). The commissioners may order the clerk to transcribe any book or books of record whenever the same are not properly bound, or are mutilated, and they may require the clerk to abstract any or all instruments of writing affecting any real estate situated in the county (*ibid.*, secs. 2153, 5755 et seq.).

## II. CLERK AS CLERK OF THE BOARD AND AUDITOR

The clerk of the circuit court is clerk and accountant of the board of county commissioners and ex-officio auditor of the county (Fla. Const., 1885, Art. V, sec. 15; sec. 2261, C. G. L.). He keeps the minutes of the proceedings of the commissioners and books of account of their dealings with county finances (*ibid.*, secs. 2198, 2261). The clerk also keeps for the commissioners a book in which he enters a detailed itemized statement of all the monies expended upon public roads, highways, and bridges, or otherwise expended in the several commissioner's districts. This itemized statement must be kept separate for each commissioner's district, and entries are made in the book at the regular meeting of the commissioners in each and every month for the expenditures for the preceding month. (*Ibid.*, sec. 2199.) The law provides that the book containing these itemized statements shall at all times be deposited in the office of the clerk, and shall at all times be open and subject to the inspection of any citizen of the county (*ibid.*, sec. 2200).

It is the duty of the clerk to keep for the commissioners an accurate and complete set of books showing the amount on hand, amount received, amount expended, and the balances thereof, at the end of each month, for each and every fund carried by the commissioners in those banks which have been designated county depositories under the law (*ibid.*, sec. 2402).

Records and accounts of the fine and forfeiture fund of the county are kept by the clerk; this fund consists of all fines and forfeitures collected in the county under the penal laws of the state, all costs refunded to the county, all funds arising from the hire or other disposition of convicts, and the proceeds of any special tax that may be levied by the county commissioners for the expenses of criminal prosecutions (*ibid.*, sec. 2825 et seq.).

As county auditor, the clerk must each year make an estimate of the revenue and receipts, other than from taxes to be levied, reasonably to be expected from the 1st day of October to the 30th day of September of the following year, of each of the county funds, and file the same with their respective boards, which estimate must be verified by his oath as being true and correct according to his best knowledge, information, and belief, and said estimate must be spread in full upon the minutes of the board of county commissioners. Copies of the estimate must also be filed with the state comptroller, who is directed to prescribe the method and forms of accounting provided by this law. (*Ibid.*, secs. 2302, 2308.) It is made unlawful for the county commissioners to expend or contract for the expenditure in any year, October 1 to September 30 to be considered such year, of more than 95 percent of the estimated revenue of the year, ascertained and determined in accordance with section 2302, and 95 percent of the taxes levied for the year unless more than 95 percent should be collected (*ibid.*, sec. 2303).

The law provides that as clerk of the board of county commissioners the clerk must keep books of account and record in accordance with forms to be approved by the state auditor (*ibid.*, sec. 475). These books are furnished by the county commissioners (*ibid.*, sec. 476). It is also

(1-3) Clerk as Clerk of the Board and Auditor - Minutes;  
General County Finance

the duty of the clerk to make financial statements or reports to the state comptroller at such times as the same may be called for by the comptroller. It is provided that the clerk's report, together with the reports required of the county commissioners, the board of public instruction, and the superintendent of public instruction, shall constitute an accurate report of all the receipts, disbursements, unpaid warrants, and assets and liabilities of the county in such form and manner as to set forth a comprehensive and complete statement and report of the administration, conduct, and condition of the financial affairs of the county and all separate funds thereof. (Ibid., sec. 2295 et seq.)

All records of the clerk as clerk of the board and auditor are located in the vault of the clerk of the circuit court.

Minutes

1. COUNTY COMMISSIONERS MINUTES, 1917--. 3 vols. (1-3).

Minutes of meetings of board of county commissioners, showing date and place of meeting, number of members present and absent, and record of all business presented to, and acted upon, by the board, including lists of bills authorized for payment, list of warrants approved, records of county finances prepared by auditor, financial reports of county officials, minutes of board sitting as tax adjustment board (1929), reports of county bond trustees, lists of deputy sheriffs appointed, notation of examination of poll tax and registration books, with list of names stricken from latter, lists of jurors, record of pensions granted, and notations of granting of pistol permits. Arr. chron. by date of meeting. No index. Typed. 600 pp. 18 x 12 x 3.

General County Finance

2. COUNTY FINANCE SYSTEM (Lodger), 1917--. 4 vols.

Record of monies received, showing date and number of receipts, name of payor, amount, and funds credited; record of disbursements, showing date and number of voucher, name of payee, purpose of expenditure, amount, and fund drawn on. Arr. by type of record, chron. thereunder by date of transaction. No index. Hdw. on pr. fm. 175 pp. 16 x 10 x 2 to 27 x 14 x 2.

For other County Finance System records, see entry 3.

3. COUNTY FINANCE SYSTEM (Warrant Register), 1917--. 2 vols.

Record of warrants authorized by board of county commissioners, showing date, number, amount, and purpose of warrant, name of payee, and fund drawn on. Arr. by fund, num. thereunder by warrant no. No index. Hdw. on pr. fm. 200 pp. 16 x 10 x 2.

For other County Finance System records, see entry 2.

Clerk as Clerk of the Board and Auditor - Bond  
Issues

(4-9)

4. CLERK'S FEE AND EXPENSE RECORD, 1917--. 2 vols.

Finance record of office of clerk of circuit court. Record of fees collected, showing date and amount, and covering fees for recording, for civil cases, for general court work, for criminal cases paid by defendant or by county, for tax sales, miscellaneous fees, and salary as auditor and clerk of board of county commissioners; arr. by type of fee, chron. thereunder by date of fee. Record of expenditures, showing date, amount, name of payee, and warrant number, and covering salaries, office, postage, and miscellaneous expenses; arr. by nature of expense, chron. thereunder by date of expenditure. No index. Hdw. on pr. fm. 300 pp. 18 x 12 x 2.

For other recorder's records, see entries 18-36; for other circuit court records, see entries 37-77.

5. MONTHLY (Depository) FINANCE STATEMENTS, 1917--. 216 jkts. in 18 f. b.

Depository receipts, monthly depository statements, and cancelled warrants covering all county deposits and disbursements. Not arr. syst. No index. Typed on pr. fm. 11 x 5 x 12.

6. RECORD OF CLERK'S REPORT TO COMPTROLLER, 1917--. 2 vols.

Semi-annual report to state comptroller of county finances, listing all warrants issued from the various funds, showing distribution of expenses as to purpose and fund, and listing all receipts by source. Arr. chron. by date of report. No index. Hdw. on pr. fm. 100 pp. 30 x 24 x 2.

7. SEMI-ANNUAL AND ANNUAL REPORTS TO COMPTROLLER OF DIFFERENT COUNTY FUNDS, 1918--. 25 jkts. in 2 f. b.

Report of county receipts and disbursements made semi-annually and annually by clerk to state comptroller, showing period covered, dates of report and entry, nature and amount of items, and recapitulation; also reports of assets and liabilities of county, and of bonds issued and outstanding. Arr. chron. by date of report. No index. Hdw. and typed on pr. fm. 10 x 4 x 24.

Bond Issues

8. BOND REGISTER, 1919--. 1 vol.

Record of bond issues, showing name, date and purpose of issue, amount issued, date of bond election, bond number, date of payment, amount of bond, rate of interest, date interest payable, number of interest coupon, and date of payment of coupon. Arr. num. by bond no., num. thereunder by coupon no. No index. Hdw. on pr. fm. 250 pp. 18 x 15 x  $\frac{1}{2}$ .

9. COUPON RECORD, 1919--. 2 vols. (labelled by name of issue).

Cancelled coupons of Haw Creek (1931-33) and Shell Bluff (1919--) road and bridge bonds, showing amount and number of coupon, date due, and date paid. Arr. num. by coupon no. No index. 250 pp. 18 x 14 x 3.

(10-16) Clerk as Clerk of the Board and Auditor - Elections;  
Schools; Miscellaneous

Elections

(See also entries 107, 108, 225-231)

10. (NOMINATION PETITIONS), 1934-36. In (Miscellaneous), entry 16. Original petitions to board of county commissioners to place candidate on ballot, showing name of candidate, office sought, date of election, and signature of petitioner.

11. (CANDIDATES' FEE RECEIPTS), 1934-36. In (Miscellaneous), entry 16. Receipts from political party's executive committee for payment of candidates' fees, showing date of receipt, name of candidate, office sought, and amount paid.

12. (CAMPAIGN EXPENSE STATEMENT), 1934-36. In (Miscellaneous), entry 16. Primary election candidate's statement of campaign expenses, showing name of candidate, office sought, date of election, amount of qualification fee, amount of fee to Democratic party county executive committee, itemized expenses, and candidate's notarization.

13. (CANDIDATES' OATHS), 1934-36. In (Miscellaneous), entry 16. Oaths of candidates seeking office, showing name of candidate, party affiliation, title of office sought, and candidate's notarization.

Schools

(See also entries 189-224)

14. (BOARD OF PUBLIC INSTRUCTION ORGANIZATION), 1917--. In (Miscellaneous) entry 16. Copy of organizational proceedings of board of public instruction, showing names and signatures of members and chairman elected, district numbers represented, and attestation of superintendent as ex-officio secretary.

15. (BOARD OF PUBLIC INSTRUCTION FINANCIAL STATEMENTS), 1917--. In (Miscellaneous), entry 16. Monthly financial statement of board of public instruction, including summary of cash, showing name of fund, receipts to date, total cash, disbursements to date, available balances, outstanding warrants, and depository balance; summary of vouchers payable, showing name of fund, purpose, amount, and total amount.

Miscellaneous

16. (MISCELLANEOUS), 1917--. 440 papers in 1 f. b. Miscellaneous records of clerk of circuit court. Contains: (Board of

Recorder

(17)

Public Instruction Financial Statements), entry 15; (Board of Public Instruction Organization), entry 14; (Campaign Expense Statement), 1934-36, entry 12; (Candidates' Fee Receipts), 1934-36, entry 11; (Candidates' Oaths), 1934-36, entry 13; (Nomination Petitions), 1934-36, entry 10. Arr. by type of record. No index. Typed, and hdw. and typed on pr. fm. 12 x 10 x 24.

17. APPLICATIONS FOR MOTHER'S PENSION, 1919--. 90 applications in l f. b.

Original applications for mothers' pensions, showing name of applicant, maiden name, address, length of county residence, date and place of birth, religion, name of husband, status of husband, date of birth, date and place of marriage, date and place of death, and date application filed. Arr. chron. by date filed. No index. Hdw. and typed on pr. fm. 24 x 10 x 4 $\frac{1}{2}$ .

### III. RECORDER

In addition to being clerk of the court, ex-officio auditor, and clerk of the board of county commissioners of the county, the clerk of the circuit court is also the recorder of the county (Fla. Const., 1885, Art. V, sec. 15). In this capacity he is the recorder of deeds and of all other papers not pertaining to the circuit court which he may be required by law to record (sec. 4858, C. G. L.).

The law provides that for the purpose of such recording the recorder shall keep:

A record of deeds, in which he must record all deeds, and all leases of lands, and all powers of attorney to execute any such instruments, and all agreements relating to conveyance of land which may be in form entitled to record.

A record of mortgages on real and personal property.

A record of liens; a mortgage and lien assignment book; and a mortgage lien and satisfaction book.

A register, in which he must, at the time of filing any instrument for record, enter the names of the parties to such instrument, with the number thereof, under the respective heads of "grantor" and "grantee", the kind of instrument and date and hour of filing.

An incorporation book, in which he must record all articles of incorporation required by law.

Indexes, alphabetical direct and inverse, to all of the foregoing books, the forms of which indexes are prescribed by law. (Ibid., secs. 4858, 4861.)

The recorder must also keep:

A record of Federal tax lien notices and an alphabetical Federal tax lien index (sec. 894(1), Perm. Cum. Supp. to C. G. L.).

Record books in which he must properly record and index all bills of sale, conditional bills of sale, retain-title contracts, chattel mortgages, and any other instruments affecting the title to personal property (ibid., 4865(1)).

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## Recorder - Title to Property

A book in which the names of all persons convicted of crimes in the county must be properly recorded (sec. 8210, C. G. L.)

A record of estrays and a statement of all monies arising from the sale of estrays (ibid., secs. 5825, 5833).

A "municipal charters" book in which he records a certified copy of all municipal charters or amendments thereto granted to cities or towns located in the county (ibid., sec. 3139).

A record of the names and addresses and bonds of the several deputy sheriffs appointed in the county (ibid., secs. 4579-4580).

A record of soldiers and sailors discharges (ibid., sec. 4859).

In addition, the recorder must keep the following occupational, business, and professional registration records:

A record book of physicians, surgeons, osteopaths, chiropractors, naturopaths, midwives, and podiatrists who have been licensed to practice (ibid., secs. 3398, 3467).

A nurses' register (ibid., sec. 3521).

A dentists' register (ibid., sec. 3544).

A record of all county licenses issued by the county judge (Ch. 18011, Acts, 1937, sec. 31).

A record of marks and brands granted to cattle owners (sec. 6946, C. G. L.).

A record of persons to whom licenses to carry pistols or other weapons have been issued (ibid., sec. 7203).

The law requires an excise tax to be collected on certain documents, which tax is paid to the recorder by affixing the required amount of stamps to the document (sec. 1279(111) et seq., Perm. Cum. Supp. to C. G. L.).

The law further provides that the fees for recording any instrument of writing entitled to record under the laws of the state shall not be payable to the recorder until he has verified the record and endorsed the instrument as provided by law (sec. 4863, C. G. L.).

For recorder's fee book, see entry 4.

All records of the recorder are located in the vault of the clerk of the circuit court.

## Title to Property

Instruments Filed

18. RECORD OF INSTRUMENTS FILED FOR RECORDING, 1917--. 3 vols. (1-3). Title varies: Register of Instruments Filed for Recording, 1917-25, vols. 1, 2.

List of instruments filed for recording, showing instrument number, date and time of filing, kind of instrument, names of parties, by whom left, recording fees, amount paid, volume and page reference to recording, date

## Recorder - Title to Property

(19-23)

of delivery, and to whom delivered. Arr. num. by instrument no. No index. Hdw. on pr. fm. 300 pp.  $17\frac{1}{2}$  x  $13\frac{1}{2}$  x  $2\frac{1}{4}$  to  $18\frac{1}{2}$  x  $13\frac{1}{2}$  x 3.

Conveyances

## 19. DEEDS, 1917--. 21 vols. (1-21)..

Copies of such instruments conveying title to real and personal property as warranty, special master's, tax, quitclaim and sheriff's deeds, agreements for deed, powers of attorney, leases, bills of sale, and conditional agreements, showing names of parties, date of instrument, amount in consideration, description of property, covenants and warranties, acknowledgments, notarization, and clerk's certification. Arr. chron. by date of recording. For index, see entries 20, 21. Hdw. and typed on pr. fm. 500 pp. 18 x 13 x 3.

## 20. GENERAL INDEX TO DEEDS (Reverse), 1917--. 5 vols. (lettered by alph. content).

Index by grantee to Deeds, entry 19, showing names of parties, type of instrument, date of recording, and volume and page reference to record. Arr. alph. by name of grantee. Typed on pr. fm. 500 to 600 pp.  $16\frac{1}{2}$  x  $9\frac{1}{2}$  x 3 to  $18\frac{3}{4}$  x  $16\frac{1}{2}$  x  $3\frac{1}{4}$ .

## 21. GENERAL INDEX TO DEEDS (Direct), 1917--. 5 vols. (lettered by alph. content).

Index by grantor to Deeds, entry 19, showing names of parties, type of instrument, date of recording, and volume and page reference to record. Arr. alph. by name of grantor. Typed on pr. fm. 500 to 600 pp.  $16\frac{3}{4}$  x  $9\frac{1}{2}$  x 3 to  $18\frac{3}{4}$  x  $16\frac{1}{2}$  x  $3\frac{1}{4}$ .

Encumbrances (See also entries 29-31, 54, 56)

## 22. GENERAL INDEX TO MORTGAGES, LIENS, ASSIGNMENTS AND RELEASES (Direct), 1917--. 2 vols. (A-K, L-Z).

Index by first party to Chattel Mortgages, entry 25, Mortgage, Liens, Assignments and Releases; entry 29, and Mortgages, Mortgage Deeds, Mortgage Notes, entry 24, showing names of parties, type of instrument, date recorded, and volume and page reference to pertinent record. Arr. alph. by name of party of first part. Hdw. on pr. fm. 500 pp. 16 x 10 x 3.

## 23. GENERAL INDEX TO MORTGAGES, LIENS, ASSIGNMENTS AND RELEASES (Reverse), 1917--. 2 vols. (A-K, L-Z).

Index by second party to Chattel Mortgages, entry 25, Mortgage, Liens, Assignments and Releases; entry 29, and Mortgages, Mortgage Deeds, Mortgage Notes, entry 24, showing names of parties, type of instrument, date recorded, and volume and page reference to pertinent record. Arr. alph. by name of party of second part. Hdw. on pr. fm. 500 pp. 16 x 10 x 3.

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Recorder - Title to Property

24. MORTGAGES, MORTGAGE DEEDS, MORTGAGE NOTES, 1917--. 10 vols.  
(1-10).

Copies of realty mortgages, mortgage deeds, and mortgage notes, showing names of parties, date of instrument, description of property, amount in consideration, rate of interest, date due, and clerk's certification. Arr. chron. by date of recording. For index, see entries 22, 23. Typed. 500 pp. 18 x 13 x 3.

25. CHATTEL MORTGAGES, 1917--. 1 vol.

Copies of chattel mortgages, showing names of parties, description of property, amount in consideration, conditions, rate of interest, date due, and clerk's certification. Arr. chron. by date of recording. For index, see entries 22, 23. Typed. 500 pp. 18 x 13 x 3.

26. LIEN RECORD, 1918--. 1 vol. Last entry 1928.

Copies of liens filed for record, showing names of parties, description of property, amount in consideration, and clerk's certification; contains Federal tax liens. Arr. chron. by date of recording. No index. Typed. 500 pp. 18 x 13 x 3.

27. LIS PENDENS DOCKET, 1918--. 2 vols. (1, 2).

Copies of notices of suits pending which may affect title to property, showing names of parties to case, nature of case, description of property, date of notice, and clerk's certification. Arr. chron. by date of recording. For index, see entry 31. Typed. 600 pp. 18 x 13 x 2.

28. FOREIGN JUDGMENTS, 1917--. 2 vols. (1, 2).

Copies of judgments rendered in courts other than Flagler county circuit court against Flagler county residents or property, showing name of court, names of parties, amount of judgment, date decreed, certification of clerk of court rendering judgment, and certification of Flagler county clerk. Arr. chron. by date of recording. For index, see entry 31. Typed. 600 pp. 18 x 12 x 3.

Assignments and Satisfactions (See also entries 22-28)

29. MORTGAGE, LIENS, ASSIGNMENTS AND RELEASES, 1917--. 6 vols.  
(1-6).

Copies of assignments and satisfactions of realty and chattel mortgages and liens, showing names of parties, description of property, name of assignee, acknowledgment of satisfaction, and clerk's certification. Arr. chron. by date of recording. For index, see entries 22, 23. Typed. 500 pp. 18 x 13 x 3.

30. ASSIGNMENTS AND SATISFACTIONS OF JUDGMENTS, 1919--. 2 vols.  
(1, 2).

Copies of assignments, releases, and partial releases of judgments, showing names of parties, amount of judgment, date decreed, name of

Recorder - Professional; Miscellaneous

(31-35)

assignee or acknowledgment of release, and clerk's certification. Arr. chron. by date of recording. For index, see entry 31. Typed. 600 pp.  $18\frac{1}{2} \times 12\frac{1}{2} \times 3$ .

31. ASSIGNMENTS AND SATISFACTIONS OF JUDGMENTS INDEX, 1917--.  
1 vol.

Index to Assignments and Satisfactions of Judgments, entry 30, Chancery Order Book, entry 56, Foreign Judgments, entry 28, and Lis Pendens Docket, entry 27, showing names of parties to instrument, kind of instrument, date of recording, and reference to pertinent record. Arr. alph. by names of parties. Typed on pr. fm. 600 pp.  $18 \times 16 \times 3$ .

Plats

32. PLAT BOOKS, 1917--. 4 vols. (1-4).

Original tracings and blue-prints of sub-division, showing name of sub-division, lot and block numbers, streets, name of owner, section, township and range numbers, and date of recording. Plats and re-plats of townships, showing section, township and range numbers, name of engineer making plat, and date of recording. Arr. chron. by date of recording. Indexed by name of plat. Handdrawn, blue-print, and pr. 36 pp.  $36 \times 24 \times 3$ .

For other plats, see entry 154.

Professional

33. RECORD OF PHYSICIANS, PHARMACISTS, AND DENTISTS, 1922--.  
1 vol.

Copies of medical certificates, including physicians', surgeons', osteopaths', nurses', and midwives' certificates, showing name of practitioner, date of examination, date certificate issued, nature of practice, tenure of certificate, and clerk's certification. Arr. chron. by date of recording. Indexed alph. by name of practitioner. Typed, 1922-24; hdw., 1925--. 300 pp.  $18 \times 13 \times 2$ .

34. SOLDIER, SAILOR DISCHARGE RECORD, 1919--. 1 vol. Last entry 1934.

Copies of discharges from army and navy, with personnel and enlistment records, showing name of dischargee, branch of service, date of enlistment and date of discharge, and clerk's certification. Arr. chron. by date of recording. Indexed alph. by name of dischargee. Hdw., 1919-28; typed, 1928--. 400 pp.  $16 \times 12 \times 2$ .

Miscellaneous

35. CORPORATION RECORD, 1917--. 1 vol.

Copies of such papers relative to chartering corporations and municipalities as letters patent, charters, articles of incorporation, affidavits

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Circuit Court

of stockholders and directors, and agreements of consolidation, showing name of corporation, type of business, tenure, names of stockholders and directors, number of shares, value of capital stock, and clerk's certification. Arr. chron. by date of recording. Indexed alph. by name of corporation. Hdw. and typed. 544 pp.  $18\frac{1}{2}$  x  $13\frac{1}{2}$  x 3.

36. REGISTER OF MARKS AND BRANDS, 1917--. 1 vol.

Record of marks and brands registered to identify livestock, showing name of stock owner, description of mark or brand, kind of stock and date of recording. Arr. chron. by date of recording. Indexed alph. by name of owner. Hdw. on pr. fm. 350 pp. 18 x 15 x 2.

#### IV. CIRCUIT COURT

The first circuit courts in Florida were established under the first Constitution, adopted in 1838 (Fla. Const., 1838, Art. V, sec. 1). It was provided that the state should be divided into at least four convenient circuits (ibid., Art. V, sec. 5), and that a judge of the circuit court should be elected by the qualified electors of the respective judicial circuits for a term of six years (ibid., Art. V, secs. 11-12, as amended). It was further provided that such judge should reside in the circuit for which he might be elected (id.). The judges of the circuit courts were given the power to hold courts for each other, and it was their duty to do so when directed by law (ibid., Art. V, sec. 7). As thus established, the circuit courts had original jurisdiction in all matters, civil and criminal, within the state, not otherwise excepted in the Constitution (ibid., Art. V, sec. 6). The General Assembly was given the power to establish and organize a separate court or courts of original equity jurisdiction, but until such court or courts should be established and organized, the circuit courts were given the power to exercise this jurisdiction (ibid., Art. V, sec. 8). In addition, it was provided that for the term of five years from the election of the judges of the circuit court, and thereafter, until the General Assembly should otherwise provide, the power of the supreme court, created by the Constitution, should be vested in, and its duties performed by, the judges of the several circuit courts, and they or a majority of them, should hold sessions of the supreme court at such times as might be directed by law (ibid., Art. V, sec. 3).

Provision was also made in the first Constitution for the election of clerks of the circuit courts by the qualified electors, in such mode as should be prescribed by law (ibid., Art. V, sec. 13); and, pursuant to this authority, the General Assembly provided in 1845 that a clerk of the circuit court should be elected in each county of the state where-in a circuit court was directed by law to be held (Thompson's Digest, 1847, p. 59).

The Constitution of 1861 provided for the division of the state into convenient circuits, and for the appointment by the governor, by and with the advice and consent of the senate, of a judge for each circuit, who

Circuit Court

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should hold his office for a term of six years (Fla. Const., 1861, Art. V, secs. 4, 10). The same civil and criminal jurisdiction conferred on the circuit courts by the Constitution of 1838 was given to the courts by the Constitution of 1861, and the circuit courts were also empowered to exercise original equity jurisdiction until such time as the General Assembly might establish a separate court or courts of original equity jurisdiction (*ibid.*, Art. V, secs. 6-7). Provision was also made for the election of clerks of the circuit courts by the qualified electors in the mode prescribed by law (*ibid.*, Art. V, sec. 12).

The Constitution of 1865 also provided for the division of the state into convenient circuits, and for the election by the qualified electors of the circuit of a judge for each circuit for a term of six years (Fla. Const., 1865, Art. V, secs. 4, 11). The same original civil and criminal jurisdiction and the same original equity jurisdiction conferred on the circuit courts by the Constitutions of 1838 and 1861 were conferred on the courts by the Constitution of 1865 (*ibid.*, Art. V, secs. 5, 7). Provision was also made for the election of clerks of the circuit courts by the qualified voters of the county (*ibid.*, Art. V, sec. 15).

The Constitution of 1868 provided that there should be seven circuit judges appointed by the governor and confirmed by the senate, who should hold their office for eight years. It was also provided that the state should be divided into seven circuits, the limits of which were defined by the Constitution, and one judge was assigned to each circuit. This judge was directed to hold two terms of his court in each county within his circuit, each year, at such times and places as might be prescribed by law. The chief justice of the supreme court was given the power in his discretion to order a temporary exchange of circuits by the several judges, or to order any judge to hold one or more terms in any circuit other than that to which he was assigned. It was provided that the judge should reside in the circuit to which he was assigned. (Fla. Const., 1868, Art. VI, sec. 7.) An amendment to the Constitution of 1868 gave the power to the legislature to prescribe regulations for calling into the supreme court a judge of the circuit court to hear and determine any matters pending before the court in the place of any justice thereof who should be disqualified in such case, from interest or other cause (C. G. L., pp. 188-189).

Under the Constitution of 1868, the circuit courts were given original jurisdiction in all cases in equity, and also in all cases at law in which the demand or value of the property involved exceeded one hundred dollars, and in all cases involving the legality of any tax, assessment, toll, or municipal fine, and of the action of forcible entry and unlawful detainer, and of actions involving the titles or right of possession to real estate, and of all criminal cases, except such as might be cognizable by inferior courts. The circuit courts were also given appellate jurisdiction of the matters pertaining to the probate jurisdiction and the estates and interests of minors in the county courts, and of such other matters as might be provided by law, and final appellate jurisdiction in all civil cases arising in the court of a

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Circuit Court

justice of the peace, in which the amount or value of property involved was twenty-five dollars and upwards, and of misdemeanors tried before any justice's or mayor's court. It was also provided that the circuit courts and judges should have power to issue writs of mandamus, injunction, quo warranto, certiorari, habeas corpus, and all writs proper and necessary to the complete exercise of their jurisdiction. (Fla. Const., 1868, Art. VI, sec. 8, as amended.)

The Constitution of 1868 also provided that the governor should appoint, by and with the advice and consent of the senate, a clerk of the circuit court in each county, who should also be clerk of the county court and of the board of county commissioners, recorder, and ex-officio auditor of the county. The term of this officer was four years. (Ibid., Art. VI, sec. 19.)

Under the present Constitution of Florida, as adopted in 1885, and amended from time to time, the state may be divided into 15 judicial circuits, to be appropriately designated, numbered, and defined by a suitable law enacted by the legislature (Fla. Const., 1885, Art. V, sec. 45). Pursuant to this authority, the legislature divided the state into 15 judicial circuits in 1935 (sec. 4769, Perm. Cum. Supp. to C. G. L.). Flagler county is in the seventh judicial circuit, which also includes Volusia, Putnam, and St. Johns counties. This circuit has two circuit judges, who are appointed by the governor and confirmed by the senate for terms of six years. (Fla. Const., 1885, Art. V, sec. 8; sec. 4786, Perm. Cum. Supp. to C. G. L.).

The circuit court has exclusive original jurisdiction in all cases in equity, and also in all cases at law, not cognizable by inferior courts, and in all cases involving the legality of any tax, assessment, or toll; of the action of ejectment and of all criminal cases not cognizable by inferior courts; and original jurisdiction of actions of forcible entry and unlawful detainer, and of such other matters as the legislature may prescribe. The court also has final appellate jurisdiction in all civil cases arising before the county judge, of all misdemeanors tried in the criminal court of record, and of all cases arising before justices of the peace in counties in which there is no county court; and supervision and appellate jurisdiction of matters arising before the county judge pertaining to his probate jurisdiction, or to the estates and interests of minors, and of such other matters as the legislature may prescribe. In addition, the circuit court and circuit judges have the power to issue writs of mandamus, injunction, quo warranto, certiorari, prohibition, habeas corpus, and all writs proper and necessary to the complete exercise of their jurisdiction. (Fla. Const., 1885, Art. V, sec. 11.)

Provision is also made in the present Constitution of Florida for the election in each county of a clerk of the circuit court, who is also clerk of the board of county commissioners, recorder and ex-officio auditor of the county (ibid., Art. V, sec. 15). Before he is commissioned, the clerk must give bond, conditioned for the faithful discharge

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of the duties of his office, which bond must be approved by the board of county commissioners and the state comptroller and filed with the secretary of state (sec. 4847, C. G. L.).

The clerk is directed to keep all papers filed in his office with the utmost care and security, arranged in appropriate files (endorsing upon each the time when the same was filed), and all the pleadings in each cause must be attached together with tape or ribbon, and kept distinct from other papers in the cause. Papers of different kinds must not be mixed up and folded loosely together, but each description of papers must be kept on file with other papers of the same class. Furthermore, the clerk must not permit any attorney, or other person, to take papers once filed out of his office without leave of the court, as provided by law (*ibid.*, sec. 4856).

The law prescribes in detail the minute books, dockets, and other court records which the clerk must keep, and he is also directed to keep indexes, alphabetical direct, and inverse, to all court records (*ibid.*, sec. 4857; sec. 4492(2), Perm. Cum. Supp. to C. G. L.).

The clerk is custodian of the original copies of the tax assessment rolls, which must be filed in his office by the county assessor of taxes after he has completed his assessment (sec. 936, C. G. L.; sec. 1041(5), Perm. Cum. Supp. to C. G. L.). The duties of the clerk relating to the sale of lands for unpaid taxes, the redemption of such lands, and the records to be kept in connection therewith are prescribed in detail by statute (*ibid.*, sec. 970; Chs. 18313 and 18314 Acts, 1937).

The compensation of the clerk of the circuit court is derived from fees, provided by law (sec. 4867, C. G. L.). He must make sworn reports semi-annually to the state comptroller of the fees collected by him, all his official expenses, and the net amount that his office has paid up to the time of making such reports (*ibid.*, sec. 472); and, in Flagler county, a similar report must be made semi-annually to the board of county commissioners (sec. 2877(1), Perm. Cum. Supp. to C. G. L.).

The law provides that the sheriff of the county shall be the executive officer of the circuit court, and shall in person or by deputy execute all process of the court (secs. 4572, 4869, C. G. L.). The sheriff must in person or by deputy attend every term of the court, and when he fails to do so, the judge of the court has the power to appoint a sheriff, who assumes all the responsibilities, performs all duties, and receives the same compensation as if he has been duly elected sheriff, for said term of court and no longer (*ibid.*, secs. 4573-4574). It is provided that there shall be two regular terms each year of the circuit court in each county of the seventh judicial circuit (Ch. 17770, Acts, 1937).

For circuit court fee book, see entry 4.

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Circuit Court - Judicial

All records of the circuit court are in the vault of the clerk of the circuit court.

### Judicial

#### Civil Case Papers

##### 37. CHANCERY CASE PAPERS, 1917--. 675 jkts. in 55 f. b.

Such original papers in chancery cases in circuit court as bills of complaint, motions, writs, decrees, petitions, demurrers, decrees pro confesso, and default and final judgments; all papers relevant to a case filed in jacket showing case number, names of parties and attorneys, and nature of case. Also contains: (Bimini Drainage District, Foreclosures), entry 74; (Bunnell Drainage District, Foreclosures), entry 77. Arr. num. by case no. For index, see entry 51. Typed, hdw., typed on pr. fm. 12 x 4 $\frac{1}{2}$  x 10.

##### 38. COMMON LAW CASES, 1917--. 440 jkts. in 20 f. b. (numbered by contained case nos.).

Such original papers in common law cases in circuit court as subpoenas, writs, orders, affidavits and final judgment; all papers relative to a case filed in jacket showing case number, names of parties, nature of case, and names of attorneys. Arr. num. by case no. For index, see entry 52. Hdw. and typed on pr. fm. 12 $\frac{1}{4}$  x 10  $\frac{3}{4}$  x 4  $\frac{3}{4}$ .

#### Criminal and Inquest Case Papers

##### 39. CIRCUIT COURT (Criminal) PAPERS, 1917--. 55 jkts. in 6 f. b. (dated by contained yrs.).

Such original court papers in criminal cases in circuit court as warrants for arrests, affidavits of information for warrants, court orders, and witness subpoenas; all papers of a particular term of court filed in jacket. Also contains: (Juror Pay Rolls), entry 43; (Witness Certificates), entry 42; and (Witness Pay Rolls), entry 41. Arr. chron. by term of ct.; not arr. syst. thereunder. No index. Hdw. on pr. fm., and typed on pr. fm. 4 $\frac{1}{2}$  x 10 x 24.

##### 40. (INQUEST PAPERS), 1917--. 80 jkts. in 1 f. b. 1919-- also in (Inquest Papers), entry 113.

Original papers in justice of peace, district 1, and county judge's inquests, such as jury venires, witness subpoenas, transcripts of testimony, coroner's verdicts, and witness and juror pay rolls; all papers relative to a case filed in jacket showing date of inquest, and name of decedent. Arr. chron. by date of inquest. No index. Hdw. on pr. fm. 16 x 14 x 5.

Witness and Juror Papers

41. (WITNESS PAY ROLLS), 1917--. In Circuit Court (Criminal) Papers, entry 39.

Pay rolls for state witnesses in circuit court, showing term of court, date of pay roll, name and number of witness, number of days allowed, mileage, total, signature of witness, and clerk's certification.

42. (WITNESS CERTIFICATES), 1917--. In Circuit Court (Criminal) Papers, entry 39.

Clerk's certificate of witness attendance in circuit court, showing term of court, title of case, name of witness, number of days attendance, rate per day, mileage, total, and signature of clerk.

43. (JUROR PAY ROLLS), 1917--. In Circuit Court (Criminal) Papers, entry 39.

Pay rolls for jurors in circuit court, showing term of court, date of pay roll, name and number of juror, number of days allowed, mileage allowed, total, signature of juror, and clerk's certification.

Court Minutes

44. MINUTES OF THE CIRCUIT COURT, 1917--. 2 vols. (1, 2).

Minutes of sessions of circuit court, showing term of court, date of session, names of presiding judge and court officers, grand and petit jury lists, and detailed account of procedure; contains copies of grand jury presentments and indictments, writs of error to supreme court, mandates from supreme court, and executive orders of governor. Arr. chron. by date of session. No index. Typed. 160 pp. 18 3/4 x 12 1/2 x 3.

Dockets

45. CIVIL BENCH DOCKET, 1917--. 1 vol.

Judge's record of civil cases docketed for trial in circuit court, showing term of court, year, case number, names of parties, nature of case, names of attorneys, and remarks concerning disposition. Arr. num. by case no. Indexed alph. by names of parties. Hdw. on pr. fm. 500 pp. 18 x 12 x 3.

For partial concurrent similar records, see entry 46.

46. CIVIL BAR DOCKET, 1919-31. 1 vol. Discontinued.

Attorneys' record of civil cases docketed for trial in circuit court, showing term of court, case number, names of parties, nature of case, names of attorneys, and remarks concerning disposition. Arr. num. by case no. Indexed alph. by names of parties. Hdw. on pr. fm. 500 pp. 18 x 12 x 3.

For prior, concurrent, and subsequent similar records, see entry 45.

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Circuit Court - Judicial

## 47. CRIMINAL BENCH DOCKET, 1917--. 1 vol.

Judge's record of cases docketed for trial, showing term of court, year, case number, name of defendant, offense, name of attorney, and remarks concerning disposition. Arr. num. by case no. Indexed alph. by name of defendant. Hdw. on pr. fm. 500 pp. 18 x 12 x 3.

For partial concurrent similar records, see entry 48.

## 48. CRIMINAL BAR DOCKET, Sept. 1917-Oct. 1917. 1 vol. Discontinued.

Attorneys' record of criminal cases docketed for trial in circuit court, showing term of court, year, case number, name of defendant, offense, names of attorneys, and remarks concerning disposition. Arr. num. by case no. Indexed alph. by name of defendant. Hdw. on pr. fm. 500 pp. 18 x 12 x 3.

For concurrent and subsequent similar records, see entry 47.

## 49. SUBPOENA DOCKET, 1917-27. 1 vol. Discontinued.

Record of subpoenas issued for circuit court witnesses, showing names of parties, date of issue, names of witnesses and party subpoenaing, and number of days served. Arr. chron. by date of issued. Indexed alph. by name of witnesses. Hdw. on pr. fm. 300 pp. 18 x 13 x 2.

## 50. MOTION DOCKET, 1922-33. 1 vol. Discontinued.

Copies of motions in circuit court cases, showing names of parties and attorneys, nature of motion, reason for motion, and clerk's certification. Arr. chron. by date of recording. No index. Typed, 1922-27; hdw., 1928-33. 500 pp. 18 x 13 x 3.

## 51. CHANCERY PROGRESS DOCKET, 1917--. 2 vols. (1, 2).

Record of costs in chancery cases in circuit court, showing case number, names of parties and of attorneys, nature of case, and list of instruments and proceedings, itemized by dates and costs. Serves as index to Chancery Case Papers, entry 37. Arr. num. by case no. Indexed alph. by names of parties. Hdw. on pr. fm. 500 pp. 18 x 12 x 3.

## 52. COMMON LAW PROGRESS DOCKET, 1917--. 1 vol.

Record of costs in common law cases in circuit court, showing case number, names of parties and of attorneys, nature of case, and list of instruments and proceedings itemized for each party by dates and costs. Serves as index to Common Law Cases, entry 38. Arr. num. by case no. Indexed alph. by names of parties. Hdw. on pr. fm. 500 pp. 18 x 12 x 3.

## 53. CRIMINAL PROGRESS DOCKET, 1917--. 1 vol.

Record of costs in criminal cases in circuit court, showing case number, names of defendant and attorneys, crime charged, and list of instruments and proceedings itemized by dates and costs. Arr. num. by case no. Indexed alph. by name of defendant. Hdw. on pr. fm. 300 pp. 18 x 13 x 3.

## 54. DEFAULT DOCKET, 1917--. 1 vol.

Copies of judgments rendered, defendant having defaulted, showing names of parties, names of attorneys, statement that defendant failed to appear,

amount of judgment, amount of costs, and clerk's certification. Arr. chron. by date of recording. For index, see entry 55. Hdw. on pr. fm. 500 pp. 18 x 12 x 3.

For other encumbrances, see entries 22-28.

### Orders, Judgments, and Executions

#### 55. INDEX TO JUDGMENTS, 1917--. 1 vol.

Index to Default Docket, entry 54, Judgment Record, entry 57, and Judgment and Execution Docket, entry 58, showing names of parties, kind and date of instrument, amount of judgment, and reference to pertinent record. Arr. alph. by names of parties. Typed on pr. fm. 300 pp. 18 x 13 x 3.

#### 56. CHANCERY ORDER BOOK, 1917--. 4 vols. (2-5).

Copies of such orders and decrees in chancery cases in circuit court as orders appointing special master, orders of reference, transfer and publication, decrees confirming sale, decrees pro confesso, and final judgment, showing names of parties, names of attorneys, nature of case, type of order or decree, cost, and clerk's certification. Arr. chron. by date of recording. For index, see entry 31. Typed on pr. fm. 600 pp. 18 $\frac{1}{2}$  x 12 $\frac{1}{2}$  x 3.

For other encumbrances, see entries 22-28.

#### 57. JUDGMENT RECORD, 1931--. 1 vol.

Copies of judgments rendered in circuit court, showing case number, names of parties, date and amount of judgment, costs, and clerk's certification. Arr. chron. by date of recording. For index, see entry 55. Typed. 600 pp. 18 x 12 x 3.

#### 58. JUDGMENT AND EXECUTION DOCKET, 1917--. 1 vol.

Record of execution of judgments, showing names of parties, date of judgment, reference to Judgment Record, entry 57 (1931--), date execution issued, name of person against whom issued, amount of judgment, costs, sheriff's receipt for execution, date execution returned, how returned, and remarks. Arr. chron. by date of judgment. For index, see entry 55. Hdw. on pr. fm. 300 pp. 18 $\frac{1}{2}$  x 12 $\frac{1}{2}$  x 3.

#### 59. CLERK'S RECORD OF CONVICTIONS, 1917--. 1 vol.

Record of convictions in county judge's and justice of peace courts, showing case number, date of conviction, fine and costs, alternative, court of trial, nature of process issued to enforce collection, name of officer to whom process delivered, name of officer to whom paid, date of depository acknowledgment, and amount deposited. Arr. chron. by date of conviction. No index. Hdw. on pr. fm. 300 pp. 18 x 13 x 2.

(60-64)

Circuit Court - State and County Taxation

## State and County Taxation

Tax Assessment Rolls

60. TAX ASSESSMENT ROLL, 1917--. 20 vols. (dated by yrs.). 1932-- also in Tax Assessment Roll, entry 149.

Record of state and county taxes assessed on realty, showing description of land, number of acres, name of taxpayer, assessed valuation, distribution of taxes, and aggregate taxes; arr. num. by range and twp. nos.; num. thereunder by sec. no. Record of taxes assessed on tangible personalty, showing name of taxpayer, description of property, assessed valuation, distribution of taxes, and total taxes; arr. alph. by name of taxpayer. Record of taxes assessed on telephone, telegraph and railroad companies; arr. alph. by name of company. Also contains (Tax Sales Report), entry 67. No index. Hdw. on pr. fm., 1917-27; typed on pr. fm., 1928--. 300 pp. 34 x 20 x 4.

For similar records, see entry 156.

61. INTANGIBLE PERSONAL PROPERTY TAX ASSESSMENT ROLL, 1932--. 1 vol. 1932-- also in Intangible Personal Property Tax Assessment Roll, entry 150.

Record of taxes assessed on intangible personalty, showing name and address of taxpayer, description of property under each classification, amount of taxes, and taxpayer's return number. Arr. chron. by yr., alph. thereunder by taxpayer's name. No index. Typed on pr. fm., 16 pp. 27 x 18 x 1.

For similar records, see entry 157.

62. MOTOR VEHICLE TAX ROLL, 1929-30. 2 vols. Discontinued.

Record of motor vehicle tax assessments, showing name and address of owner, description of vehicle, license tag number, date acquired, assessed valuation, itemized amounts of taxes, aggregate tax, receipt number, and date paid. Arr. alph. by name of owner. No index. Typed on pr. fm. 100 pp. 27 x 22 x 1.

For similar records, see entry 158.

Delinquent Tax Records (See also entries 164-166)

63. TAX SALE ADVERTISEMENTS, 1918--. 1 vol.

Newspaper clippings of tax delinquent lands to be sold, showing name of newspaper, period of publication, date and place of sale, description of lands, name of owner, and amount of taxes and costs. Arr. chron. by date of first publication, num. thereunder by range no., num. thereunder by twp. no., num. thereunder by sec. no. No index. Pr. Condition gen. poor. 200 pp. 18 x 13 x 2.

64. TAX ADJUSTMENTS, 1929. 1 vol. Discontinued. 1929 also in Tax Adjustments, entry 164.

Tax adjustment board's report of reductions allowed, showing date of

application for adjustment, date granted, name of applicant, amount allowed, and reason for allowance. Arr. chron. by date of application. No index. Typed on pr. fm. 3 pp. 27 x 18 x  $\frac{1}{4}$ .

65. LAND SOLD FOR TAXES (and Transcripts), 1890--. 4 vols. (1-4). Record of lands sold for taxes, including lands sold to state, transcribed from Volusia county records (1890-1916), showing certificate number, description of land, valuation, name of owner, year of sale, years of delinquency, amount of taxes, name of redeemer or purchaser, date redeemed or purchased, and amount paid; also certification of clerk and collector, and affidavit of publisher of notice of sale. Arr. chron. by date of sale, num. thereunder by certificate no. For index, 1894--, see entry 66. Hdw. and typed on pr. fm., 1890-1924; hdw. on pr. fm., 1925-33; typed on pr. fm., 1934--. 200 pp. 19 x 15 x  $2\frac{1}{2}$ .  
For similar records, see entry 165.

66. (INDEX TO LAND SOLD FOR TAXES), 1894--. 7,800 cards in 6 f. b. Index to Land Sold for Taxes (and Transcripts), entry 65, and Tax Certificates, entry 70, showing description of land, date of sale, certificate number, name of owner, book and page reference to record, name of purchaser, and portion redeemed. Arr. num. by range and twp. nos., num. thereunder by sec. or block and lot nos. Typed on pr. fm. 4 x 6 x 14.

67. (TAX SALES REPORT), 1917--. In Tax Assessment Roll, entry 60. Collector's report of tax sales, showing certificate number, date of sale, description of land, name of owner, amount of sale, and certifications of collector and clerk.

68. RECORDS OF TAX SALE REDEMPTIONS, 1917--. 4 vols. (1-4). Record of tax certificates redeemed or purchased, showing certificate number, date of sale, name of certificate holder, description of land, valuation, amount of subsequent and omitted taxes pro rated, name of redeemer or purchaser, date of redemption or purchase, amount paid, disposition of proceeds, and date paid. Arr. chron. by yrs., num. thereunder by certificate no. No index. Hdw. on pr. fm. 200 pp. 15  $\frac{3}{4}$  x 17  $\frac{3}{8}$  x 2.  
For similar records, see entry 166.

69. (REDEMPTION DEPOSITORY RECEIPTS), 1918--. 10 vols. Duplicate depository receipts for tax redemption funds deposited, showing date and number of receipt, name of payer, distribution to funds, total amount, and acknowledgment of depository. Arr. num. by receipt no. No index. Hdw. on pr. fm. 150 pp. 9 x 12 x 2.

70. TAX CERTIFICATES, 1894--. 12,000 certificates in 31 f. b. (dated by yrs.). Original tax certificates, transferred from Volusia county (1894-1916), showing certificate number, date of sale, description of land, name of owner or holder of certificate, itemized amount of taxes, amount of interest, face of certificate, date of purchase, and by whom purchased.

(71-75)

## Circuit Court - Drainage District Taxation

Arr. chron. by date of sale, num. thereunder by certificate no. For index, see entry 66. Hdw. and typed on pr. fm. 2 x 9 x 18 to 5 x 9 $\frac{1}{2}$  x 18.

71. PUBLISHER'S AFFIDAVIT, 1932--. 120 papers in 1 f. b. Original publisher's affidavit of publishing tax deed notices, with copy of notices attached, showing date of affidavit, name of publisher, statement notice was published, dates and place of publishing, and clerk's certification. Arr. chron. by date of affidavit. No index. Hdw. on pr. fm. 10 x 14 x 4 $\frac{1}{2}$ .

Drainage District Taxation  
(See also entries 179-181)

Bimini Drainage District

72. PLAN OF RECLAMATION (Bimini Drainage District), 1917. 18 papers in 1 f. b. Certified copy of plan of reclamation of Bimini Drainage District, showing route and location of main canals, laterals, feeders, and branches, estimated cost of excavation, construction of bridges, clearing of streams, engineering, organization, administration, legal fees, commissioners' fees, miscellaneous expenses, and total estimated cost; blue-print of Bimini Drainage District, showing boundaries, sections, townships, and ranges; profile blue-prints of canals. No arrangement. No index. Typed. 12 x 10 x 4.

73. REPORT OF BIMINI DRAINAGE DISTRICT COMMISSIONERS, 1918. 1 vol. Certified copy of Bimini Drainage District board of commissioners report of proposed work, showing amount and cost of excavation, clearing, ditching and bridge construction, description of property to be taken for right-of-way, total estimated cost, total benefits assessed, and total damages assessed; no arrangement. Report of individual assessments, showing name of owner, description of property, amount of benefit assessed, amount of damages assessed, description and value of property taken for right-of-way, and total assessment; arr. num. by range no., num. thereunder by twp. no., num. thereunder by sec. no. No index. Typed. 500 pp. 18 x 13 x  $\frac{1}{2}$ .

74. (BIMINI DRAINAGE DISTRICT, FORECLOSURE), 1917--. In Chancery Case Papers, entry 37. Original paper of foreclosures on tax delinquent lands in Bimini Drainage District.

Bunnell Drainage District

75. PLAN OF RECLAMATION (Bunnell Drainage District), 1917. 18 papers in 1 f. b. Certified copy of plan of reclamation of Bunnell Drainage District,

State Attorney

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showing route and location of main canals, laterals, feeders, and branches, estimated cost of excavation, bridge construction, clearing of streams, engineering, organization, administration, legal fees, commissioners' fees, miscellaneous expenses, and total estimated cost; blue-print of Bunnell Drainage District, showing boundaries, sections, townships, and ranges; profile blue-prints of canals. No arrangement. No index. Typed. 12 x 10 x 4.

76. REPORT OF BUNNELL DRAINAGE DISTRICT COMMISSIONERS, 1918.  
1 vol.

Certified copy of Bunnell Drainage District board of commissioners report of proposed work, showing amount and cost of excavation, clearing, ditching, and bridge construction, description of property to be taken for right-of-way, total estimated cost, total benefits appraised; and total damages assessed; no arrangement. Report of individual assessments, showing name of owner, description of property, amount of benefit assessed, amount of damages assessed, description and value of property taken for right-of-way, and total assessment; arr. num. by range no., num. thereunder by twp. no., num. thereunder sec. no. No index. Typed. 50 pp. 18 x 13 x  $\frac{1}{2}$ .

77. (BUNNELL DRAINAGE DISTRICT, FORECLOSURES), 1917--. In  
Chancery Case Papers, entry 37.

Original papers in foreclosures on tax delinquent lands in Bunnell Drainage District.

#### V. STATE ATTORNEY

Provision has been made in each of the five Constitutions of Florida for a prosecuting officer to serve the several judicial circuits into which the state has been divided from time to time. The first three Constitutions of Florida provided for the election of a solicitor in each circuit by the qualified voters of the circuit (Fla. Const., 1838, Art. V, sec. 17, as amended; Fla. Const. 1861, Art. V, sec. 16; Fla. Const., 1865, Art. V, sec. 19). The fourth Constitution provided for the appointment by the governor, by and with the advice and consent of the senate, of a state attorney in each judicial circuit of the state (Fla. Const., 1868, Art. V, sec. 19).

The present Constitution of Florida provides for the appointment by the governor, by and with the consent of the senate, of a state attorney in each judicial circuit, whose duties are prescribed by law and who holds his office for four years (Fla. Const., 1885, Art. V, sec. 15). Flagler county is in the seventh judicial circuit, which includes also Volusia, Putnam, and St. Johns counties, and has two circuit judges (sec. 4786, Perm. Cum. Supp. to C. G. L.). The salary of the state attorney in this circuit is forty-eight hundred dollars per year (*ibid.*, sec. 4765(1)). The governor is further authorized to appoint one assistant state attorney to assist the state attorney in the seventh judicial circuit, and the salary of this assistant state attorney is

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State Attorney

three thousand dollars per year (*ibid.*, secs. 4759(1), 4759(4) ). In circuits such as the seventh judicial circuit which are composed of two or more counties, the state attorney and the assistant state attorney must not reside in the same county; and, in this circuit, it is provided that one of these officers must reside in Volusia county (*ibid.*, sec. 4759(2) ).

It is the duty of the state attorney to appear in the circuit court within his judicial circuit, and to prosecute or defend on behalf of the state all suits, applications, or motions civil or criminal, in which the state is a party (sec. 4739, C. G. L.). He must represent the state in all cases of habeas corpus arising in the seventh judicial circuit, and he must also represent the state, either in person or by assistant, in cases of preliminary trials of persons charged with capital offenses where the committing magistrate shall have given him due and timely notice of the time and place of such trial (*ibid.*, sec. 4746).

It is also the duty of the state attorney to have summoned all witnesses required on behalf of the state. He is allowed the process of his court to summon witnesses to appear before him in or out of term time, at such convenient places in the county where such witnesses reside and at such time as may be designated in the summons, to testify before him as to any violation of the criminal law upon which they may be interrogated, and he is empowered to administer oaths to witnesses summoned to testify by the process of his court. (*Ibid.*, sec. 4741.)

Whenever required by the grand jury of the county, it is the duty of the state attorney to attend them for the purpose of examining witnesses in their presence or for giving them advice upon any legal matter before them (*ibid.*, secs. 4740, 8217). The law provides that the grand jury shall select their own foreman who, with the state attorney, shall have the authority to administer all oaths and affirmations, in the manner prescribed by law, to witnesses who shall appear before them for the purpose of testifying in any matter of which the grand jury may have cognizance, and the foreman must return to the court a list under his hand of all witnesses who shall have been sworn to testify before the grand jury during the term, and the same must be filed of record by the clerk (*ibid.*, sec. 8219). The clerk of the grand jury is appointed from among the members by the jury, and it is his duty to preserve the minutes of the proceedings before them, which minutes must be delivered to the state attorney when the jury so direct (*ibid.*, sec. 8216).

It is also the duty of the state attorney to prepare bills of indictment (*ibid.*, sec. 4740). Under the law all indictments must be signed by him and endorsed on the back by the foreman of the grand jury when so found, "a true bill", and when not found, "not a true bill", and signed by the foreman (*ibid.*, sec. 8367).

Another duty of the state attorney is to assist the attorney general of the state in the preparation and presentation of all appeals to the supreme court from the circuit courts of his circuits, in all cases, civil or criminal, to which the state is a party (*ibid.*, sec. 4742).

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The law provides that the attorney general shall exercise a general superintendence and direction over the several state attorneys of the state, and, whenever requested by any state attorney, shall give him his opinion upon any question of law (*ibid.*, sec. 131). The law also provides that the attorney general shall prescribe the time and manner in which regular quarterly reports shall be made to him by the several state attorneys, and it is made their duty to comply with his instructions in this respect (*ibid.*, sec. 132).

The state comptroller is directed to charge the state attorney with all claims which he may place in the hands of the state attorney for collection of money for and on behalf of the state, or which he may otherwise require the state attorney to collect (*ibid.*, secs. 158, 4748). It is the duty of the state attorney to make a report to the comptroller on the first Monday in January and July in each and every year of the condition of all claims he may have been required to prosecute and collect; at the same time, he must pay over all monies which he may have collected belonging to the state, and the comptroller is directed not to audit or allow any claim which the state attorney may have against the state for services until he makes this report (*ibid.*, sec. 4750). The state attorney must also forward to the comptroller, within 30 days after the final adjournment of the circuit court, at each term thereof, a full and complete statement and report of all the cases in which the state is a party, or is otherwise interested (*ibid.*, sec. 4751).

Upon the disqualification of the state attorney, the governor is empowered to assign a state attorney of another circuit to the circuit, and a state attorney may be assigned to the circuit from another circuit to assist the state attorney of the circuit whenever the governor deems such action expedient (*ibid.*, secs. 4743-4744).

The law directs the state attorney to deliver to his successor a statement of all cases for the collection of money in favor of the state under his control and the papers connected with the same, taking his receipt therefor. It is provided that this receipt, when filed with the state comptroller, shall release the state attorney from any further liability to the state upon the claims received for, and the state attorney receiving the same shall be liable in all respects as provided by law. (*Ibid.*, sec. 4754.)

## VI. COUNTY JUDGE

As early as 1828 the county courts in the several counties of the Territory of Florida were given the power in term time, and the judges of the said courts in vacation, to exercise the powers of a probate court (Duval's Compilation, 1839, p. 168). The first Constitution of Florida empowered the General Assembly to provide by law for the appointment in each county of an officer to take probate of wills, to grant letters testamentary and of administration and guardianship, to attend to the settlement of estates of decedents and of minors, and to discharge

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the duties usually pertaining to courts of ordinary, subject to the direction and supervision of the courts of chancery, as might be prescribed by law (Fla. Const., 1838, Art. V, sec. 9). Pursuant to this authority, the General Assembly enacted legislation in 1845 providing for the appointment in each county of a judge of probate by the governor, by and with the advice and consent of the General Assembly. The judge of probate was expressly declared to have all the powers and was directed to perform all the duties formerly prescribed by law as the powers and duties of judges of county courts when acting as courts of ordinary. (Thompson's Digest, 1847, pp. 57-58.) The same law provided that the judge of probate in each county should be ex officio a member and president of the board of county commissioners, and should keep or cause to be kept a regular record of its proceedings at each session thereof (ibid., p. 126). The Constitution of 1861 reenacted the provision of the Constitution of 1838 relating to the appointment of an officer to discharge the duties usually pertaining to courts of ordinary (Fla. Const., 1861, Art. V, sec. 8).

The Constitution of 1865 provided for the election in each county of the state, by the qualified voters, of an officer to be styled the judge of probate, who was given the same jurisdiction prescribed for this officer under the Constitutions of 1838 and 1861, subject to the direction and supervision of the circuit courts, as might be provided by law (Fla. Const., 1865, Art. V, sec. 8).

The first provision for a county judge was made in the Constitution of 1868. It was provided that a county court should be organized for each county and that the governor should appoint a county judge for each county, who should be confirmed by the senate and should hold his office for four years from the date of his commission, or until his successor should be appointed and qualified. (Fla. Const., 1868, Art. VI, sec. 9.) The county court was given the power to take probate of wills, to grant letters testamentary and of administration and guardianship, to attend to the settlement of estates of decedents and of minors, and to discharge the duties usually pertaining to courts of probate, subject to the direction and supervision of the appellate and equity jurisdiction of the circuit court, as might be provided by law. It was provided that the county judge should have and exercise the civil and criminal jurisdiction of justices of the peace. In addition, he was also given jurisdiction of proceedings relating to the forcible entry or unlawful detention of lands and tenements, subject to the appellate jurisdiction of the circuit court, as might be provided by law. (Ibid., Art. VI, sec. 11, as amended.)

The present Constitution of Florida provides for the election of a county judge in each county of the state by the qualified electors of the county for a term of four years (Fla. Const., 1885, Art. V, sec. 16). In Flagler county the county judge has original jurisdiction in all cases at law in which the demand or value of property involved does not exceed one hundred dollars; of proceedings relating to the forcible entry or unlawful detention of lands and tenements; and of such criminal cases as

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the legislature may prescribe. The county judge also has jurisdiction of the settlement of the estates of decedents and minors, to take probate of wills, to grant letters testamentary and of administration and guardianship, and to discharge the duties usually pertaining to courts of probate. In addition, he has the power of a committing magistrate and must issue all licenses required by law to be issued in the county. (Ibid., Art. V, sec. 17.)

Before he is commissioned, the county judge must give a bond in a sum to be fixed by the board of county commissioners, which bond must be approved by the state comptroller and filed with the secretary of state. This bond is conditioned for the faithful discharge of the duties of his office. (Ibid., Art. VIII, sec. 7; secs. 4847, 5184, C. G. L.)

The county judge's court is a court of record, and the county judge has the authority to make all orders or decrees and to issue all process necessary to maintain and carry out his constitutional jurisdiction, or to enforce his authority, and to enter and enforce his judgments and decrees in all matters wherein he has jurisdiction (ibid., sec. 5183). In Flagler county he is given the power to appoint a clerk of his court, and the law provides that this clerk must be paid by the judge and may exercise all non-judicial functions which the judge may perform (ibid., sec. 5185). In all civil matters the county judge's powers, term, and duties are the same as those of a justice of the peace, and the rules of practice and pleading in his court, and in appellate proceedings therefrom, are the same as those established by law for justice of the peace courts (ibid., sec. 5203).

Prior to 1937, the county judge in Flagler county had the same criminal jurisdiction held by justices of the peace in the county, except that his territorial jurisdiction extended throughout the county (ibid., sec. 8295). Prior to this time, justices of the peace in Flagler county, as in all counties of the state where there was no county court or criminal court of record, had the power to hold a court to try and determine all misdemeanors committed in their respective districts punishable by fine not exceeding five hundred dollars, or by imprisonment not exceeding six months, or by both such fine and imprisonment (ibid., sec. 8289). This law was amended in 1937 by a law which abolished trial jurisdiction of misdemeanors in justices of the peace and vested this jurisdiction in the county judge in counties, such as Flagler, in which there is no county court or criminal court of record (Ch. 18002, Acts, 1937, sec. 1).

The law provides that justices of the peace, within their respective districts, shall hold inquests of the dead, and to that extent shall be deemed coroners. However, in case the justice of the district in which the death occurs is for any reason unable to hold an inquest, it must be held by the county judge or by a justice of the peace of one of the adjoining districts of the county. (Sec. 8219, C. G. L.)

The powers and duties of the county judge relating to the forcible entry and unlawful detention of lands, the eviction of delinquent tenants,

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and the appointment of guardians for infants and persons adjudged insane or lunatic are prescribed in detail by statute (*ibid.*, secs. 5205, 5314 et seq., 5398 et seq., 5885 et seq.).

Juvenile courts exist in seven counties in the state, but in Flagler county the county judge is empowered to exercise such supervision and control of dependent and delinquent children as is provided for under the laws of Florida. In the exercise of such duties and authority, he is designated the judge of the juvenile court, and is directed to keep a separate book, to be known as the "juvenile record", which contains a record of all his proceedings as judge of the juvenile court. (*Ibid.*, sec. 3685.)

As probate judge, the powers and duties of the county judge are defined in the probate act, adopted in 1933, as amended (sec. 5457(1) et seq., Perm. Cum. Supp. to C. G. L.; Ch. 18066, Acts, 1937). He is directed to record, or cause his clerk to record, in books kept for that purpose, distinctly and at full length, all wills, testaments, and codicils of which probate shall be granted, all letters testamentary and of administration, all bonds of personal representatives (exclusive of supersedeas bonds), all orders and judgments made by him, and all other writings by law specially required to be recorded. All such record books must be indexed as to the various estates and as to the subject-matters therein, and shall be open to the inspection of all persons. He must also keep a progress docket of the proceedings in connection with each estate, in which must be noted each pleading or document filed and order entered, with notation of book and page of record of each writing recorded, and the residence and post office address of each party who has designated the same. The county judge is authorized and empowered to record any and all instruments entitled to record by such photographic process and with such equipment and supplies as may be recommended by him and approved and designated by the board of county commissioners, but this equipment has not yet been installed in Flagler county. (Sec. 5541(7), Perm. Cum. Supp. to C. G. L.). The circuit court has supervision and appellate jurisdiction of matters arising before the county judge pertaining to his probate jurisdiction, or to the estates and interests of minors (Fla. Const., 1885, Art. V, sec. 11).

The law provides that every state or county license shall be furnished by the county judge, under his seal of office, to the tax collector, on blanks published by the comptroller, and the tax collector must fill out and sign each license before issuing the same to the person or persons paying him the necessary amount therefor. The tax collector is directed to make a duplicate of each license issued in a book furnished for that purpose by the county judge, and must file such duplicate with the county judge. (Ch. 18011, Acts, 1937, sec. 30.) The law also provides that the county judge must transmit to the comptroller on the first Monday of each month in each year a statement showing the amount of money received for state and county licenses during the preceding month, and must publish this statement in a newspaper printed in the county by one insertion in each year. A similar statement of the

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amount of money received for county licenses must be made to the board of county commissioners. These statements must be signed by the county judge and the tax collector. (Ibid., Ch. 18011, sec. 31.) Marriage licenses and licenses for hunting, fishing, and trapping are also issued by the county judge (sec. 5848, C. G. L.; sec. 1977(20), Perm. Cum. Supp. to C. G. L.).

Provision is made under the law for the public canvass of the returns of elections by the supervisor of registration, the county judge, and the chairman, or another member, of the board of county commissioners. When meeting for the purpose of canvassing the returns of elections, other than primary elections, these officers constitute the county canvassing board of elections; when meeting for the purpose of canvassing the returns of any primary election, they constitute the county canvassing board of primary elections. (Secs. 343-344, C. G. L.; secs. 407-408, Perm. Cum. Supp. to C. G. L.)

Provision is also made under the law for the assignment of the county judge of another county to serve during the disability of the resident county judge, and the county judge so assigned has the same power and authority and jurisdiction as if he were the duly elected county judge of the county (ibid., sec. 5189(1)). In addition, the law provides that any judge of the circuit court of the county, in the case of the disqualification, absence, sickness, or other disability of the county judge, is authorized to discharge all of the duties and powers of the county judge as a probate judge (ibid., sec. 5541(5)).

The compensation of the county judge in Flagler county is derived from fees prescribed by law (sec. 2865, C. G. L.). He must render sworn statements of the receipts and expenditures of his office semi-annually to the board of county commissioners of the county (sec. 2877(1), Perm. Cum. Supp. to C. G. L.); and similar financial statements must be filed semi-annually with the state comptroller (sec. 472, C. G. L.).

All records of the county judge are located in the county judge's vault.

#### Estates

78. PROBATE CASES (Papers), 1917--.. 225 jkts. and 250 papers in 11 f. b.

Such original probate papers as applications of representative, orders appointing representative, oaths, bonds, notices, petitions for discharge, representative's annual accounting, final report, and miscellaneous orders, petitions and reports. Arr. num. by case no., chron. thereunder by date of filing. For index, see entry 79. Hdw. and typed on pr. fm. 5 x 10 x 12 to 23 x 15 x 11.

79. REGISTER OF ESTATES, 1917--.. 1 vol.  
Register of probate instruments filed, showing names of estate and

(80-85)

County Judge - Estates

representative, case number, type of instrument, date recorded, and reference to volume where recorded. Serves as index to Probate Cases (Papers), entry 78. Arr. chron. by date of recording. Indexed alph. by name of estate. Hdw. and typed. 400 pp. 18 x 12 x 3.

80. PROBATE DOCKET - PROBATE RECORD - LETTERS TESTAMENTARY, 1917--.  
2 vols. (1; 1 not numbered). Title varies: Probate Record,  
1917-35, vol. 1.

Copies of such estate records as records of curators, and miscellaneous petitions, orders, reports, and accounts. Also contains: Administration Record, 1933--, entry 81; Letters Testamentary, 1933--, entry 83; Orders, 1935--, entry 87. Arr. chron. by date of recording. Indexed alph. by name of estate. Typed on pr. fm. 300 pp. to 500 pp. 18 x 12 x 2 to 18 $\frac{1}{2}$  x 13 x 3.

81. ADMINISTRATION RECORD, 1918-32. 1 vol. 1933-- in Probate  
Docket - Probate Record - Letters Testamentary, entry 80.

Copies of such instruments relative to representation of estates of intestate decedents as applications and orders for letters of administration, letters thereof, bonds and oaths of administrators, warrants of appraisement, and oaths of appraisers. Arr. chron. by date of recording. Indexed alph. by name of estate. Hdw. on pr. fm. 450 pp. 16 $\frac{1}{2}$  x 12 x 2 $\frac{1}{2}$ .

82. RECORD OF WILLS, 1917--. 2 vols. (1, 2).

Copies of wills recorded for probate, showing name of testator, names of witnesses, name of executor, date of will, and judge's certification. Arr. chron. by date of recording. Indexed alph. by name of testator. Hdw. and typed. 500 pp. 18 x 12 x 3.

83. LETTERS TESTAMENTARY, 1917-32. 1 vol. 1933-- in Probate  
Docket - Probate Record - Letters Testamentary, entry 80.

Copies of applications and orders for letters testamentary, letters testamentary, applications for probate of wills, orders admitting wills to probate, and executors' oaths, showing name of estate and representatives, date and nature of instrument, and county judge's certification. Arr. chron. by date of recording. Indexed alph. by name of estate. Hdw. on pr. fm. 400 pp. 16 x 12 x 3.

84. GUARDIANSHIP RECORD, 1917--. 1 vol.

Copies of applications and orders for letters of guardianship, letters thereof, guardian's bond, oath, report, and letters of discharge, showing names of estate and guardian, date and nature of instrument, and county judge's certification. Arr. chron. by date of recording. Indexed alph. by name of estate. Hdw. and typed. 450 pp. 18 x 12 x 2 $\frac{1}{2}$ .

85. RECORD OF INVENTORY AND APPRAISEMENT, 1919--. 1 vol.

Copies of papers pertaining to appraisal of estates in probate, such as appraisals, orders appointing appraisers, report of valuation, inventory of property, and miscellaneous reports. Arr. chron. by date of recording. Indexed alph. by name of estate. Hdw. and typed. 500 pp. 18 x 13 x 3.

86. CLAIMS AGAINST ESTATES, 1917--. 1 vol. Last entry 1936. Claims of indebtedness against estates, made for representatives' fees, probate fees, promissory notes, and merchants' bills. Arr. chron. by date of recording. Indexed alph. by name of estate. Hdw. on pr. fm. 400 pp. 18 x 13 x 3.

87. ORDERS, 1917-34. 1 vol. 1935-- in Probate Docket - Probate Record - Letters Testamentary, entry 80. Copies of miscellaneous probate orders, showing names of estate and representative, date and nature of order, and county judge's certification. Arr. chron. by date of recording. Indexed alph. by name of estate. Hdw. and typed. 600 pp. 13 x 18 $\frac{1}{2}$  x 3.

88. PETITIONS TO SELL REAL ESTATE, 1917--. 1 vol. Copies of petitions of representatives to sell real estate, orders permitting and confirming sale, bonds to sell real estate, and miscellaneous guardian's and administrator's bonds. Arr. chron. by date of recording. Indexed alph. by name of estate. Hdw. and typed. 500 pp. 18 x 13 x 3.

For other petitions to sell property, see entry 92.

89. RECORD OF ANNUAL RETURNS, 1917--. 1 vol. Copies of annual reports of representatives of estates in probate, showing name of representative, name of estate, itemized statement of receipts and disbursements, representative's oath of correctness of report, county judge's signature, and date of recording. Arr. chron. by date of recording. Indexed alph. by name of estate. Hdw. and typed on pr. fm. 500 pp. 18 x 12 x 2 $\frac{1}{2}$ .

90. RECORD OF FINAL ACCOUNTS, 1920--. 1 vol. Copies of representative's final report, with representative's affidavit as to settlement of claims, and petition for dismissal. Arr. chron. by date of recording. Indexed alph. by name of estate. Hdw. and typed. 500 pp. 18 x 12 x 3.

91. PUBLICATION RECORD, 1919--. 1 vol. Record of proof of publication of notice concerning settlement of estates, with attached affidavit of publisher and clipping of notice. Arr. chron. by date of recording. Indexed alph. by name of estate. Hdw. and typed. 400 pp. 18 x 12 x 3.

92. MISCELLANEOUS RECORD, 1917--. 1 vol. Copies of such instruments in probate as petitions for exemption of homestead from forced sale, showing name of petitioner, date of petition, and description of property; and petition for permission to sell property under probate, showing name of estate, name of petitioner, description of property, and date of recording. Arr. chron. by date of recording. Indexed alph. by name of estate. Hdw., 1917-30; typed, 1931--. 500 pp. 18 x 13 x 2 $\frac{1}{2}$ .

For other petitions to sell property, see entry 88.

(93-98)

County Judge - Civil; Criminal

## Civil

## 93. CIVIL ACTIONS (Papers), 1917--. 92 jkts. in 3 f. b.

Original papers in civil cases tried in county judge's court, such as summonses for appearance, orders, decrees, demurrers, declarations, witness subpoenas and final judgments; all papers relative to a case filed in jacket showing case number. Arr. num. by case no. For index, see entry 94. Hdw., typed, and typed on pr. fm. 16 x 12 x 4 $\frac{1}{2}$ .

## 94. CIVIL DOCKET, 1917--. 1 vol.

Record of procedure of civil cases tried in county judge's court, showing case number, names of parties and attorneys, nature of case, date of trial, list of instruments itemized for each party by dates and costs, total costs, and disposition of case; also record of witness fees and juror pay rolls. Serves as index to Civil Actions (Papers), entry 93. Arr. num. by case no., chron. thereunder by date of instrument. Indexed alph. by names of parties. Hdw. on pr. fm. 400 pp. 18 x 13 x 2 $\frac{1}{2}$ .

## 95. JUDGMENT AND EXECUTION DOCKET, 1917--. 1 vol.

Record of execution of judgments rendered in county judge's court, showing names of parties, date rendered, amount, procedure of execution, and date satisfied. Arr. chron. by date recorded. Indexed alph. by names of parties. Hdw. on pr. fm. 400 pp. 18 x 12 x 3.

## Criminal

## 96. CRIMINAL CASES (Papers), 1917--. 14,000 papers in 2,884 jkts. (1-2,884).

Original papers in criminal cases tried in county judge's court, such as affidavits of information for warrant, warrants, court orders, witness subpoenas. All papers relative to a case filed in jacket showing case number. Arr. num. by case no. For index, see entry 97. Hdw. and typed on pr. fm. 4 $\frac{1}{2}$  x 9.

## 97. CRIMINAL DOCKET, 1917--. 11 vols. (1-10; 1 not numbered).

Record of procedure of criminal cases tried in county judge's court, showing case number, name of defendant, names of attorneys, offense, date of trial, list of instruments itemized by dates and costs, total costs, and verdict; also record of witness fees and juror pay rolls. Serves as index to Criminal Cases (Papers), entry 96. Arr. num. by case no., chron. thereunder by date of instrument. Indexed alph. by name of defendant. Hdw. and typed on pr. fm. 300 pp. 18 x 13 x 3.

## 98. SEARCH WARRANTS (Unserved), 1931--. 14 jkts. and 51 documents in 1 f. b. Last entry 1934.

Original search warrants unserved, showing name of defendant, offense, description of premises, and date issued. Arr. chron. by date issued. No index. Hdw. and typed on pr. fm. 16 x 10 x 4 $\frac{1}{2}$ .

## Insanity

## 99. INSANITY CASES, 1918--. 20 jkts. in 1 f. b.

Such original papers in lunacy investigations as petition for person to be examined, summons for committee, report of committee, and commitment to state hospital; all papers relative to a case filed in jacket. Arr. chron. by date of filing. For index, see entry 100. Hdw. and typed on pr. fm. Writing and paper gen. fair.  $4\frac{1}{2}$  x 11 x 18.

## 100. INSANITY RECORD, 1918--. 1 vol.

Copies of such instruments relative to lunacy investigations as petition for person to be examined, summons for committee, report of committee, and order for commitment to state hospital. Also serves as index to Insanity Cases, entry 99. Arr. chron. by date of recording. Indexed alph. by name of person examined. Hdw. on pr. fm. 300 pp. 16 x 12 x  $2\frac{1}{2}$ .

## 101. INSANITY DOCKET, 1917--. 1 vol.

Record of instruments filed in lunacy investigations, showing name of person examined, date and nature of instrument, and date filed. Arr. chron. by date filed. No index. Hdw. on pr. fm. 500 pp. 18 x 13 x 3.

## Licenses

(See also entries 167-173)

Marriage Licenses

## 102. MARRIAGE RECORD, 1917--. 5 vols. (1-5).

Copies of marriage licenses, showing names of parties, place and date of license and county judge's signature; certificates of marriage, showing names of parties, names of witnesses, certification of executor of rite, date of recording, book and page reference to where recorded, and signature of county judge. Arr. chron. by date of recording. Indexed alph. by name of male party. Hdw. on pr. fm. 500 pp. 7 x 8 x 4 to 18 x 13 x 3.

## 103. MARRIAGE LICENSES, 1917--. 1,500 papers in 4 f. b.

Original marriage licenses (1917-26), showing date issued, names and personal data of parties, signature of county judge, and signatures of witnesses and executor of rite; applications for marriage licenses (1927--); showing date of application, names and personal data of parties, and signature of county judge; monthly reports to bureau of vital statistics. (1927--), showing number of marriage license applications filed, number licenses issued, amount of fees due bureau, and number of licenses recorded. Applications and licenses arr. alph. by name of male; reports arr. by name of mo., chron. thereunder by yr. No index. Hdw. on pr. fm. 10 x 5 x 10.

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County Judge - Elections; Financial

Occupational Licenses

104. BUSINESS LICENSES, 1928--. 57 bdl. in 1 f. b.  
Duplicate of Occupational Licenses, entry 168. 10 x 5 x 12.

Hunting and Fishing Licenses

105. HUNTING LICENSE, 1935--. 12 vols.  
Duplicates of hunting licenses issued, showing license number, date issued, amount, name of licensee, physical description, address, and occupation. Arr. num. by license no. No index. Hdw. on pr. fm. 100 pp. 7 x 4 $\frac{1}{2}$  x 1.

106. FISHING LICENSE, 1935--. 5 vols.  
Duplicate copies of licenses for fresh water fishing, showing license number, date issued, amount, name of licensee, physical description, address, and occupation. Arr. num. by license no. No index. Hdw. on pr. fm. 100 pp. 7 x 4 $\frac{1}{2}$  x 1.

## Elections

(See also entries 10-13, 225-231)

107. ELECTION RESULTS, 1934--. 10 papers in 1 bdl.  
Duplicate of Election Results, entry 228.

108. TALLY BOOKS, 1934--. 10 vols. (numbered by precinct no.).  
Duplicate of Tally Books, entry 229.

## Financial

109. INCOME AND RECEIPTS, 1917--. 2 vols.  
County judge's accounting system: record of income, covering uncollected income and suspense accounts, probate, civil, criminal, licenses, lunacy, and other sources, showing date and amount of each entry, and monthly totals; record of cash receipts, covering collections from above mentioned sources, showing date and amount of each entry and monthly totals; record of disbursements, covering administrative, probate, civil, criminal, licenses, lunacy, and other expenses, accounts payable, county expense, and cash deposits, showing date and amount of each entry and monthly totals. Arr. by type of record; chron. thereunder by date of entry. No index. Hdw. on pr. fm. 200 pp. 18 x 13 x 2.

110. (JUROR PAY ROLL), 1917--. 45 pay rolls in 1 f. b.  
Pay rolls for jury service in county judge's court, showing date of pay roll, name of juror, amount of fees due, mileage, signatures and certification of jurors and of county judge. Arr. chron. by date of pay roll. No index. Hdw. on pr. fm. 12 x 4 $\frac{1}{2}$  x 10.

## VII. PROSECUTING ATTORNEY

The prosecuting attorney of the county judge's court in Flagler county is employed by the board of county commissioners of the county under a law which provides that, in counties, such as Flagler, which have no county court or criminal court of record or court of record for the trial of criminal causes, the board is empowered and required to employ an attorney at law to prosecute, in or before the county judge's court, all persons, firms, and corporations charged with the commission of any kind of offense against the laws of the state (sec. 2155, C. G. L.).

The law provides that the compensation of the prosecuting attorney so employed shall be not less than three hundred dollars nor more than six hundred dollars per year, payable monthly, and in addition thereto, he shall be entitled to and shall receive as conviction fees the same fees for conviction as are now or may hereafter be provided by law for attorneys in cases prosecuted before the county courts of the state. Such conviction fees are taxed as part of the costs in each case in which such conviction is had before the county judge's court. (Ibid., sec. 2156.)

No records are required by law to be kept by the prosecuting attorney.

## VIII. JUSTICES OF THE PEACE

The first four Constitutions of Florida provided for the establishment of justice of the peace courts in each county in the state (Fla. Const., 1838, Art. V, sec. 10; Fla. Const., 1861, Art. V, sec. 9; Fla. Const., 1865, Art. V, sec. 9; Fla. Const., 1868, Art. V, sec. 15). The present Constitution of Florida, adopted in 1885, directs the county commissioners of each county to divide it into as many justice districts, not less than two, as they may deem necessary, and provides that a justice of the peace shall be elected for each of the said districts for a term of four years (Fla. Const., 1885, Art. V, sec. 21; secs. 252, 5210, C. G. L.). The county commissioners of Flagler county have divided the county into two justice districts, but only one of these districts is active.

The compensation of justices of the peace is derived from fees, and the law provides that their fees shall be the same as those of the clerk of the circuit court for similar services (Fla. Const., 1885, Art. V, sec. 1; sec. 5237, C. G. L.).

Before he is commissioned, each justice of the peace must take and subscribe an oath to perform faithfully the duties of his office, and must also give a bond, conditioned for the faithful discharge of the duties of his office, which bond must be approved by the board of county commissioners and the state comptroller and filed with the secretary of state (Fla. Const., 1885, Art. VIII, sec. 7; secs. 5207-5208, C. G. L.).

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Justices of the Peace

A justice of the peace has jurisdiction in cases at law in which the demand or value of the property involved does not exceed one hundred dollars, and in which the cause of action accrued or the defendant resides in his district (Fla. Const., 1885, Art. V, sec. 22; sec. 5217, C. G. L.). But the law provides that no justice of the peace shall have jurisdiction of a civil action in which the state is a party, except for penalties not exceeding one hundred dollars; nor where the title to or boundaries of real estate shall come into question; nor a civil action for false imprisonment, libel, slander, malicious prosecution, criminal conversation, or seduction (ibid., sec. 5219).

The trial terms of a justice of the peace court are held on such days as the justice thereof designates, and when the trial term has been fixed, a written notice of the same must be filed by the justice in the office of the clerk of the circuit court (ibid., secs. 5214-5215). The rules of pleading and practice governing the circuit courts of the state prevail in the justice of the peace court, except that there are two rule days in each month and in suits on the common counts for goods sold, work and material, etc., a specific procedure to be followed in such suits in the justice of the peace court is prescribed by statute (ibid., secs. 5223, 5238-5246). Every trial before a justice of the peace is held without a jury, unless either party demands a jury. In such case, the party making the demand must deposit with the justice sufficient costs to pay the jury, and the said sum is taxed as costs. A justice of the peace may compel the attendance of jurors, and any person failing to attend must pay a fine, or the justice may proceed as in cases of contempt. (Ibid., secs. 5227-5228, 5243.) A justice of the peace also has the power to issue compulsory process for the attendance of witnesses and commissions to take testimony upon interrogatories (ibid., secs. 5206, 8204, 8293, 8446). Moreover, he has the power to punish for contempts, and he may exercise such power while acting as a committing magistrate (ibid., secs. 4161, 8205-8206).

The sheriff or any constable of the county is constituted the executive officer of the courts of justices of the peace, and if the sheriff or any constable is for any reason disqualified or unable to act, the justice may appoint any individual, not interested in the case on trial, to serve process and perform all the duties of such executive officer (ibid., sec. 8294). A constable is elected for each justice district in the county for a term of four years (Fla. Const., 1895, Art. V, sec. 23; sec. 252, C. G. L.).

The Constitution provides that a justice of the peace shall have jurisdiction in such criminal cases, except felonies, as may be prescribed by law, and he shall have power to issue process for the arrest of all persons charged with felonies not within his jurisdiction to try, and make the same returnable before himself or the county judge for examination, discharge, commitment, or bail (Fla. Const., 1885, Art. V, sec. 22; secs. 8204, 8318-8319, 8347, 8433-8435, C. G. L.). No uniformity exists in the state in the criminal trial jurisdiction of justice of the peace courts. In Flagler county the trial jurisdiction of

Justices of the Peace

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misdemeanors vested in the justices of the peace was abolished in 1937, and it was provided that this trial jurisdiction should thenceforth be vested in the county judge of the county. (Ch. 18002, Acts, 1937, sec. 1.) Justices of the peace also have the power to hold inquests of the dead, and to this extent are deemed coroners (Fla. Const., 1885, Art. V, sec. 22; sec. 8519, C. G. L.).

Justices of the peace are required to keep a docket, a record book of costs, books of account, and a record of inquests of the dead (*ibid.*, secs. 472, 4674, 5216, 8330, 8448, 8530). They are specifically directed to keep all papers relating to criminal matters separate and apart from papers concerning civil causes, and to hand over to the proper prosecuting officers at least 10 days before the meeting of the court all affidavits, depositions, and bonds taken in criminal cases (*ibid.*, sec. 8330). The failure or refusal of any justice of the peace to keep a record book of costs, or his falsifying or procuring the falsification of any record, subjects him to punishment under the law (*ibid.*, secs. 7490, 7492). Provision is made under the law for the transfer of the records of a justice of the peace to his successor, and the withholding of such records constitutes a misdemeanor (*ibid.*, secs. 5236, 7495).

The law also requires justices of the peace to make sworn reports of the receipts and expenditures of their officers semi-annually to the state comptroller and the board of county commissioners of the county (*ibid.*, sec. 472; sec. 2877(1), Perm Cum. Supp. to C. G. L.).

Other duties of the justices of the peace are: to bind persons over to keep the peace (sec. 8291, C. G. L.); to disperse riotous assemblies, and for this purpose they may call to their aid any persons present at the scene of such unlawful gathering (*ibid.*, sec. 7177); to call a meeting of a corporation where under the law a legal meeting cannot otherwise be called (*ibid.*, sec. 6008); to administer oaths in all cases in which by law oaths are required (*ibid.*, sec. 4669); to take depositions (*ibid.*, secs. 4228, 5225; sec. 4921(3), Perm. Cum. Supp. to C. G. L.); to solemnize marriages (sec. 5853, C. G. L.); and to discharge certain duties, prescribed in detail by statute, relating to the disposition of strayed domestic animals (*ibid.*, sec. 5822 et seq.).

In counties, such as Flagler county, where there is no county court, the circuit court has final appellate jurisdiction of all cases arising before justices of the peace (Fla. Const., 1885, Art. V, sec. 11; secs. 4645, 5230, 5247-5250, C. G. L.). If an justice of the peace dies, resigns, is removed, or his term of office expires, after judgment and before appeal or writ of error, and before the time for appealing or taking a writ of error has expired, provision is made for the making or perfecting of the appeal or writ of error before his successor in the same manner as it might have been done before him (*ibid.*, sec. 5251).

All records of the justice of the peace for district 1 are located in the petit jury room.

(111-116) Justices of the Peace - District 1 Case Papers;  
District 1 Dockets

District 1 Case Papers

111. (CIVIL PAPERS), 1917--. 400 papers in 8 bdl.

Such original papers issued in civil cases tried in justice of peace court as complaints, summonses, writs, and court orders; all papers pertaining to a case clipped together. Arr. chron. by date of filing. For index, see entry 115. Hdw. on pr. fm. 7 x 9 x 2.

112. (CRIMINAL PAPERS), 1917--. 350 papers in 71 jkts.

Such original instruments in criminal cases tried in justice of peace court as information for warrant, warrant for arrest, witness subpoenas, jury venires, and verdict, all papers pertaining to a case filed in jacket, showing name of defendant, case number, and crime. Arr. num. by case no. For index, see entry 116. Hdw. on pr. fm.  $4\frac{1}{2}$  x 9 x  $\frac{1}{2}$ .

113. (INQUEST PAPERS), 1919--. 40 jkts. in 2 f. b.

Duplicate for years indicated of justice of peace inquest papers in (Inquest Papers), entry 40, 15 x  $11\frac{1}{2}$  x  $3\frac{1}{2}$ .

114. (WARRANTS, AFFIDAVITS), 1936--. 25 papers in 1 box.

Original complainant's affidavit, and warrants issued, showing names of defendant and complaining witness, date issued, offense, date of arrest, and date warrant returned. Not arr. syst. No index. Hdw. on pr. fm. Box poor. 8 x  $4\frac{1}{2}$  x 10.

District 1 Dockets

115. CIVIL DOCKET, 1917--. 2 vols.

Record of civil cases in justice of peace court, showing names of parties, title of case, date of trial, disposition of case, and itemized list of fees and costs. Serves as index to (Civil Papers), entry 111. Arr. chron. by date of trial. Indexed alph. by names of parties. Hdw. on pr. fm. 300 pp. 16 x 12 x  $1\frac{1}{2}$ .

116. CRIMINAL DOCKET, DIST. #1, 1917--. 3 vols. Title varies:

Justice Criminal Docket, 1917-24, 1 vol.; Criminal Docket,

Justice of Peace, 1925-31, 1 vol.

Record of criminal cases tried in justice of peace court, showing case number, name of defendant, offense, date of trial, date of warrant, disposition of case and itemized list of fees and costs. Also record of inquests, showing name of deceased, date of inquiry, coroner's verdict, and cost bill. Serves as index to (Criminal Papers), entry 112. Arr. num. by case no., chron. thereunder by date of recording. Indexed alph. by name of defendant. Hdw. on pr. fm. 300 pp. 15 x 13 x  $1\frac{1}{2}$  to 18 x 13 x 2.

## District 1 Audit

117. AUDIT OF JUSTICE OF PEACE DISTRICT #1 AND CONSTABLE,  
1933-35. 1 vol.

State auditor's report of audit of justice of peace financial records, showing date of report, case number, name of defendant, fines, costs, alternative, number of reports; constable's financial records, showing date of report, voucher number, date issued, and costs. Arr. chron. by date of report. No index. Typed. 8 pp.  $12\frac{1}{2} \times 10\frac{1}{2} \times \frac{1}{4}$ .

For other constable's records, see entry 118.

## IX. CONSTABLES

In 1828, the county courts of the several counties of the Territory of Florida were given the power to lay off their respective counties into justice districts, and to provide for the appointment of a constable in each district by the justice of the peace of the district (Duval's Compilation, 1839, pp. 140, 146). The next law relating to the appointment of constables was passed by the General Assembly of the state in 1845, which law also gave the justice of the peace in each district of the several counties the power to appoint a constable in his district (Thompson's Digest, 1847, p. 64). The first constitutional provision for constables was made in the fourth Constitution of Florida, adopted in 1868, which provided that a constable should be elected in each county for every two hundred registered voters in the county. However, it was also provided that each county of the state should be entitled to at least two constables and no county should have more than 12 constables. (Fla. Const., 1868, Art. VI, sec. 20.)

Under the present Constitution of Florida, adopted in 1885, the county commissioners of each county are directed to divide it into as many justice districts, not less than two, as they may deem expedient. Pursuant to this authority, the county commissioners of Flagler county have divided the county into two justice of the peace districts (Fla. Const., 1885, Art. V, sec. 21), but only one justice district is active in the county. The Constitution also provides that a constable shall be elected by the registered voters in each justice's district, who shall perform such duties and under such regulations as may be prescribed by law (ibid., Art. V, sec. 23). The term of office of each constable is four years (ibid., Art. VIII, sec. 6). The compensation of constables is derived from fees, which, the law provides, shall be the same as are allowed the sheriff of the county for like services (sec. 4597, C. G. L.).

Every constable must give a bond in the sum of five hundred dollars, which bond is governed by the provisions governing the bond which must be given by the clerk of the circuit court (ibid., sec. 4593).

The law provides that the sheriff of the county or any constable shall be the executive officer of courts of justices of the peace and the county judge's court, but if the sheriff or constable shall for any

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## Constables

reason be disqualified or unable to act, the justice or county judge may appoint any individual, not interested in the case on trial, to serve process and to perform all the duties of such executive officer (*ibid.*, secs. 8294, 8296). It is the duty of the constables to serve all summonses and levy all executions placed in their hands, agreeably to the tenor thereof, and make due returns of the same to the court to which they may be returnable (*ibid.*, sec. 4594). Under the law, any constable of the county in which the process issued may serve process of the justice of the peace courts and the county judge's court in any district of the county where the same may be lawfully served; but he is not entitled to greater mileage in any case in serving writs from courts of justices of the peace than he would be if the writ issued from such court in the district in which such constable resides and for which he is elected (*ibid.*, sec. 4595).

If the constable fails to pay over money collected by him on any execution or other process to the person entitled to receive the same on demand, he is liable to a penalty of 25 percent upon the amount so collected for such failure. Moreover, it is the duty of the court issuing such execution or other process, upon application of the plaintiff and upon his making it appear that said constable has received the amount of said execution or other process, or any part thereof, and has failed to pay over the same on demand, to issue an execution against the said constable and his sureties for the same, together with the penalty provided by law, which execution must be levied, and the money raised by some other constable of the county, out of the property of the defaulting constable. (*Ibid.*, sec. 4594.) The law required each constable to keep a record book of the costs which he charges, and this record book is prima facie evidence in the courts of the amounts charged therein in all cases in which he may be prosecuted for charging more costs than are allowed by law (*ibid.*, sec. 7490).

Whenever any constable resigns or is removed from office, it is his duty to deposit all papers remaining in his hands in the court to which the same are made returnable, and his failure to do so renders the constable and his sureties liable to the action of any person injured by such failure. Moreover, if any constable dies, it is the duty of his executor or administrator to deposit his papers as prescribed by law, and the court in which such papers are deposited must cause the same to be acted upon. (*Ibid.*, sec. 4596.)

118. CONSTABLE'S CRIMINAL DOCKET, 1925-32. 1 vol. Discontinued. Record of constable's costs in cases before justice of peace, showing name of defendant, crime charged, date of arrest, name of arresting officer, date of trial, verdict, and constable's cost bill. Arr. chron. by date of trial. Indexed alph. by name of owner. Hdw. on pr. fm. 420 pp. 18 x 13 x 3. Cir. ct. clk. va.

For other constable's records, see entry 117.

## X. SHERIFF

In 1833, the Legislative Council of the Territory of Florida provided that there should be commissioned in each county a sheriff, whose bond should be approved by the judge of the county court and who should perform all of the duties required of him by law (Duval's Compilation, 1839, pp. 277-278). Florida entered the Union in 1845, and an act of the General Assembly, passed in the same year, provided for the election of a sheriff in each county of the state by the qualified electors of the county for a term of two years (Thompson's Digest, 1847, p. 60). The first mention of the sheriff in the Constitution of Florida is found in the second Constitution, adopted in 1861. This Constitution created a special court in each county to try all cases of felony committed by slaves, free Negroes, and mulattoes, and provided that "the sheriff of the county shall act as the ministerial officer of the said court." (Fla. Const., 1861, Art. IV, sec. 27.) The Constitution of 1865 provided for the election of a sheriff in each county in the state (Fla. Const., 1865, Art. XVII, sec. 5). The Constitution of 1868 empowered the governor, by and with the advice and consent of the senate, to appoint a sheriff in each county of the state (Fla. Const., 1868, Art. VI, sec. 19).

The present Constitution of Florida provides that a sheriff shall be elected in each county in the state by the qualified electors thereof for a term of four years (Fla. Const., 1885, Art. V, sec. 15, Art. VIII, sec. 6). The sheriff is directed to hold his office and keep his official books and records at the county seat, and he must either reside, or have a sworn deputy, within two miles of the county seat (*ibid.*, Art. XVI, sec. 4). The Constitution further provides that the powers, duties, and compensation of the sheriff shall be prescribed by law (*ibid.*, Art. V, sec. 15, Art. VIII, sec. 6). The first election for sheriff under the present Constitution of Florida was at the general election in 1888 (*ibid.*, Art. XVIII, sec. 10).

Before he is commissioned, the sheriff must give bond in a sum prescribed by law, conditioned for the faithful performance of the duties of his office, which bond must be approved by the board of county commissioners of the county and the state comptroller and filed with the secretary of state (sec. 4568 *et seq.*, C. G. L.).

The sheriff may appoint deputies to act under him. Such deputies have the same power as the sheriff, and he is responsible for their neglect and default in the execution of their duties (*ibid.*, sec. 4578). It is his duty to file with the clerk of the circuit court the names and addresses of all deputy sheriffs within 10 days after their appointment (*ibid.*, sec. 4579). Each deputy sheriff must give a bond, conditioned for the faithful performance of the duties of his office, but it is expressly provided that the giving of this bond shall not relieve the sheriff from liability for his deputy's acts (*ibid.*, sec. 4580).

The compensation of the sheriff is derived from fees prescribed by law (*ibid.*, secs. 2865, 4590-4591).

The sheriff is the executive officer of the circuit court in Flagler county (*ibid.*, sec. 4869). He, or any constable of the county, may

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serve as the executive officer of the courts of justices of the peace and the county judge's court (ibid., secs. 8294, 8296). The sheriff must in person or by deputy attend every term of the circuit court and the county judge's court in the county (ibid., sec. 4573). The law provides that whenever the sheriff fails to attend in person or by deputy any term of the circuit court or the county judge's court because of sickness, death, or other cause, the judge attending said court shall have the power to appoint a sheriff who shall assume all the responsibilities, perform all the duties, and receive the same compensation as if he had been duly elected sheriff, for said term of court and no longer (ibid., sec. 4574). The law further provides that if the sheriff or any constable of the county for any reason is disqualified or unable to act in the courts of justices of the peace or the county judge's court, the justice of the peace or the county judge may appoint any individual not interested in the case on trial to serve process and perform all the duties of executive officer in these courts (ibid., secs. 8294, 8296). As executive officer of the circuit court and the county judge's court, the sheriff is authorized to take and approve bail bonds in these courts (ibid., secs. 8225, 8235, 8263, 8347, 8435; see also: *West v. State*, 75 Fla. 379, 78 So. 235). He is also authorized to purchase, upon the requisition of the judge of the circuit court, such stationery or other articles as may be deemed necessary for the use of the court by the judge at each term thereof (sec. 4371, C. G. L.).

It is the duty of the sheriff to summon jurors for the petit jury when the venire is delivered to him by the clerk of the circuit court, or the county judge, as the case may be (sec. 4463 et seq., Perm. Cum. Supp. to C. G. L.). When required by order of the court, the sheriff must provide juries with meals and lodging, the expense to be taxed against and paid by the state (sec. 4475, C. G. L.).

The law provides that the sheriff must execute all writs, processes, and warrants directed to him (ibid., secs. 2856, 4233). A justice of the peace, or a constable, in the county, may serve all process in cases where the sheriff is interested, and in case of necessity, the judge of the circuit court may appoint an elisor to act instead of the sheriff (ibid., sec. 4238). For the purpose of the execution of the process of the supreme court of the state, the sheriff is ex officio the deputy of the sheriff of the supreme court, who is the sheriff of Leon county, the county in which the court is held (ibid., secs. 4702, 4704). The sheriff also executes such process or orders as may, under the law, be issued in his county by legislative committees of the Senate and House of Representatives of the Legislature of Florida (ibid., sec. 99); by courts martial of the Florida National Guard (ibid., secs. 2063-2065); by the county commissioners of the county (ibid., sec. 2359); by the Florida state board of dental examiners (ibid., sec. 3540); by the arbitrators in an arbitration proceeding (ibid., sec. 4554); and by the state railroad commissioners (ibid., sec. 6742). Penalties are prescribed under the law for the failure of the sheriff, or his deputy, to execute any writ or other process, civil or criminal, to him legally issued and directed within his county, and make due return thereof, where such process is delivered to him in time for execution (ibid., secs. 4583-4585); in addition, the sheriff, or his

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deputy, subjects himself to criminal prosecution for such failure or neglect (*ibid.*, secs. 7521-7522). Furthermore, it is a criminal offense in Florida to interfere with the sheriff or any deputy in his execution of legal process and his lawful execution of any legal duty (*ibid.*, sec. 7524 et seq.).

As a law enforcement officer, the sheriff is a conservator of the peace, and he has the authority to suppress and disperse all tumults, riots, and unlawful assemblies, and to apprehend without a warrant any person who is disturbing the peace, and carry him before the proper judicial officer in order that further proceedings may be had against him according to law (*ibid.*, secs. 2856, 7177, 8323). The sheriff may raise the power of the county and command any person to assist him, when necessary, in the execution of his office (*ibid.*, sec. 2857). The sheriff or his deputy may also arrest and take into custody without a warrant any person who, in the presence of such officer, violates any of the penal laws of the state, and it is the duty of such officer to arrest without warrant and take into custody any person who such officer has reasonable ground to believe, and does believe, has committed any felony or whom he finds in the act of committing any felony or about to commit any felony (*ibid.*, sec. 8323 et seq.).

It is the duty of the sheriff to confine and separate all prisoners in his custody in accordance with law (*ibid.*, secs. 8546, 8548). His bill for fees for feeding prisoners may be presented to the county commissioners of the county at any regular meeting, and it is their duty to audit the same and order a warrant drawn against the fine and forfeiture fund of the county for the sum found to be due (*ibid.*, secs. 2838-2839). It is also the duty of the sheriff to provide for the delivery of prisoners to the jail of another county when a place of safe keeping cannot be had in his county (*ibid.*, sec. 8340); or when the court orders a change of venue and the offense is bailable, but the accused cannot make the bail set by the court (*ibid.*, sec. 8408). The law provides that at the expiration of his term the sheriff shall deliver to his successor the bodies of all persons whom he holds in confinement by legal process, with the precepts, warrants, or causes of such confinement (*ibid.*, sec. 8211).

Since 1924, death by hanging as a means of punishment for crime in Florida has been abolished, and electrocution, or death by electricity, has been substituted therefor. Under the law the superintendent of the state prison, or in case of his death, disability, or absence, a deputy is the executioner. (*Ibid.*, sec. 8429.) It is further provided that for the purpose of executing sentences of death as provided by law, the sheriff of the county wherein the conviction was had is ex-officio deputy executioner of such sentences of death and must be present at the execution unless he is prevented by sickness or other disability (*ibid.*, sec. 8430).

Certain duties are prescribed for the sheriff under the election laws of the state. Thus, he must cause notices of the holding of

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general and special elections in his county to be published when so authorized by the secretary of state as provided by law (*ibid.*, secs. 255-256). He is expressly directed to exercise strict vigilance in the detection of any violations of the primary election laws of the state and in the arrest of any violators thereof (*ibid.*, sec. 8195). Furthermore, during the holding of any election, the sheriff must station at each polling place in the county a deputy sheriff, deputed for the purpose of maintaining peace and good order at the polls (*ibid.*, sec. 339).

Other duties of the sheriff are the results of modern legislation designed to promote the health and general well-being of the public. He is under the control of the state health officer for the purpose of enforcing any and all quarantine regulations prescribed by this office (*ibid.*, sec. 3148). In enforcing the pure food and drug laws the sheriff may submit fair samples of foods and drugs to the state chemist, when drawn in the presence of two witnesses in the manner prescribed by law (*ibid.*, sec. 3208). It is the duty of the sheriff, when directed by the proper authority, to seize adulterated, misbranded, or imitation drugs, liquors, or food products which have been manufactured for sale, or put on sale, in order that evidence may be had on which to prosecute persons charged with violating the pure food and drug laws (*ibid.*, sec. 3209). It is also the duty of the sheriff to seize and sell at public sale each and every bag, barrel, or package of commercial feeding stuffs and commercial fertilizer manufactured, imported into, or sold in the state, which is not tagged and stamped so as to show the ingredients thereof and the payment of the fee required by law (*ibid.*, secs. 3257, 3808).

Under the tax laws, where any personal property upon which taxes have been assessed is removed from the county in which the property was assessed, it is lawful for the tax collector, by his warrant, to authorize the sheriff of the county to which the owner of such property has removed or in which he resides to attach such property (*ibid.*, sec. 952). The sheriff is also authorized to collect by levy and sale the taxes due from defaulting railroads in his county, as provided by law (*ibid.*, sec. 966 et seq.).

The law requires the sheriff to keep an execution docket, which must be laid before the court at each term and be subject to the inspection of all parties interested (*ibid.*, sec. 4575). He must also keep books of account in accordance with forms to be approved by the state auditor, in which he keeps a record of the financial operation of his office (*ibid.*, secs. 161, 475, 2406 et seq., 2836, 4674). The failure or refusal of the sheriff to keep records subjects him to punishment under the law (*ibid.*, secs. 476, 4575, 7490).

The law also requires the sheriff to make sworn reports of the fees collected by him semi-annually to the state comptroller, which reports must show in detail the source, character, and amount of all his official expenses, and the net amount that the office has paid up to the time of making such report (*ibid.*, sec. 472). In Flagler county he must

## Sheriff - Uniform Accounting System

(119-120)

render a similar report semi-annually to the board of county commissioners of the county (sec. 2377(1), Perm. Cum. Supp. to C. G. L.). It is also the duty of the sheriff to make immediate report to the comptroller upon forms provided by him, of all motor vehicles reported to the sheriff as stolen or recovered; and the comptroller is directed to publish once each month a list of all motor vehicles stolen or recovered during the month and forward the same to the sheriff (sec. 3983, C. G. L.). The failure or refusal of the sheriff to make these reports subjects him to punishment under the law (ibid., sec. 7491).

Provision is made under the law for the transfer of all the sheriff's records and papers to his successor (ibid., secs. 4586-4587).

All records of the sheriff, except as otherwise noted in entry 147, are located in the sheriff's vault.

## Uniform Accounting System

## 119. SHERIFF'S ACCOUNT BOOK, 1935--. 5 vols.

Uniform sheriff's accounting system. Contains:

- i. (Bond Register). See entry 128.
- ii. (Civil Docket). See entry 121.
- iii. (Conviction Record). See entry 134.
- iv. (Costs for Feeding Prisoners). See entry 139.
- v. (Costs for Handling Prisoners). See entry 132.
- vi. (Costs in Coroner's Inquests). See entry 138.
- vii. (Court Attendance Costs). See entry 133.
- viii. (Expense and Disbursements). See entry 143.
- ix. (Income and Receipts). See entry 142.
- x. (Jury Service Costs). See entry 131.
- xi. (Miscellaneous Costs). See entry 136.
- xii. (Summary of Cost Bills). See entry 141.
- xiii. (Warrants and Capias Costs). See entry 127.
- xiv. (Witness Subpoena Costs). See entry 130.

Also part of system, but bound separately:

- xv. Execution Docket. See entry 124.

Arr. by type of record. For index, items i, ii, iii, v, xiii, xiv, and xv, see entry 120; other items, no index. Hdw. on pr. fm. 200 pp. 12 x 10 x 2.

## 120. GENERAL INDEX, 1935--. 1 vol.

Indexes to parts of Sheriff's Account Book, entry 119. Contains: (Bond Register Index), entry 129; (Civil Docket Index), entry 122; (Criminal Index), entry 126; and (Execution Docket Index), entry 125. Arr. by type of index. Hdw. on pr. fm. 200 pp. 12 x 10 x 2.

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Sheriff - Civil; Criminal

## Civil

121. (CIVIL DOCKET), 1935--. In Sheriff's Account Book, entry 119-ii.

Record of sheriff's costs in civil cases, showing names of parties and plaintiff's attorney, cause of action, court, itemized cost bill, total, deposit, and balance or refund due. Arr. chron. by date first cost entry. For index, see entry 122.

For prior related records, see entry 123.

122. (CIVIL DOCKET INDEX), 1935--. In General Index, entry 120. Index to (Civil Docket), entry 121, showing names of plaintiff and defendant, and page number. Arr. alph. by name of plaintiff.

123. CIVIL DOCKET, 1917-34. 2 vols. (1, 2).

Record of sheriff's costs in civil cases, showing court, names of parties and attorneys, nature of case, list of instruments handled by sheriff, with date received and itemized cost bill for each, and total cost; also record of sheriff's sales to satisfy judgments. Arr. chron. by date first instrument received. Indexed alph. by names of parties. Hdw. on pr. fm. 300 pp. 18 x 13 x 2.

For subsequent related records, see entry 121.

124. EXECUTION DOCKET, 1917--. 2 vols. (1, 2).

Sheriff's record of execution of judgments, showing execution number, court, names of plaintiff, defendant, and attorneys, nature of case, amount of judgment, date execution received, date of levy, date of sale, and date of return; arr. num. by execution no. 1935--, part of Sheriff's Account Book, entry 119-xv, showing case number, names of parties and plaintiff's attorney, court, dates of judgment and execution, date execution received, dates of levy and sale, name of purchaser, total judgment and costs, amount of sale, deficiency, if any, itemized sheriff's cost bill, total sheriff's costs, remarks, disposition of money from sale, with amounts, and signature of payee or check number, name of person to whom execution returned, and date of return; arr. chron. by date execution received. Indexed alph. by name of defendant, 1917-34; separate index, 1935--, entry 125. Hdw. on pr. fm., 1917-28; typed on pr. fm., 1929--. 250 pp. 18 x 13 x 3 $\frac{1}{2}$ .

125. (EXECUTION DOCKET INDEX), 1935--. In General Index, entry 120.

Partial index to Execution Docket, entry 124, showing names of plaintiff and defendant and page number. Arr. alph. by name of plaintiff.

## Criminal

126. (CRIMINAL INDEX), 1935--. In General Index, entry 120.

Index to criminal cost records, showing name of defendant, and page and line numbers. Serves: (Conviction Record), entry 134; (Costs for

Sheriff - Criminal

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Handling Prisoners), entry 132; (Warrants and Capias Costs), entry 127; and (Witness Subpoena Costs), entry 130. Arr. alph. by name of defendant.

127. (WARRANTS AND CAPIAS COSTS), 1935--. In Sheriff's Account Book, entry 119-xiii.

Record of sheriff's costs in taking prisoners, showing court, date of entry, name of defendant, crime charged, reference to judge's docket, itemized cost bill, total and line number. Arr. chron. by mos., num. thereunder by line no. For index, see entry 126.

For prior related records, see entry 137.

128. (BOND REGISTER), 1935--. In Sheriff's Account Book, entry 119-i.

Register of bonds, showing jail number, date bond received, name of defendant, amount of paper and of cash bond, names of payor, bondsmen and person by whom approved, court to which returnable, disposition of case and bond, date of disposition, signature of party receiving bond, and line number. Arr. num. by line no. For index, see entry 129.

129. (BOND REGISTER INDEX), 1935--. In General Index, entry 120. Index to (Bond Register), entry 128, showing name of defendant and page number. Arr. alph. by name of defendant.

130. (WITNESS SUBPOENA COSTS), 1935--. In Sheriff's Account Book, entry 119-xiv.

Record of sheriff's costs for serving witness subpoenas, showing court date of entry, name of defendant, reference to judge's docket, number of witnesses served, itemized cost bill, total, and line number. Arr. chron. by mos., num. thereunder by line no. For index, see entry 126.

For prior related records, see entry 137.

131. (JURY SERVICE COSTS), 1935--. In Sheriff's Account Book, entry 119-x.

Record of sheriff's costs for summoning jurors, showing court, date of venire, date received, whether regular or special, number of veniremen, number served, date of service, itemized cost bill, total, and line number. Arr. chron. by mos., num. thereunder by line no.

For prior related records, see entry 137.

132. (COSTS FOR HANDLING PRISONERS), 1935--. In Sheriff's Account Book, entry 119-v.

Record of sheriff's costs for handling prisoners, showing court, date of entry, name of prisoner, officer's and prisoner's mileage, recommitment charge, total, cause for going to court, and line no. Arr. chron. by mos., num. thereunder by line no. For index, see entry 126.

For prior related records, see entry 137.

133. (COURT ATTENDANCE COSTS), 1935--. In Sheriff's Account Book, entry 119-vii.

Record of sheriff's costs for attending court, showing court, date of entry, names of sheriff's representative and of bailiff, itemized cost

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Sheriff - Prisoners

bill, total, and line number. Arr. chron. by mos., num. thereunder by line no.

For prior related records, see entry 137.

134. (CONVICTION RECORD), 1935--. In Sheriff's Account Book, entry 119-iii.

Sheriff's record of convictions, showing name of defendant, offense charged, date of conviction, itemized cost bill, total cost, verdict, remarks, and line number. Arr. chron. by mos., num. thereunder by line no. For index, see entry 126.

For prior related records, see entry 135.

135. RECORD OF CONVICTIONS, 1917-25. 1 vol.

Record of convictions in criminal cases, showing case number, name of defendant, offense, date arrested, date incarcerated, date of trial, procedure of trial, date of conviction, and sentence. Arr. chron. by date of conviction. Indexed alph. by name of defendant. Hdw. on pr. fm. 300 pp. 18 x 13 x 2.

For subsequent related records, see entry 134.

136. (MISCELLANEOUS COSTS), 1935--. In Sheriff's Account Book, entry 119-xi.

Record of sheriff's miscellaneous costs, showing date of entry, explanation of item, amount of cost, and line number. Arr. chron. by mos., num. thereunder by line no.

137. CRIMINAL DOCKET, 1917-34. 3 vols. (1-3).

Record of sheriff's costs in criminal cases, showing court, name of defendant, offense charged, date of arrest, list of instruments handled by sheriff, with itemized cost bill for each, and total costs. Arr. chron. by date first instrument received. Indexed alph. by name of defendant. Hdw. on pr. fm. 300 pp. 18 x 13 x 2.

For subsequent related records, see entries 127, 130-133.

138. (COSTS IN CORONER'S INQUESTS), 1935--. In Sheriff's Account Book, entry 119-vi.

Record of sheriff's costs in coroner's inquests, showing date of entry, name of justice of peace, district number, name of decedent, itemized cost bill, total, and line number. Arr. chron. by mos., num. thereunder by line no.

#### Prisoners

139. (COSTS FOR FEEDING PRISONERS), 1935--. In Sheriff's Account Book, entry 119-iv.

Record of sheriff's costs for feeding prisoners, showing date of entry, name, sex, and color of prisoner, committing court, dates of commitment and release, cause of release, number of days in jail, rate per day, total, and line number. Arr. chron. by mos., num. thereunder by line no.

Sheriff - General Finance

(140-146)

## 140. JAIL RECORD, 1917--. 2 vols. (1, 2).

Record of prisoners in county jail, showing name, age, sex and color of prisoner, date of arrest, date and time jailed, crime charged, date of trial, and disposition of prisoner. Arr. chron. by date and hour jailed. No index, 1917-34; indexed alph. by name of prisoner, 1935--. Hdw. on pr. fm., 1917-34; hdw. on pr. fm., typed on pr. fm., 1935--. 250 pp. 18 x 13 x  $1\frac{1}{2}$ .

## General Finance

## 141. (SUMMARY OF COST BILLS), 1935--. In Sheriff's Account Book, see entry 119-xii.

Monthly cost bills presented by sheriff to board of county commissioners, showing month, nature of costs, courts, references to docket pages, and totals. Arr. chron. by mos.

## 142. (INCOME AND RECEIPTS), 1935--. In Sheriff's Account Book, entry 119-ix.

Monthly record of sheriff's income and receipts from civil, criminal, jail and miscellaneous sources, and covering suspense collections, payments on account, chargeable income, and totals. Arr. chron. by mos.

For prior related records, see entry 146.

## 143. (EXPENSE AND DISBURSEMENTS), 1935--. In Sheriff's Account Book, entry 119-viii.

Monthly record of sheriff's expenses and disbursements, covering administrative, civil, criminal and jail expenses, suspense disbursements, and bank accounts. Arr. chron. by date of entry.

For prior related records, see entry 146.

## 144. RECEIPTS OF DEPOSITS OF COUNTY FUNDS, 1917--. 20 vols.

Duplicates of receipts for deposits by sheriff of county funds, showing receipt number, date and amount of deposit, name of depository, and acknowledgment. Arr. num. by receipt no. No index. Hdw. on pr. fm. 100 pp. 12 x 10 x 1.

For other depository receipts, see entries 174, 207.

## 145. (CANCELLED CHECKS AND BANK STATEMENTS), 1917--. 1,450 papers in 1 f. b.

Bank statements and corresponding cancelled checks covering deposits and expenditures of sheriff's office. Arr. chron. by mo., chron. thereunder by date of cancellation of check. No index. Hdw. on pr. fm. 10 x  $4\frac{1}{2}$  x 14.

## 146. SHERIFF'S ACCOUNT BOOK, 1917-34. 2 vols.

Record of sheriff's receipts, showing date of entry, source, and amount; disbursements, showing date of entry, name of payee, purpose, and amount. Arr. chron. by date of entry. No index. Hdw. on pr. fm. 500 pp. 18 x 13 x 3.

For subsequent related records, see entries 142, 143.

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Timber Agent; County Assessor of Taxes

## Miscellaneous

147. (MOTOR VEHICLES STOLEN), 1923--. 120 papers in 1 f. b. Monthly list of motor vehicles stolen, showing make and type of vehicle, and serial and engine numbers; also list of recovered vehicles. Not arr. syst. No index. Mimeographed. 10 x 8 x 24. Sheriff's off.

148. RECORD OF CONFISCATIONS - RECORD OF INVESTIGATIONS (Liquor), 1934. 1 vol.

Record of investigation of liquor traffic, and confiscation and destruction of liquor, equipment and manufacturing supplies, showing name of defendant, offense, date of investigation, names of witnesses and name of investigator. Arr. chron. by date of investigation. No index. Hdw. on pr. fm. 300 pp. 18 x 15 x 2.

## XI. TIMBER AGENT

In Florida the sheriff is ex officio the timber agent of the county. The law provides that, while acting in this capacity, he shall receive as pay for his services one-fourth of the net proceeds arising from all seizures and of all net amounts recovered from trespassers reported by him upon the lands of the state. (Sec. 2860, C. G. L.).

It is the sheriff's duty as timber agent to inquire diligently into all cases of trespass upon the public lands that may come to his knowledge, and to make complaint thereof before the court or any officer having jurisdiction, that the parties offending may be arrested and dealt with according to law. He has the power and authority to arrest any person trespassing upon the public lands, and he may seize all timber that has been cut upon such lands and sell the same at such place within the district as he may deem most convenient, after giving 30 days' notice by one publication in the newspaper published nearest the place of sale, and posting the notice at three public places in the county where the sale is to take place. (Ibid., sec. 2861.) The law prescribes in detail the procedure to be followed in settling the claims of private persons to such timber (ibid., secs. 2862-2863).

The law does not require the sheriff to keep any records as ex-officio timber agent of the county.

## XII. COUNTY ASSESSOR OF TAXES

In 1823, the Legislative Council of the Territory of Florida enacted a law making it the duty of the county court in each county of the territory to appoint an assessor of taxes (Duval's Compilation, 1839 p. 310). In 1845, the General Assembly provided for the election of a tax assessor in each county of the state for a term of two years (Thompson's Digest, 1847, pp. 70-71). The Constitution of 1868 directed the

governor to appoint, by and with the consent of the senate, an assessor of taxes in each county of the state for a term of two years (Fla. Const., 1868, Art. V, sec. 19). The present Constitution of Florida provides for the election of a county assessor of taxes in each county of the state by the qualified electors of the county for a term of four years (Fla. Const., 1885, Art. VIII, sec. 6).

Before he is commissioned, the county assessor of taxes must give a bond, conditioned for the faithful performance of the duties of his office, which bond must be approved by the board of county commissioners and the state comptroller and filed with the secretary of state (*ibid.*, Art. VIII, sec. 7; secs. 2416-2417, C. G. L.).

Between the 1st day of January and the 1st day of July of each year, the assessor is directed to assess all the taxable property in the county, with the aid of such assistant assessor of taxes as may be nominated by him and appointed by the county commissioners. He must prepare one tangible property tax roll, with separate assessments on real and personal property, and a separate intangible personal property assessment roll. (Secs. 913, 1041(5), Perm. Cum. Supp. to C. G. L.) Tax returns by owners or agents must be made between the 1st day of January and the 1st day of April in each year, in the manner prescribed by law (secs. 907-909, 917, C. G. L.; secs. 913, 1041(7), Perm. Cum. Supp. to C. G. L.). The procedure to be followed in preparing the assessment rolls is prescribed in great detail by statute (sec. 914 et seq., C. G. L.; secs. 922(1), 1041(5), Perm. Cum. Supp. to C. G. L.). It is also provided that in the execution of his duties the assessor must use the forms and pursue the instructions which may from time to time be transmitted to him by the state comptroller (secs. 916, 944, C. G. L.; secs. 1041(4)-1041(5), Perm. Cum. Supp. to C. G. L.).

Upon the completion of the assessment rolls on or before the first Monday of July in each year, as provided by law, the assessor must meet with the board of county commissioners at the clerk's office for the purpose of hearing complaints and receiving testimony as to the value of any property, real or personal, as fixed by the assessor, and perfecting, reviewing, and equalizing the assessment. The board must meet again on the first Monday in August or September of each year for the same purpose. Due notice, as provided by law, must be given of both meetings. (Secs. 929-930, C. G. L.; sec. 1041(12), Perm. Cum. Supp. to C. G. L.) The law expressly gives the board of county commissioners full power to equalize the assessment of real estate and personal property in the county, and for this purpose the board may raise or lower the value fixed by the assessor on any particular piece of real estate, or item or items of personal property, but it is unlawful for the board to lower the assessment of any personal property given in by the owner or assessed by the assessor which is not specified under oath (sec. 931, C. G. L.).

Immediately after the assessment has been reviewed and equalized by the board of county commissioners, and the amount to be raised for the state and county and the special tax school district or other special tax purposes has been determined by the board and reported to the assessor,

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County Assessor of Taxes

it is his duty to calculate and carry out the total amount of taxes in separate columns prepared for that purpose in the assessment rolls. He must then add up the assessment and taxes contained in the assessment rolls and make therein such recapitulatory tables as may be required by the comptroller. (Ibid., secs. 934, 937.) The assessor must make two copies of the assessment rolls, when thus completed, and annex to the original and each copy his affidavit, which original and two copies he must turn over to the board of county commissioners at a meeting to be held on the first Monday in October of each and every year. At this meeting it is the duty of the county commissioners to examine and compare the original and two copies and cause the assessor, who must attend from day to day, to correct all mistakes and inaccuracies in description and other character. The assessor is then directed to annex to one of the books his warrant, as prescribed by law, and a copy of this warrant must be recorded in the minutes of the county commissioners. (Ibid., secs. 934, 940, 942.)

The disposition of the assessment rolls is provided by law. The assessor must transmit one copy to the comptroller, one copy to the tax collector, and the original must be filed in the office of the clerk of the circuit court, together with the assessor's assessment rolls and records after he has completed his assessment. (Ibid., secs. 934, 936.)

Provision is made under the Constitution and laws of the state of Florida for the exemption of certain property from taxation when such property is used for public, educational, literary, scientific, religious, or charitable purposes (Fla. Const., 1885, Art. IX, secs. 1, 9, Art. XVI, sec. 16; secs. 898-899, C. G. L.; sec. 897(1), Perm. Cum. Supp. to C. G. L.; Ch. 18312, Acts, 1937). It is also provided that there shall be exempted from all taxation, other than special assessments for benefits, to every head of a family, who is a citizen of and resides in the state, the homestead as defined by Article X of the Constitution, up to the value of five thousand dollars (Fla. Const., 1885, Art. X; sec. 897(2) et seq., Perm. Cum. Supp. to C. G. L.). Claims for exemption must be made to the assessor before the 1st day of April of each year upon forms furnished to the assessor by the comptroller, and the right of appeal from the assessor's decisions to the county commissioners is given under the law (ibid., sec. 897(5) et seq.).

The records of the assessor, include books of account (sec. 472, C. G. L.), a complete set of photolithographed township maps of each township in the county, furnished to the assessor by the county commissioners (ibid., sec. 921), and records of tax returns, but intangible personal property returns must be destroyed within six months after the same have been paid if the taxpayer has not requested the surrender of these returns sooner (ibid., sec. 917; sec. 1041(7), Perm. Cum. Supp. to C. G. L.).

The salary of the county assessor of taxes is derived from commissions, which are prescribed by law, upon the total amount of all taxes assessed (Ch. 17876, Acts, 1937, sec. 1).

County Assessor of Taxes - Tax Assessments;  
Tax Returns; Miscellaneous

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The law requires the assessor to make a semi-annual sworn report to the board of county commissioners showing the amount of fees, commissions, and other incomes and the disposition thereof (sec. 2877(1), Perm. Cum. Supp. to C. G. L.); and he must make a similar report semi-annually to the state comptroller (sec. 472, C. G. L.).

All records of the assessor of taxes are located in the vault of the assessor of taxes.

#### Tax Assessments

149. TAX ASSESSMENT ROLL, 1932--. 5 vols. (dated by yrs.).  
Duplicate for years indicated, with exception of (Tax Sales Reports), entry 67, of Tax Assessment Roll, entry 60.

150. INTANGIBLE PERSONAL PROPERTY TAX ASSESSMENT ROLL, 1932--.  
1 vol.  
Duplicate of Intangible Personal Property Tax Assessment Roll, entry 61.

#### Tax Returns

151. (TAX RETURNS AND NOTICES), 1925, 1931--. 8 vols.  
Original tax returns on realty and personalty, showing date of return, name and address of owner, description of property, assessed valuation, and owner's affidavit of correctness; also tax return notices. Arr. alph. by name of owner. No index. Hdw. on pr. fm. Condition gen. fair. 175 pp. 14 x 8 $\frac{1}{2}$  x 1 $\frac{1}{4}$ .

152. INTANGIBLE PERSONAL PROPERTY TAX RETURNS, 1932--. 50 papers in 1 bdl.  
Original intangible personalty tax returns, showing return number and date, name of owner, and full description of property under each classification. Arr. num. by return number. No index. Hdw. on pr. fm. 14 x 8 x 1.

#### Miscellaneous

153. (HOMESTEAD EXEMPTION APPLICATIONS), 1935--. 270 papers in 3 bdls.  
Applications for homestead exemption, showing date of application, name of applicant, description of property, statement of ownership and of state residence, and notarization. Arr. alph. by name of applicant. No index. Hdw. on pr. fm. 7 x 8 $\frac{1}{2}$  x 1.

154. (PLATS OF FORMER ST. JOHNS AND VOLUSIA COUNTY LANDS), 1835-50.  
1 vol.  
Plats of sections of land now in Flagler county, formerly in St. Johns

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County Tax Collector

and Volusia counties, showing lakes, rivers, swamps, grants, savannas, and timber. Arr. num. by range no., num. thereunder by twp. no., num. thereunder by sec. no. No index. Hdw. 20 pp. 20 x 24 x 1.

For other plats, see entry 32.

155. DAY JOURNAL, 1932-- . 1 vol.

Journal record of cash receipts, showing date of entry, amount, source, and total; record of disbursements, showing date of entry, amount, purpose, and total. Arr. chron. by date of entry. No index. Hdw. on pr. fm. 100 pp. 12 x 5 x 1.

### XIII. COUNTY TAX COLLECTOR

In 1828, the Legislative Council of the Territory of Florida enacted a law making it the duty of the county court in each county of the territory to appoint a collector of taxes each year (Duval's Compilation, 1839, p. 310). In 1845, the General Assembly of the state provided for the election of a tax collector in each county for a term of two years (Thompson's Digest, 1847, pp. 70-71). The Constitution of 1868 directed the governor to appoint, by and with the consent of the senate, a collector of revenue in each county of the state for a term of two years (Fla. Const., 1868, Art. V, sec. 19). The present Constitution of Florida, adopted in 1885, provides for the election of a county tax collector in each county of the state by the qualified electors of the county for a term of four years (Fla. Const., 1885, Art. VIII, sec. 6).

Before he is commissioned, the county tax collector must give a bond, conditioned for the faithful performance of the duties of his office, which bond must be approved by the board of county commissioners and the state comptroller and filed with the secretary of state (*ibid.*, Art. VIII, sec. 7; secs. 2416-2417, C. G. L.).

The law provides that after the county assessor of taxes has completed his assessment, he must transmit one copy of each of the assessment rolls to the comptroller, and the other copies, to which his warrant has been added, must be delivered to the county tax collector. The original assessment rolls must be filed in the office of the clerk of the circuit court. (*Ibid.*, secs. 936, 942; sec. 1041(1) et seq., Perm. Cum. Supp. to C. G. L.). As soon as the tax rolls have been delivered to the tax collector, the clerk of the circuit court is directed to make out and publish a statement showing the amount of taxes charged to the tax collector to be collected for the current year and the apportionment of the same in separate columns to the several funds for which taxes have been levied. Thereafter, at each monthly meeting of the board of county commissioners and until the tax books are closed, the clerk must publish a statement giving each fund credit with the amount collected thereon as shown by the reports of the tax collector in his office, and when the tax books are closed the clerk must publish a like statement showing the amounts specifically allowed the tax collector on account of errors and insolvencies and the amount of each fund uncollected. In addition to

County Tax Collector

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being published, this statement must be posted by the clerk at the courthouse door. (Sec. 941, C. G. L.)

All taxes are due and payable on the 1st day of November of each and every year, or as soon thereafter as the tax rolls may come into the hands of the tax collector, of which he must give notice by publication (secs. 950, 1041(15), Perm. Cum. Supp. to C. G. L.). Notice must also be given by mail to each taxpayer whose name appears on the tax rolls, which notice must state the amount of taxes due and the per centum of discount allowed by law upon payment by the date fixed by law, stating the date (sec. 951, C. G. L.). Upon request and the payment of the fee prescribed by law, a similar notice must be sent to the holder of mortgage or other lien upon any property (ibid., sec. 952).

The tax collector is vested with the power, and it is his duty, to collect by levy and sale of the goods and chattels, lands and tenements assessed, all taxes that remain unpaid on the first Monday in April. Under the law, discounts for the early payment of taxes are at the rate of 4 percent in the month of November, 3 percent in the month of December, 2 percent in the following month of January, and 1 percent in the following month of February, the taxes being payable in March without discount. (Secs. 950, 1041(16)-1041(17), Perm. Cum. Supp. to C. G. L.). The tax collector is required to make all collections on or before the first Monday in April, and on or before the first Monday in July he is required to make a final report and settlement with the state comptroller and the board of county commissioners. It is provided, however, that all warrants outstanding shall be of full force and effect until all the taxes remaining unpaid shall have been collected and final report and settlement made by the tax collector with the state and county authorities, and all warrants heretofore issued or to be issued shall be of full force and effect in the hands of any successor, immediate or remote, of the tax collector to whom such warrants may have been or may be issued. (Sec. 943, C. G. L.; sec. 1041(19), Perm. Cum. Supp. to C. G. L.).

It is also the duty of the tax collector to collect the drainage taxes as certified to him by the duly appointed supervisors of all drainage districts formed in the county (secs. 1468-1469, C. G. L.); and he must also collect the taxes assessed on railroad spurs and side tracks as other personal tax is collected (ibid., sec. 964).

Provision is made for the sale by the tax collector of real and personal property for nonpayment of taxes, upon the giving of the notices prescribed by law (ibid., sec. 958 et seq.; sec. 969 et seq., Perm. Cum. Supp. to C. G. L.). In case any personal property upon which taxes have been assessed is removed from the county, it is lawful for the tax collector, by his warrant, to authorize the sheriff of the county within the state to which such person has removed or in which he resides to proceed thereon as upon execution from the circuit court (sec. 958, C. G. L.).

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## County Tax Collector - Tax Assessments

An important duty of the tax collector is the collection of state and county occupational licenses as provided by law. Such licenses are furnished by the county judge, under his seal of office, to the tax collector, and the tax collector is directed to make a duplicate of each license issued in a book furnished for that purpose by the county judge, and he must file this duplicate with the county judge. (Ch. 18011, Acts, 1937, sec. 30.) The tax collector also distributes malt and vinous beverage licenses, liquor licenses, and motor vehicle license plates (secs. 1281, 1281(1)-1281(2), 4151(206), 4151(228), Perm. Cum. Supp. to C. G. L.).

In the execution of his duties, the law provides that the tax collector shall use the forms and pursue the instructions which may from time to time be transmitted to him by the state comptroller (sec. 944, C. G. L.).

The records of the tax collector include: tax assessment rolls (ibid., sec. 936; sec. 1041(5), Perm. Cum. Supp. to C. G. L.), records of occupational licenses issued (Ch. 18011, Acts, 1937, sec. 1); and stub copies of tax receipts issued to taxpayers (sec. 947, C. G. L.; sec. 1041(14), Perm. Cum. Supp. to C. G. L.). He must make the following reports: a semi-annual sworn report to the board of county commissioners showing the amount of fees, commissions, and other incomes received by him and the disposition thereof (ibid., sec. 2877(1)); a semi-annual sworn report, as provided by law, of all the receipts and expenditures of his office to the state comptroller (sec. 472, C. G. L.); and a return under oath to the comptroller and county judge, on the first day of each and every month, of all sums collected during the previous month on account of state and county taxes, and for license taxes and other purpose (ibid., sec. 947). It is also provided that the tax collector must pay over not later than Saturday of each week to the officer or officers, person or persons, or depository legally entitled to receive the same, all money by him collected (ibid., sec. 949; sec. 1041(19), Perm. Cum. Supp. to C. G. L.).

The salary of the county tax collector is derived from commissions which are prescribed by law, on the taxes collected (Ch. 17876, Acts, 1937, sec. 1).

All records of the tax collector, except as otherwise noted in entries 172, 173, 182-185, are located in the tax collector's vault.

## Tax Assessments

156. TAX ASSESSMENT ROLL, 1917-- . 20 vols. (dated by yrs.). Duplicate of Tax Assessment Roll, entry 60, with addition of date and number of tax collector's receipts, and does not contain (Tax Sales Report), entry 67.

(156)

## County Tax Collector - Tax Assessments

An important duty of the tax collector is the collection of state and county occupational licenses as provided by law. Such licenses are furnished by the county judge, under his seal of office, to the tax collector, and the tax collector is directed to make a duplicate of each license issued in a book furnished for that purpose by the county judge, and he must file this duplicate with the county judge. (Ch. 18011, Acts, 1937, sec. 30.) The tax collector also distributes malt and vinous beverage licenses, liquor licenses, and motor vehicle license plates (secs. 1281, 1281(1)-1281(2), 4151(206), 4151(228), Perm. Cum. Supp. to C. G. L.).

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## County Tax Collector - Tax Receipts; Delinquent Taxes

(157-164)

157. INTANGIBLE PERSONAL PROPERTY TAX ASSESSMENT ROLL, 1932--.  
1 vol.

Duplicate of Intangible Personal Property Tax Assessment Roll, with addition of date and number of tax collector's receipt. 9 pp.

158. MOTOR VEHICLE TAX ROLL, 1929-30. 2 vols. Discontinued

Duplicate of Motor Vehicle Tax Roll, with addition of date and number of tax collector's receipt.

## Tax Receipts

159. TAX RECEIPTS, 1917--. 260 vols.

Copies of realty and personalty tax receipts, showing receipt number, date issued, description of property, name of taxpayer, address, itemized assessment, total assessed value, and amount paid. Arr. num. by receipt no. No index. Hdw. on pr. fm. 100 pp. 16 x 9 x 1.

160. INTANGIBLE PERSONAL PROPERTY TAX RECEIPTS, 1932--. 6 vols.  
(dated by yr.)

Carbon copies of receipts for taxes on intangible personalty, showing date and number of receipt, name and address of taxpayer, description of property, date taxes due, discount allowed, and collector's certification. Arr. num. by receipt no. No index. Hdw. on pr. fm. 150 pp. 7 x 8 $\frac{1}{2}$  x  $\frac{1}{2}$ .

161. POLL TAX RECEIPTS, 1922--. 54 vols. 1924-30, originals, also in Poll Tax Receipts, entry 162; 1932-- also in Poll Tax Receipts, entry 230.

Duplicates of receipts for poll taxes, showing date and number of receipt, name, address, age and color of taxpayer, and election district number. Arr. num. by receipt no. No index. Hdw. on pr. fm. 200 pp. 12 x 8 x 1.

For other poll tax records, see entries 217, 230, 231.

162. POLL TAX RECEIPTS, 1924-30. 110 papers in 1 f. b.

Original Poll Tax Receipts, entry 161, unclaimed by taxpayer. 4 x 8 x 18.

For other poll tax records, see entries 217, 230, 231.

163. MOTOR VEHICLE TAX RECEIPTS, 1929-30. 9 vols. (numbered by contained receipt nos.). Discontinued.

Duplicate copies of motor vehicle tax receipts, showing receipt number, description of vehicle, name of owner, address, assessed value, amount of itemized taxes, total tax, and date paid. Arr. num. by receipt no. No index. Hdw. on pr. fm. 100 pp. 9 x 6 x 1.

## Delinquent Taxes

(See also entries 63-71)

164. TAX ADJUSTMENTS, 1929. 1 vol. Discontinued.

Duplicate of Tax Adjustments, entry 64.

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County Tax Collector - Licenses

165. FLAGLER COUNTY LIST OF LAND SOLD TO STATE FOR UNPAID TAXES, 1926-34. 7 vols. Discontinued.

List of lands sold to state for unpaid taxes, prepared by state comptroller, showing description of land, and certificate number. Arr. num. by certificate no. No index. Typed on pr. fm. 50 pp. 14 x 8 x  $\frac{1}{2}$ .

For similar records, see entry 65.

166. CLERK'S REPORT OF TAX CERTIFICATES REDEEMED OR PURCHASED DURING THE MONTH, 1925-30. 1 bdl. in 1 f. b.

Monthly report of clerk of circuit court to tax collector of tax certificates redeemed or purchased, showing certificate number, name of redeemer or purchaser, date redeemed or purchased, amount paid, and date of report. Arr. chron. by date of report, num. thereunder by certificate no. No index. Typed on pr. fm. 14 x 10 x  $4\frac{1}{2}$ .

For similar records, see entry 68.

#### Licenses

(See also entries 102-106)

#### Motor Vehicle Licenses

167. AGENCY DAILY REPORT, 1934--. 4 vols.

Tag agency daily reports of tags delivered and pertinent title certificate applications, showing name and address of owner, tag number, description of vehicle, date acquired, whether tourist or resident owner, title certificate number or type of application, date and number of receipt, amount, whether for tag or application, and date of report. Arr. chron. by date of report. No index. Typed on pr. fm. 175 pp. 14 x 24 x  $2\frac{1}{2}$ .

#### Occupational Licenses

168. OCCUPATIONAL LICENSES, 1929--. 12 vols. (numbered by contained license nos.) 1928-- also in Business Licenses, entry 104.

Duplicate copies of occupational licenses issued, showing license number, date issued, amount of itemized taxes, name of licensee, occupation or business, and duration of license. Arr. num. by license no. No index. Hdw. on pr. fm. 100 pp. 6 x 9 x  $\frac{1}{2}$ .

#### Alcoholic Beverage Licenses

169. (APPLICATIONS FOR MALT AND VINOUS BEVERAGE LICENSE), 1935--. 100 papers in 1 f. b.

Original applications to sell malt and vinous beverages, showing license number, date applied, name of applicant, name of business, location, amount paid, affidavit of applicant, and notarization. Arr. num. by license no. No index. Hdw. on pr. fm. Condition of f. b. fair. 10 x  $4\frac{1}{2}$  x 14.

County Tax Collector - General Finance

(170-175)

170. (APPLICATION FOR LIQUOR LICENSE), 1935--. 75 papers in 1 f. b.

Original applications for license to manufacture, distribute or sell intoxicating liquor, showing license number, date of application, name of applicant, name of business, location, series number, amount, affidavit of applicant, notarization, approval of board of county commissioners and signature of clerk. Arr. num. by license no. No index. Hdw. on pr. fm. F. b. fair. 10 x  $4\frac{1}{2}$  x 14.

171. WHISKEY LICENSE RECEIPTS, 1933--. 6 vols. (1-5, 1). Title varies: Malt and Vinous Beverages License Receipts, 1933-36. Duplicate copies of license for dispensing alcoholic and vinous beverages, showing license number, date issued, name of licensee, amount paid, duration of license and classification of business. Arr. num. by license no. No index. Hdw. on pr. fm. 50 pp. 6 x 8 x  $\frac{1}{2}$ .

#### Coin-operated Machine Licenses

172. APPLICATION FOR LICENSE (Coin-operated Devices), 1935-37. 14 applications in 1 folder.

Copies of applications for operation of coin-operated devices, showing name of owner, name of operator, type of device, manufacturer's serial number, name of manufacturer, notarization of operator, and approval of comptroller. Arr. chron. by date of application. No index. Typed on pr. fm. 10 x 12 x  $\frac{1}{4}$ . Coll. off.

173. COIN OPERATED DEVICES LICENSES, 1935-37. 13 licenses in 1 folder.

Copies of licenses for operation of coin-operated devices, showing license number, amount of state and county taxes, name of manufacturer, machine number, name of operator, location of business, signatures of tax collector and county judge, date of issue, and period of license. Arr. chron. by date of issue. No index. Typed on pr. fm. 10 x 12 x  $\frac{1}{4}$ . Coll. off.

#### General Finance

174. RECEIPT OF DEPOSIT OF COUNTY FUNDS, 1917--. 24 vols.

Receipts for deposit of county funds, showing name of depository, date and number of receipt, name of fund, amount deposited to each, and depository acknowledgment. Arr. num. by receipt no. No index. Hdw. on pr. fm. 100 pp. 11 x 9 x 2.

For other depository receipts, see entries 144, 207.

175. BANK STATEMENTS, 1927--. 154 papers in 3 f. b.

Original bank statements of county funds deposited, showing amount of deposits, date deposited, amount of withdrawals, date withdrawn, and date of statement; also cancelled checks. Arr. chron. by date of statement, chron. thereunder by date of check. No index. Typed on pr. fm.  $4\frac{1}{2}$  x 16 x 24 to 11 x 15 x 24.

## (176-181) County Tax Collector - Drainage District Taxation

## 176. ABSTRACT OF TAX RECEIPTS, 1917--. 5 vols.

Record of taxes collected and distributed to county and state funds, showing tax receipt number, source of receipt, name of fund, and amount distributed. Arr. num. by receipt no. No index. Hdw. on pr. fm. 150 pp. 24 x 12 x 2.

## 177. TAX REPORTS, 1918--. 1 vol. and 250 papers in 1 f. b. Title varies: Monthly Statements and Annual Statements, 1918-21. 1 vol.

Monthly and annual statement to comptroller of collection and distribution of taxes, showing date of statement, amount collected from each source, amount distributed to each fund, total amount, and certification of clerk and tax collector. Arr. chron. by date of statement. No index. Hdw. on pr. fm. Vol., 300 pp. 12 x 18 x 2; f. b., 18 x 12 x 3.

## 178. RECEIPTS TO TAX COLLECTOR, 1925-32. 215 papers in 1 f. b. 1917-24, 1933-- extant but not available.

Receipts from state comptroller and state treasurer for tax monies remitted by tax collector, showing source of money, date and amount of receipt. Arr. chron. by date of receipt. No index. Typed on pr. fm. 10 x 12 x 24.

Drainage District Taxation  
(See also entries 72-77)

## 179. DRAINAGE DISTRICT ACREAGE AND DELINQUENT TAXES, 1934--. 9 vols.

Record of taxes collected and delinquent for Burnell, Bimini, South Hastings, and North Ormond Drainage Districts, showing name of district, name of taxpayer, description of land, amount of annual installments, amount and date of payments, years delinquent, name of payer of delinquent tax, and amount of payment. Arr. num. by range and twp. no., num. thereunder by sec. no.; subdivided lands arr. by subdivision, num. thereunder by block and lot nos. No index. Typed on pr. fm. 100 pp. 24 x 11 x  $\frac{1}{2}$ .

## 180. DRAINAGE TAX RECEIPTS, 1923--. 47 vols.

Copies of receipts for payment of taxes for Burnell, Bimini, South Hastings, and North Ormond Drainage Districts, showing name of district receipt number, name and address of taxpayer, description of land, year of levy, and amount. Arr. num. by receipt no. No index. Hdw. on pr. fm. 100 pp. 14 x 6 x 1.

## 181. WRIT OF MANDAMUS, Oct. 29, 1931. 1 vol.

Writ of mandamus of state supreme court, authorizing 10-mill tax levy on property in Ocean Shore Improvement District to pay for road building. Not arr. syst. No index. Typed. 29 pp. 15 x 8 x 1.

## Maps

## 182. FLAGLER COUNTY, 1936. 1 map.

Map of Flagler county, showing boundaries, sections, township and range lines, streams, lakes, and drainage canals. Author unknown. Bunnell, Fla. Flagler Tribune. Blue-print.  $2\frac{1}{2}$  in. to 5 mi. 14 x 17. Coll. off.

## 183. N(orth) E(ast) PART OF FLAGLER COUNTY, 1917. 1 map.

Map of northeast part of Flagler county, showing boundary between Flagler and St. Johns counties, railways, highways, waterways, sections, townships and range lines. D. D. Moody. Bunnell, Fla. Fernandez Estates, Inc. Blue-print. 1 in. to 3,000 ft. 22 x 22. Coll. off.

## 184. TOWNSITE OF BUNNELL, 1917. 1 map.

Map of city of Bunnell, showing lots, blocks, and streets. Author unknown. Bunnell, Fla. Flagler Tribune. Black and white. Scale unknown. 12 x 12. Coll. off.

## 185. BUNNELL DEVELOPMENT COMPANY'S LAND AT BUNNELL, 1917. 1 map.

Map of Bunnell Development Company's lands at Bunnell, Fla., showing range and township lines, sections, plats, blocks, lots, streets and highways. Author unknown. Bunnell, Fla. Flagler Tribune. Black and white. 1 in. to 2,640 ft. 27 x 22. Coll. off.

## XIV. TRUSTEES OF COUNTY BONDS

Trustees of county bonds have functioned in Flagler county since 1926. Under the law, trustees of county bonds are directed to receive all money collected to pay the interest on, or for a sinking fund of, the bonded debt of the county from the tax collector or other person to whom the same has been paid on account of taxes collected or property sold therefor. The trustees are further directed to pay out of the monies so received the interest of said county bonds and to invest the residue in bonds of the county. However, it is provided that if these bonds cannot be had at par or at such premium as might seem reasonable and just to the trustees, then the residue may be invested in United States, state, county, or municipal bonds bearing interest; or in the event such bonds cannot be acquired to advantage, the funds shall be deposited in the savings department of national banks or state banks, organized under the laws of the state, at the prevailing rate of interest, to be held as an accumulating fund for the ultimate redemption of such county bonds. (Sec. 2323, C. G. L.) Trustees of county bonds in Flagler county now function only as trustees of the courthouse bonds issued by the county.

All records of the trustees of county bonds are located in the county judge's vault.

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## County Board of Public Instruction

186. (CANCELLED COUPONS), 1927--. 300 coupons in 10 jkts. (dated by yrs.).

Cancelled interest coupons from courthouse bonds, showing bond and coupon numbers, amount of coupon, and date of cancellation. Arr. chron. by yrs. No index. Pr.  $3\frac{1}{2}$  x 5 x 1.

187. (BANK STATEMENTS AND CANCELLED CHECKS), 1926--. 620 papers in 10 jkts. (dated by yrs.).

Monthly bank statements, and all cancelled checks, covering expenditures from courthouse bond fund. Arr. chron. by date of statement, chron. thereunder by date check cancelled. No index. Statements typed on pr. fm., checks hdw. on pr. fm.  $4\frac{1}{2}$  x 9 x 2.

188. (CHECK REGISTER), 1926--. 1 vol.

List of checks drawn on courthouse bond fund, showing check number and date, name of payee, purpose, and amount. Arr. num. by check no. No index. Hdw. on pr. fm. 200 pp. 15 x 12 x 1.

## XV. COUNTY BOARD OF PUBLIC INSTRUCTION

Flagler county was created in 1917, and the board of public instruction in the county was established under an act passed in 1889, providing for such a board in each county of the state, to consist of not more than three members (secs. 516-517, C. G. L.). The members of the board are elected for terms of two years (ibid., sec. 252). The board is constituted a body corporate by the name of "The Board of Public Instruction for the County of Flagler, State of Florida", and in this name may acquire and hold real and personal property, receive bequests and donations, and perform other corporate acts for educational purposes (ibid., sec. 523). In 1937 the legislature provided that the compensation of each member of the board of public instruction in Flagler county should be three hundred dollars per year, and, in addition, each member should receive 10 cents per mile for every mile actually traveled in going to and from the county courthouse (Ch. 17740, Acts, 1937, sec. 1). The county superintendent of public instruction acts as secretary of the board (sec. 559, C. G. L.).

Before he is commissioned, each member of the board must give a bond, conditioned for the faithful performance of the duties of his office, which bond must be approved by the board of county commissioners and the state comptroller and filed with the secretary of state (Fla. Const., 1885, Art. VIII, sec. 7; sec. 2419, C. G. L.).

One constitutional duty is imposed upon the statutory board of public instruction, viz., to disburse the county school funds solely for the support and maintenance of public free schools (Fla. Const., 1885, Art. XII, sec. 9). Other powers and duties of the board are: to locate and maintain schools in the county, and do whatever is necessary with regard to purchasing or renting school sites, and constructing, furnishing, repairing, and improving the same; to appoint one supervisor for each school; to employ teachers for every school in the county and

contract with and pay the salaries of such teachers; to perform all acts reasonable and necessary for the promotion of the educational interests of the county and the general diffusion of knowledge among the citizens; and to hold regular meetings for the transaction of business, by arrangement with the state superintendent of public instruction, and to convene in special session on emergencies when requested by the county superintendent of public instruction (sec. 561, C. G. L.).

In 1937, the legislature established a budget system for the control of the finances of the county boards of public instruction of each county in the state for the purpose of promoting economy and efficiency in the operation of the public schools (Ch. 18134, Acts, 1937). It is the duty of the county superintendent in Flagler county to submit a tentative budget, as prescribed by law, to the board on or before July 1 of each year (ibid., Ch. 18134, secs. 6-7). It is the duty of the board to examine and approve this budget, and, on or before July 15 of each year, to authorize the county superintendent to transmit two copies of the approved budget, prepared in such form and separate parts as required, to the state superintendent of public instruction (ibid., Ch. 18134, secs. 8-9). The state superintendent may require changes if the budget is improperly prepared (ibid., Ch. 18134, secs. 12-13). This budget, as finally adopted, forms the basis for the levying of taxes for school purposes in the county (ibid., Ch. 18134, sec. 15 et seq.).

Although the county is the school unit, the Constitution empowers the legislature to subdivide counties for school purposes into special tax school districts. Such districts may be formed by elections called by the board of public instruction upon the petition of one-fourth of the qualified electors who pay a tax on real or personal property in any subdivision of any city, incorporated town, community, or subdivision of the county. The electors in such an election vote on three questions; (1) whether a special tax school district be created; (2) who shall be the school trustees of said district; and (3) the number of mills of district tax to be levied annually for the two succeeding years. Three school trustees are elected for each special tax school district, and these trustees have supervision of all the schools within the district. (Fla. Const., 1885, Art. XII, sec. 10; secs. 700-701, C. G. L.). There are three special tax school districts in Flagler county. The budget for each special tax school district is a part of the annual county school budget. The tentative budget for each special tax school district must first be submitted to the trustees of the district for review, amendment if necessary, and approval. However changes involving expenditures in excess of the anticipated receipts for the district or those in conflict with state board of education or county board of public instruction regulations may not be made. Furthermore, the trustees have the responsibility of specifying in the budget for what purposes any funds raised from district tax levies shall be spent, over and above the minimum certified by the board as necessary to support the minimum term which has been adopted for the county. (Ch. 18134, Acts, 1937, sec. 6.)

The board is directed to keep accurate accounts of all its official acts, proceedings, and decisions, of all monies received, held, or

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County Board of Public Instruction - Minutes;  
General School Finance

disbursed, of all property acquired or disposed of, in a proper set of account books, and a record of the state and condition of each school, and to report the same to the state superintendent of public instruction when required (sec. 561, C. G. L.). In addition, financial reports must be made from time to time to the state comptroller, as required by him (*ibid.*, sec. 2295 et seq.); and financial statements, in the form prescribed by law, must be filed each month with the clerk of the circuit court of the county (*ibid.*, sec. 561).

For other school records, see entries 14, 15, 219-225.

All records of the board of public instruction, except as otherwise noted in entries 214 and 216, are located in the vault of the superintendent of public instruction.

## Minutes

189. MINUTE BOOKS, BOARD OF PUBLIC INSTRUCTION, 1917--. 4 vols. (1-4).

Minutes of the meetings of the board of public instruction, showing date and place of meeting, number of members present and absent, and record of all business presented to board, including motions, petitions, resolutions, copies of reports to board and to superintendent, transcriptions of biennial organization proceedings, notice and results of elections for establishment of special tax school districts, notice of publication of requests for bids for various services, copies of annual budgets, list of receipts, approval of bond issue, and (1917-32) list of warrants approved for payment. Arr. chron. by date of meeting. No index. Hdw., 1917-24; typed, 1925--. 200 pp. 18 x 12 x 2.

For original budgets, see entry 209; for subsequent list of approved warrants, see entry 203.

## General School Finance

Ledgers

190. COUNTY SCHOOL FINANCE SYSTEM, 1933--. 2 vols.

Uniform accounting system of school funds. Contains:

- i. (Distribution of Expense by Districts). See entry 201.
- ii. (Distribution of Expense, General Fund). See entry 200.
- iii. (Distribution of Receipts to District Funds). See entry 197.
- iv. (District Funds Cash Receipts). See entry 196.
- v. (District Funds Warrant Register). See entry 205.
- vi. (General Fund Receipts). See entry 195.
- vii. (General Fund Warrant Register). See entry 204.
- viii. (Interest and Sinking Fund Expenditures). See entry 212.
- xi. (Textbook Journal). See entry 213.

Arr. by type of record, chron. thereunder by date of entry. No index.

County Board of Public Instruction - General School Finance (191-197)

Hdw. on pr. fm. 250 pp.  $17\frac{1}{2}$  x  $22\frac{1}{2}$  x 2.  
For prior records, see entry 191.

191. RECORD OF COUNTY (School) FINANCES, 1917-33. 1 vol.  
Discontinued.

Comprehensive record of county finances. Contains: (General Fund Expenditures), entry 199; (Outstanding Warrants), entry 206; (Recapitulation of Receipts), entry 198; (Special Tax Districts Accounts), entry 215. Arr. by type of record. No index. Hdw. on pr. fm. 550 pp. 20 x 29 x 3.

For subsequent records, see entry 190.

192. CASH BOOK, 1937--. 1 vol.

Monthly recapitulation of general, district, and special district school funds, showing name of fund, amount of receipts, amount of disbursements, balance, and date of recapitulation. Arr. chron. by date of recapitulation. Indexed by name of fund. Hdw. on pr. fm. 150 pp. 14 x 9 x 1.

193. JOURNAL, 1917-18. 1 vol. Discontinued.

Daily record of receipts and disbursements of general fund, showing date of entry, name of payee or payor, nature, and amount. Arr. chron. by date of entry. No index. Hdw. on pr. fm. 300 pp. 14 x 9 x  $1\frac{1}{2}$ .

For similar records, see entry 194.

194. LEDGER, 1917-18. 1 vol.

Daily record of credits and debits of general fund, showing name of account, total amount of monthly credits and debits, monthly balance; also list of warrants issued for each school, showing name and number of school, warrant number, and amount. Arr. by name of school or account. Indexed alph. by name of school or account. Hdw. on pr. fm. 375 pp. 14 x 9 x  $1\frac{1}{4}$ .

For similar records, see entry 193.

Records of Receipts

195. (GENERAL FUND RECEIPTS), 1933--. In County School Finance System, entry 190-vi.

Record of cash receipts by sources of general fund, showing source, date of entry, name of payor, and amount.

196. (DISTRICT FUNDS CASH RECEIPTS), 1933--. In County School Finance System, entry 190-iv.

Record of cash receipts of each district fund, showing district number, date of entry, and name of payor.

197. (DISTRIBUTION OF RECEIPTS TO DISTRICT FUNDS), 1933--. In County School Finance System, entry 190-iii.

Record of distribution of cash receipts to district funds, showing date of entry, name of payor, source, and name of fund.

(198-204) County Board of Public Instruction - General School  
Finance

198. (RECAPITULATION OF RECEIPTS), 1917-33. In Record of County (School) Finances, entry 191.

Recapitulation of receipts of general and special tax district funds, showing name of fund, district number, date of receipts, name of payor, amount, and source. Arr. by funds, chron. thereunder by date of receipt.

Records of Disbursements (See also entries 203-206)

199. (GENERAL FUND EXPENDITURES), 1917-33. In Record of County (School) Finances, entry 191.

Record of disbursements from general fund, showing date of disbursement, warrant number, name of payee, purpose, amount, date warrant cancelled, and distribution by accounts. Arr. chron. by date of disbursement.

200. (DISTRIBUTION OF EXPENSE, GENERAL FUND), 1933--. In County School Finance System, entry 190-ii.

Record of distribution of expenditures from general fund by purposes, showing date and number of voucher, number of warrant, amount, and purpose.

201. (DISTRIBUTION OF EXPENSE BY DISTRICTS), 1933--. In County School Finance System, entry 190-i.

Record of distribution of expenditure by districts, and by white and colored, showing district number, whether white or colored, date of entry, voucher and warrant numbers, name of payee, amount, and purpose.

202. (SCHOOL AND ADMINISTRATION EXPENSES), 1917-19. 1 vol. Discontinued.

Record of expenditures for each school, showing name and number, number and date of warrant, amount, name of payee, and purpose; arr. num. by school no., num. thereunder by warrant no.; indexed alph. by name of school. Record of expenditures for school administration, showing number and date of warrant, name of payee, amount and purpose of expenditure, and date cancelled; arr. chron. by date of transaction; no index. Hdw. on pr. fm. 200 pp. 17 x 15 $\frac{1}{2}$  x 2 $\frac{1}{4}$ .

Warrant Lists (See also entries 199-202)

203. SUPPLEMENTARY MINUTE BOOK, 1933--. 2 vols.

List of warrants approved by board, showing warrant number, date issued, name of payee, amount, purpose, and fund. Arr. num. by warrant no. No index. Typed on pr. fm. 100 pp. 11 $\frac{1}{2}$  x 10 x 1 $\frac{1}{2}$ .

For prior list of approved warrants, see entry 189.

204. (GENERAL FUND WARRANT REGISTER), 1933--. In County School Finance System, entry 190-vii.

Register of warrants drawn on general school fund, showing date of entry, warrant number, name of payee, purpose, month paid, whether drawn on bank or state treasurer, and amount.

County Board of Public Instruction - General School  
Finance

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205. (DISTRICT FUNDS WARRANT REGISTER), 1933--. In County School Finance System, entry 190-v.

Record of warrants drawn on district funds, showing date and number of warrant, district number, name of payee, purpose, amount, and month cancelled.

206. (OUTSTANDING WARRANTS), 1917-33. In Record of County (School) Finances, entry 191.

Record of warrants outstanding against general and special tax district funds, showing date of warrant, warrant number, name of payee, remarks, date cancelled if cancelled, and amount. Arr. chron. by date of warrant.

Depository Records

207. RECEIPT OF DEPOSIT OF COUNTY FUNDS, 1917--. 20 vols.

Receipts for deposit of county school funds, showing receipt number and date, name of depository, amount of deposit, source, and depository acknowledgment. Arr. num. by receipt no. No index. Hdw. on pr. fm. 100 pp. 10 x 8 x  $1\frac{1}{2}$ .

For other depository receipts, see entries 144, 174.

208. (BANK STATEMENTS AND CANCELLED CHECKS), 1917--. 12,240 papers in 11 f. b.

Bank statements with corresponding cancelled checks covering deposits and disbursements of school funds. Arr. chron. by mos., chron. thereunder by date of check. No index. Hdw. on pr. fm., typed on pr. fm. 10 x  $4\frac{1}{2}$  x 14 to 12 x 10 x 24.

Financial Statements

209. ANNUAL SCHOOL BUDGET, 1917--. 200 papers in 1 f. b.

Copies of annual estimated budget of school receipts and expenses, showing sources and amounts of expected receipts, and purpose and amounts of expected expenditures. Arr. chron. by yrs. No index. Hdw. on pr. fm. 12 x 15 x 24.

For recorded budgets, see entry 189.

210. MONTHLY FINANCIAL STATEMENT, 1937--. 10 papers in 1 f. b. 1917-36 in Monthly Reports, entry 218.

Monthly financial statements of school board, including: summary of cash, showing available balances, receipts to date, expenditures to date, warrants outstanding, depository balance for each fund, and total; summary of vouchers, showing vouchers payable, total expenditure to date, and list of vouchers paid during month from each fund; summary of receipts, showing state apportionment, county and district sources, ad valorem tax, other sources, total receipts, and total distributed to each fund; and summary of expenditures, showing amount expended for

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each purpose, and total amount expended. Arr. chron. by date of report. No index. Typed on pr. fm. 10 x 12 x 2.

Bond Issues

## 211. BOND REGISTER, 1923--. 1 vol.

List of bonds sold, showing bond number, dates issued and sold, denomination, and dates of payment of interest coupons. Arr. num. by bond no., chron. thereunder by date of payment of coupon. No index. Typed. 1 p. 36 x 18 x 1/16.

## 212. (INTEREST AND SINKING FUND EXPENDITURES), 1933--. In County School Finance System, entry 190-viii.

Record of expenditures of interest and sinking fund, district 2, showing date of entry, warrant number, amount, name of payee, and purpose.

Miscellaneous

## 213. (TEXTBOOK JOURNAL), 1933--. In County School Finance System, entry 190-ix.

Record of textbooks purchased, showing date of entry, invoice number, and cost; record of distribution of textbooks, showing date of entry, by whom received, requisition number, whether for white or colored, and district number.

For other textbook records, see entry 221.

## 214. TRANSPORTATION COST RECORD, 1936--. 6 reports in 1 bdl.

Monthly record of cost of transporting pupils, showing bus number, make of bus, name of driver, amount and cost of gas, oil, grease, repairs, driver's salary, pro rata supply, insurance cost, depreciation of bus, total monthly cost, number of pupils, cost per pupil, cost per mile and date of trip. Arr. chron. by date of trip. No index. Hdw. and typed. 14 x 17 x 1/2. S. p. i. off.

## 215. (SPECIAL TAX DISTRICTS ACCOUNTS), 1917-33. In Record of County (School) Finances, entry 191.

Record of receipts from special tax districts, showing district number, date of entry, name of payor, source, amount, amount of county and state revenue and non-revenue receipts; record of disbursements, showing district number, warrant number, date of entry, name of payee, purpose, date cancelled, and amount for each purpose. Arr. by dist. no., chron. thereunder by date of entry.

Reports

## 216. ANNUAL REPORTS TO COMPTROLLER, 1928--. 384 papers in 1 f. b.

Copies of annual comprehensive report to state comptroller of disbursements of school funds, recapitulation of receipts and disbursements,

## County Superintendent of Public Instruction (217-218)

affidavits and statements of bonds issued and outstanding, and warrants paid, showing warrant number, date issued, name of payee and amount, and date of report. Arr. chron. by date of report. No index. Typed. 11 x 16 x 24. S. p. i. off.

217. REPORT OF POLL TAXES, 1917--. 125 reports in 1 bdl. Tax collector's report of poll taxes collected, showing date of report, name of taxpayer, amount paid, and date of payment. Arr. chron. by date of report. No index. Typed on pr. fm. 7 x 9 x 1.

For other poll tax records, see entries 161, 162, 230, 231.

218. MONTHLY REPORTS, 1917--. 286 jkts. in 5 f. b. Such miscellaneous papers of superintendent and board of public instruction as teachers' and principals' reports, teachers' contracts, publishers' affidavits of publication of monthly financial statements, clippings of published statements, and inventory and report of school property. Also contains Monthly Financial Statement, 1917-36, entry 210. Arr. chron. by date of paper. No index. Hdw. on pr. fm. 12 x 16 x 24.

## XVI. COUNTY SUPERINTENDENT OF PUBLIC INSTRUCTION

In 1845, the General Assembly of the state provided that the judge of probate in each county should be superintendent of common schools in the county and should give attention and encouragement to all matters and things connected with the advancement of common schools (Thompson's Digest, 1847, p. 109). The office of judge of probate existed in the state until the adoption of the Constitution of 1868 (Fla. Const., 1858, Art. V, sec. 9; Fla. Const., 1861, Art. V, sec. 8; Fla. Const., 1865, Art. V, sec. 8). The Constitution of 1868 provided for the appointment by the governor of a superintendent of common schools in each county for a term of two years (Fla. Const., 1868, Art. V, sec. 19). The present Constitution of Florida provides for the election of a county superintendent of public instruction in each county of the state by the qualified electors of the county for a term of four years (Fla. Const., 1885, Art. VIII, sec. 6).

Before he is commissioned, the county superintendent must give bond, conditioned for the faithful performance of the duties of his office, which bond must be approved by the board of county commissioners and the state comptroller and filed with the secretary of state (ibid., Art. VIII, sec. 7; sec. 2416, C. G. L.).

The powers, duties and compensation of the county superintendent are prescribed by law (Fla. Const., 1885, Art. VIII, sec. 6). Immediately on entering upon his duties, he is directed to notify the state superintendent of public instruction of the names and addresses of all county school officers. It is his duty to visit every school in the county at least once during each school term and make a thorough examination of its condition as respects the progress of the pupils in

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County Superintendent of Public Instruction

learning, the order and discipline observed, the system pursued, the attendance of the pupils, the mode of keeping the school records, the character and condition of the school buildings, furniture, apparatus, and premises, the interest and cooperation of the citizens in regard to educational matters, and give such advice as he may deem proper. It is also the duty of the county superintendent to see that the interest of the county are properly guarded, and its rights secured in the making and performance of every contract for the construction of school buildings, or for other purposes, and that all monies apportioned to or raised by the county are applied to the objects for which they were granted or raised. He has the power to decide questions and disputes which arise when submitted to him by the parties interested, and to refer his decisions to the board of public instruction. (Sec. 581, C. G. L.). The county superintendent also acts as secretary of the board of public instruction (*ibid.*, sec. 559).

Certain duties are proscribed for the county superintendent relating to the employment of children and their compulsory school attendance. No child under 16 years of age may be employed in any factory, workshop, laundry, mine, or mill unless the person or corporation employing him procures and keeps on file and accessible to the judicial and police officers of the town or city where he is employed and to the state labor inspector and employment certificate proscribed by law. It is provided that such employment certificate may only be approved by the county superintendent, or by a person authorized by him in writing, but neither the county superintendent nor any person so authorized by him may approve the certificate where the child is then in or is about to enter his own employment, or the employment of a firm or corporation of which he is a member, officer, or employee. (*Ibid.*, sec. 5944 et seq.)

Under Florida's compulsory attendance law, every parent, guardian, or other person having citizenship within the state and having the custody, control or charge of any child between the ages of 7 and 16 years, both inclusive, not exempt by reason of any mental or physical incapacity, or other cause recognized by law, must cause such child to attend a public or private school each year for a term or period of not less than substantially the number of days the school which the child attends is held annually. However, it is provided that "in cases of necessity" any child may be taught by parent or guardian upon written authority from the county superintendent. Where such permission is granted, it must not extend beyond the end of the current school year. Furthermore, any child taught by parent or guardian is required to report to the county superintendent or some person designated by him for examination in the work covered at least twice a year. If the county superintendent determines after such examination that the child has not been properly taught, it is his duty to revoke the authority of the parent or guardian to teach the child and require that the child attend a public or private school for the remainder of the school year. (*Ibid.*, sec. 684.) The violation of the compulsory school attendance law by any parent, guardian, or county superintendent is punishable by fine (*ibid.*, secs. 8113-8114).

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In 1925, the legislature enacted a law providing for the furnishing by the state of all textbooks used in the first six grades of the public free schools of the state (*ibid.*, sec. 872). This law was amended in 1935 to provide for the furnishing by the state of all textbooks used in the public free high schools and elementary schools of the state (sec. 872, Perm. Cum. Supp. to C. G. L.). In 1937, the legislature repealed the laws passed in 1925 and 1935, and passed a law providing that the state should furnish all textbooks used in the public free junior and senior high schools and elementary schools of the state (Ch. 18133, Acts, 1937, sec. 1). The law provides for the appointment of a textbook rating committee, whose duty it is to make recommendations as provided by law to the state textbook purchasing committee (*ibid.*, Ch. 18133, sec. 10). The county superintendent is directed on or before the 10th day of June 1937, and the 10th day of June of each year thereafter, to prepare and transmit to the state superintendent of public instruction an inventory of books on hand in his office or in the schools of his county, and a requisition for additional books estimated as needed for the following scholastic year for the pupils of the schools of the county. At the time of making this requisition the county superintendent must make full report to the state superintendent of the amount of money which has been collected from pupils, parents, or guardians on account of loss of textbooks and paid to the state treasurer through the state superintendent during the period of time since the last similar report. (*Ibid.*, Ch. 18133, sec. 29.) It is also the duty of the county superintendent, upon receipt of any books delivered to him under the provisions of this law, to deliver to the principal or teacher in charge of any school in the county, the proper number of books required for use in the school of which the said principal or teacher has charge, and take a receipt therefor (*ibid.*, Ch. 18133, sec. 35).

The 1937 session of the legislature also provided for the establishment of a budget system for the control of the finances of the county boards of public instruction of each county in the state for the purpose of promoting economy and efficiency in the operation of the public schools. An annual budget is required to be prepared and approved by the board of public instruction of the county and submitted to the state superintendent of public instruction for examination on or before July 15 of each year. (Ch. 18134, Acts, 1937, secs. 2-3.) A tentative budget must be presented to the board by the county superintendent on or before July 1 of each year. The procedure to be followed in preparing this tentative budget is prescribed in great detail by statute. (*Ibid.*, Ch. 18134, sec. 21 et seq.)

The law provides that the county superintendent must keep books of account and a record by number, name, and description of the locality of each school established in the county, of the expenses incurred for, and of his visits of inspection to, the several schools (secs. 472, 581, C. G. L.). The law also provides that the county superintendent shall make the following types of reports: reports of school operations to the state superintendent as prescribed by law (*ibid.*, secs. 582-583, 598-602; secs. 508(6), 2383(76), Perm. Cum. Supp. to C. G. L.); sworn

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## County Superintendent of Public Instruction

financial reports made semi-annually to the state comptroller and at such other times as he may require (secs. 472 et seq., 2295 et seq., C. G. L.); and, in Flagler county, similar financial statements made semi-annually to the board of county commissioners (sec. 2877(1), Perm. Cum. Supp. to C. G. L.).

Another law passed by the 1937 session of the legislature prescribes that on and after the 1st day of July 1937, the annual salary of the county superintendent shall be fixed and based upon the total annual receipts of the county from all sources for school purposes, including special tax school district taxes and monies apportioned to the county from the state teachers salary fund. The method of calculating this salary is proscribed by law. (Ch. 17862, Acts, 1937, sec. 1.)

In addition to the specific things which the county superintendent must do in the discharge of the duties of his office, he is directed to do all in his power to awaken an increased interest in parents, guardians, and teachers with regard to the better education of youth in every respect and the general diffusion of knowledge (sec. 581, C. G. L.).

For other school records, see entries 14, 15, 189-218.

219. ANNUAL REPORT OF SUPERINTENDENT OF PUBLIC INSTRUCTION,  
1918--. 18 vols.

County superintendent's annual report to state superintendent of public instruction, showing date of report, original budget estimates, amount of receipts from each source, total receipts, amount of expenditures for each school and for each district, and total expenditures. Arr. chron. by date of report. No index. Typed on pr. fm. 15 pp. 15 x 12 x  $\frac{1}{2}$ . S. p. i. off.

220. TEACHER'S DAILY REGISTER, 1917--. 239 vols.

Daily register of pupils, showing name of school, name of teacher, grade taught, name of pupil, dates of birth, entrance and withdrawal, name of parent or guardian, and daily attendance record. Arr. alph. by name of pupil. No index. Hdw. on pr. fm. 10 pp. 12 x 8 x  $\frac{1}{2}$ . S. p. i. off.

221. (TEXTBOOKS), 1926--. 50 papers in 1 f. b.

Requisitions of principals for free textbooks, showing number of pupils enrolled for each subject, list of additional books needed, with number, title, and contract price. Principals' receipts for books received, showing number of pupils enrolled in each grade, list by titles of books received, and date and total number received. Annual inventories of free textbooks, showing number returned, number lost or destroyed, number on hand, number suitable for use, number unsuitable for use, and total number used. Arr. chron. by date of paper. No index. Hdw. on pr. fm. 12 x 10 x 24. S. p. i. off.

For other textbook records, see entry 213.

Supervisor of Registration

(222-224)

222. CENSUS FOR COMPULSORY SCHOOL ATTENDANCE, 1921--. 9 vols.  
(dated by yrs.).

Census of children of school age, showing district number, district name, date of census, name of census taker, name of child, sex, race, date of birth, mileage from school, months of attendance last year, grades completed, name of parent or guardian, and address. Arr. num. by dist. no., chron. thereunder by date of census. No index. Hdw. on pr. fm. Binding poor. 116 pp. 14  $\frac{3}{4}$  x 11 x  $\frac{1}{2}$ . S. p. i. va.

223. TEACHER'S DAILY REGISTER (Pupil Transportation Record),  
1934--. 10 vols.

Report of bus drivers, showing bus number, inclusive dates of school year, name of driver, name of pupil, grade, mileage, date entered, name of parent and date of report. Arr. chron. by date of report. No index. Hdw. on pr. fm. 27 pp. 11 x 9 x  $\frac{1}{2}$ . S. p. i. va.

224. ATTENDANCE OFFICER'S REPORT, 1925. 1 vol. Discontinued.

Record of attendance, notices served, cases prosecuted, and fines imposed, showing date of service, name of child, names of parents or guardian, and remarks. Arr. chron. by date of notice. No index. Hdw. on pr. fm. 10 pp. 15 x 11 x  $\frac{1}{4}$ . S. p. i. va.

#### XVII. SUPERVISOR OF REGISTRATION

The first Constitution of Florida empowered the General Assembly to provide for the registration of all the qualified electors in each county, and thereafter, from time to time, of all who might become such qualified electors (Fla. Const., 1838, Art. VI, sec. 2). A law passed in 1845 provided that this registration should be made by the clerk of the circuit court of the county in a book to be kept for that purpose, and that in making this registration the clerk should use the list prepared by the managers or inspectors of the annual elections hold in the state (Thompson's Digest, 1847, p. 66). No provision for the registration of electors was made in either the Constitution of 1861 or the Constitution of 1865. The Constitution of 1868 empowered the legislature to provide by law for the registration by the clerk of the circuit court in each county of all the legally qualified voters in the county, and for the returns of elections; it was also provided that after the completion, from time to time, of such registration, no person not duly registered according to law should be allowed to vote (Fla. Const., 1868, Art. XIV, sec. 6).

The present Constitution of Florida, adopted in 1885, empowers the legislature to provide by law for the registration of all the legally qualified voters in each county, and for the returns of elections; it is also provided that after the completion, from time to time, of such registration, no person not duly registered according to law shall be allowed to vote (Fla. Const., 1885, Art. VI, sec. 2). Pursuant to this authority, the legislature created the office of supervisor of registration in each county in the state in 1895. Each supervisor is

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## Supervisor of Registration

appointed by the governor for a term of four years and until his successor is appointed and qualified; and upon the office of supervisor of registration becoming vacant, the governor is authorized to fill such vacancy by appointment for the unexpired term only. (Sec. 258, C. G. L.). Before entering upon the duties of his office, each supervisor must take an oath and give a bond, conditioned for the faithful performance of the duties of his office. This bond must be approved by the board of county commissioners and the state comptroller and filed with the secretary of state. (Fla. Const., 1885, Art. VIII, sec. 7; sec. 259, C. G. L.). The compensation of the supervisor of registration is prescribed by law (id.).

The supervisor of registration is authorized to appoint, subject to removal by him at any time, a district registration officer for each election district in the county, whose duty it is to attend to the registration of electors in such district as provided by law (ibid., secs. 258-259, 363). He is also authorized to appoint, subject to removal by him at any time, as many deputy supervisors of registration as he may deem necessary or advisable, who have all the powers of the supervisor (ibid., sec. 374). The compensation of deputy supervisors of registration is paid by the supervisor, whereas the compensation of district registration officers is paid by the county (ibid., secs. 259, 374-375).

Every supervisor appointed must keep his office at the county seat, and he has the exclusive control and management of all matters pertaining to the proper registration of electors at all times (ibid., secs. 258, 293). In 1937, the legislature directed the county commissioners of Flagler county to provide for a complete re-registration of all electors in the county who intended to register or qualify in any general, primary, or special election to be held after the law went into effect. It was made the duty of the supervisor of registration to open the registration books of the county and conduct such re-registration in the manner required by law. (Ch. 18125, Acts, 1937, secs. 1-2). Other duties of the supervisor of registration are: to furnish each elector with a certificate of registration (sec. 288, C. G. L.); to renew certificates of registration and to issue certificates of transfer of registration in accordance with law (ibid., secs. 295-296); to make such corrections in, additions to, and entries in the registration books as may be prescribed by law (ibid., secs. 289, 294); to make up new registration books whenever it is deemed necessary (ibid., sec. 291); to furnish the inspectors of elections of each polling place in each election district with one of the registration books for such districts at each election (ibid., sec. 298); and to register absentee voters upon the filing of the application and affidavit prescribed by law (sec. 438(3), Perm. Cum. Supp. to C. G. L.).

Provision is made under the law for the public canvass of the returns of elections by the supervisor of registration, the county judge, and the chairman, or another member, of the board of county commissioners (secs. 343-344, C. G. L.; secs. 407-408, Perm. Cum. Supp. to C. G.

L.). When meeting for the purpose of canvassing the returns of elections, other than primary elections, these officers constitute the county canvassing board of elections; when meeting for the purpose of canvassing the returns of any primary election they constitute the county canvassing board of primary elections. The result of the canvass in the first case is recorded in a book called the "record of election returns"; in the second case, it is recorded in a book called the "record of primary election returns." The results of the canvass in both cases are reported to the secretary of state and the governor. (Id.) Whenever the county canvassing board certifies that any county officer has been elected, it is the duty of the supervisor of registration to give a certificate of his election to the person elected (sec. 345, C. G. L.).

The registration books kept by the supervisor of registration are furnished by the secretary of state upon the requisition of the board of county commissioners, and the number of these books and the procedure to be followed in keeping them are prescribed in detail by statute (ibid., secs. 285-287, 373, 380). The supervisor of registration also keeps records of the vote in all elections together with the poll lists and oaths of the inspectors and clerks, all ballot boxes, ballot stubs, memoranda, and papers of all kinds used by the inspectors and clerks in conducting the elections (ibid., sec. 342; Ch. 17901, Acts, 1937, sec. 4); and a list of deaths of persons over 21 years of age, based on the monthly reports required of all funeral directors and undertakers in the county (sec. 302(1), Perm. Cum. Supp. to C. G. L.).

For other election records, see entries 10-13, 107, 108.

All records of the supervisor of registration are located in the petit jury room.

#### Registers of Voters

225. GENERAL REGISTER, 1922--. 15 vols. 1922--, also in Precinct Register, entry 226.

List of registered voters, with oath taken by each, showing name, age, and color of voter, date of poll tax payment, occupation, physical description, whether freeholder, address, party affiliation, date of registration, and certificate number. Arr. alph. by name of voter. No index. Hdw. 55 pp. 18 x 13 x  $\frac{1}{2}$ .

226. PRECINCT REGISTER, 1922--. 10 vols. (numbered by precinct no.).

Duplicate of General Register, entry 225, for use in precincts.

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Captain of Convicts

## Election Returns

227. GENERAL ELECTION RETURNS, 1934--. 10 papers in 1 bdl.  
Record of primary and general election returns as certified by county canvassing board, showing name of candidate, office sought, and number of votes cast for each candidate. Arr. chron. by date of election. No index. Hdw. on pr. fm. 8 x 16 x  $\frac{1}{2}$ .

228. ELECTION RESULTS, 1934--. 10 papers in 1 bdl. 1934-- also in Election Results, entry 107.  
Inspectors' and clerks' certifications of election results, showing name of candidate, office sought, votes cast for each person, and precinct number. Arr. chron. by date of election. No index. Hdw. on pr. fm. 8 x 16 x  $\frac{1}{2}$ .

229. TALLY BOOKS, 1934--. 10 vols. (numbered by precinct no.). 1934-- also in Tally Books, entry 108.  
Tally of votes received by candidates in primary elections, with oaths of inspectors and clerks, showing name of candidate, office sought, and number of votes cast for each candidate. Arr. by off. in descending order of importance. No index. Hdw. on pr. fm. 10 pp. 18 x 14 x  $\frac{1}{4}$ .

## Poll Taxes

(See also entries 161, 162, 217)

230. POLL TAX RECEIPTS, 1932--. 500 papers in 1 bdl.  
Duplicates of Poll Tax Receipts, entry 161, furnished supervisor by tax collector. 6 x 10 x 1.

231. PAID POLL TAXES, 1932--. 72 papers in 1 bdl.  
List of persons who have paid poll tax, showing total collection for month, receipt number, name of taxpayer, year for which paid, and notarization. Arr. chron. by mo., num. thereunder by receipt no. No index. Typed on pr. fm. 8 x 16 x 1.

## XVIII. CAPTAIN OF CONVICTS

County convicts are placed under the control and supervision of a captain or warden of convicts, whose office was created by the legislature of Florida in 1923. The captain of convicts is employed by the board of county commissioners upon the approval of the commissioner of agriculture, and he must give a bond in the sum of twenty-five hundred dollars payable to the governor and his successors in office or to the commissioner of agriculture. This bond must be approved by the board of county commissioners, and is conditioned upon the performance of his duties and his compliance with all rules and regulations duly prescribed for his conduct. Suit on this bond may be brought by any convict sustaining injury or damage by reason of the breach of the condition

## Captain of Convicts

of the bond. In addition, the captain of convicts must be over the age of 21 years. (Sec. 8550, C. G. L.)

The board of county commissioners is also given the authority to employ such guard or guards as it may deem necessary, upon the approval of the commissioner of agriculture. All convict guards so employed must be over the age of 21 years and must give a bond in the sum of one thousand dollars, which bond is governed by the same conditions prescribed for the bond of the captain of convicts. (Id.)

It is the duty of the captain of convicts to see that all the rules and regulations prescribed by law or the commissioner of agriculture and the board of commissioners of state institutions are fully observed and complied with. He must enforce discipline among the convicts, and he may administer punishment to convicts when in his judgment the same is necessary in order to enforce proper discipline. But the captain is the only person authorized to administer punishment to prisoners, and he must always conform to the law in the same manner as is required of captains or wardens of state convicts. Under the law of Florida, the flogging or whipping of convicts is unlawful, and the same is forever prohibited. However, the commissioner of agriculture is given the power to make and enforce suitable and reasonable rules and regulations for the government of convicts, and the same may be enforced by solitary confinement, restriction of privileges, or any other humane and reasonable method of punishment. It is provided that any convict in any jail or prison camp of the state who shall repeatedly, knowingly, and wilfully refuse to obey any such reasonable rule or regulation while being subject thereto shall be deemed guilty of a substantive offense, and upon conviction thereof, shall be punished as for a misdemeanor under the general laws of the state. Under the law such punishment is in addition to the sentence he is then serving. It is further provided that no convict shall be compelled to labor more than 10 hours per day nor be subject to any punishment for any refusal to labor beyond such limit. It is the duty of the county commissioners to discharge immediately the captain or any guard who is guilty of gross negligence or cruel or inhuman treatment to prisoners under his control, and such action by the county commissioners is final. (Id.)

The salaries of the captain and guards are fixed by the county commissioners, and are paid from the general revenue fund of the county (id.).

No records are prescribed by law to be kept by the captain of convicts.

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