

**EARLY JACKSON COUNTY,
ALABAMA BOOKS**

Volume

VI

By

Lewis Wendell Page, Sr.

**Road Book Three
Jackson County
Commissioner's Court of Road & Revenue
Minutes**

February 1853--April 1866

Part Two

Pages 293-End

December 18, 1861 - April 1866

Index

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P.O. Box 53
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June 2, 1995

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To the Researcher

The original copy of the minutes of the Jackson County Commissioner's Court--Road Book Three, February 1853 through April 2, 1866, is bound in one book. Historians and genealogists find the book a valuable source of information. The original book is in very poor condition and is not available to the researcher.

The book was copied and the information indexed. It was determined that the Index could not be bound in one book. Therefore, the compiler divided the book in two parts. Each part has an index.

Wendell Page
June 2, 1995

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Road Book Three
Minutes of Commissioner's Court
Part Two
December 18, 1861 -- April 2, 1866

Introduction

No reference is made to the Civil War in the first 294 pages of the Minutes of the Jackson County Commissioner's Court. The orders of the court had to do with roads, school, bridges, elections, the poor, and the various functions of county government.

This will change as the results of an act of the Alabama Legislature on November 11, 1861. This act mandated that "...each county government shall appoint agents in each district to ascertain the name of each volunteer in the army of the Confederate States of America." The act further required the agent to ascertain the number of dependent--indigents--of each volunteer.

From January 1862 to June 9, 1863, the minutes reveal that most of the court's decisions were made to be in compliance with this legislative act. There were many special sessions of the court to deal with the following problems:

- Appointment of district agents to work with the indigents.
- Approval of agents lists of indigents.
- Establishing in the office of the Probate Judge the necessary administrative staff to receive and disperse the indigent funds.
- Due to difficulty of communicating with agents in isolated areas of the county, many indigents did not receive any assistance.
- Purchasing and transporting salt from the state of Virginia and Blue Mountain, Alabama during war time.
- Dealing with short falls of promised funds from the state of Alabama.

As the chief administration officer of the court, the Probate Judge had the responsibility for carrying out the court's decisions. Following the State of Alabama guidelines, the judge issued warrants to the district agents. The district agents distributed the warrants to the indigents certified by the court. The warrants were presented to a provider--merchant--by the indigents. The Probate Judge would distribute funds to the district agents. The agents would redeem the warrants held by the provider. Under the best of conditions, one wonders how this system could have been effective. As the wartime conditions worsened, as the lines of communication and transportation were shut down, the results were the collapse of the civil government.

"It was hard times during the Civil War. Only those who had actual experience of such times knew much about the privations suffered by the

people. No part of the South suffered more than the people of Jackson County. It was in this county that first one army and then another passes, from the beginning of 1862 until the close of the war. "If one army failed to get what you had, the other took it." (The History of Jackson County by John R. Kennamer, Page 63)

The Jackson County Commissioner's Court of Roads and Revenue was called into special session on June 9, 1863, at the last recorded meeting until after the end of the war. The following men were present: Milton P. Brown, Probate Judge; James M. Buchanan of Larkinsville; and Robert C. Austin of Paint Rock Valley. Preston Brown and William McMahan were absent. Apparently the commissioners did not meet for the next 26 months.

When these Commissioners met on August 16, 1865, the first order of business was "to secure a suitable room in the town of Bellefonte in which the business of the Probate Court can be transacted and records and papers of the office be secured." (Road Book Three, Page 410.) This indicates that some of the records of the Probate Judge had survived the courthouse fire.

This concern was recorded on page 79 of the Minutes of the Fall Term of Circuit Court in 1865:

"...Comes the Grand Jury into Open Court, and after delivering their presentments make the following report:

To the Honorable W.J. Haralson, Judge of the Fifth Judicial Circuit.

The Grand Jury in the County of Jackson have made such inquiries or the body of said County as the times and circumstances in their judgment would allow to be done, for the common welfare of the county:

Their deliberations have been short and restrained to a great extent by reason of the late Military Orders issued by the proper military authorities which so confused their Considerations in relation to various offences committed during the late war, that they have been at a loss to determine whether the good of the Country required at this time, that presentments should be made of said offences.

The doubt created in this way in their minds has prompted them contrary to what they would consider to be their convictions of duty, under ordinary circumstances to exercise their discretion in such a manner as in their judgments the occasion appearing to have demanded.

They have examined the county jail and find it insufficient for the safe keeping of prisoners.

They have not been able to examine the conditions of the County Treasurers office because the books thereof were removed at the approach of Federal Troops, and as this body is informed were lost or destroyed during the late war.

They have examined the bonds of all county offices who have executed Bonds and find them correct and amply sufficient.

The Grand Jury further reports that the Courthouse of said County was destroyed during the war and that there is no building at the Seat of Justice suitable to hold court in.

The Grand Jury in the close of their labors respectfully ask to have spread on the minutes their high opinion.....Judge Harlson, and solicitor, John B. Walden, Esquire.....for their assistance. We ask to be discharged.

John R. Coffey, Foreman”

There seems to be a conflict between these two public records. In August 1865, the Commissioners wanted to find a suitable room to secure the records of the Probate Judge. In the Fall Term--September 1865--the Grand Jury reported the records of the County Treasurer (Probate Judge) were removed from the Courthouse and lost. The full truth regarding the missing county records may never be known. “It (the Courthouse) was burned near the end of the war to destroy records.”(The History of Jackson County, John R. Kennamer, Page 134.)

Many of the Pre-Civil War public records survived. The Deed Record Books A through H are in the courthouse as this introduction is being prepared. Deed Books I through Z cannot be located. These missing Deed Books are for the period 1855-1865. Also in the courthouse, one can find the minutes of the Probate Judge from 1859 to 1865, Orphan’s Court Proceeding 1820 to 1830, and Chancery Court Proceeding for some of the pre-war years. The process of the destruction of the county records was very selective. During the Spring term of the Circuit Court for 1866, many cases were reopened concerning unpaid judgments granted by the court in 1861. An example of the proceeding in April 1866, is found in Circuit Court Minute Book C, page 134, “The record of said judgment and the papers in the cause in which said judgment was rendered have been destroyed by the United States forces during the late war.”

Milton P. Brown served as the Probate Judge during the Civil War years of 1862, 1863, 1864, and part of 1865. He signed probate court proceedings through September 2, 1865. On August 16, 1865, as chairman of the Commissioners Court of Roads and Revenue, he called a special session of the court. Preston Brown was the only commissioner to respond. No business was conducted for lack of a quorum.

Beginning September 11, 1865, Lawson C. Coulson signed the documents for the Probate Office. (*Editors Note: A search of the existing public records does not show an election nor a bond for Mr. Coulson. The general consensus is that he was placed in office by the military authorities with encouragement from the carpetbaggers and scalawags.*) On September 20, 1885, Lawson C. Coulson as Probate Judge, and chairman, called a special session of the court. The minutes of the court of Road Book Three, page

41, reflect that at the special session called by Judge Coulson, James B. Buchanan and Preston Brown were present. William McMahan and R.C. Austin were absent.

The minutes of the September 20, 1865, session reflect some of the problems and post-war conditions in the county. The Grand Jury had reported the county jail insufficient for keeping prisoners. This was restated in the April 13, 1866, report, "...is totally insufficient for the safekeeping health and accommodation of prisoners." (Book C, P. 136.) The commissioners' orders at this session had to do with the problem of prisoners as listed below:

- \$14.66 2/3 be allowed William M. Finnel for feeding prisoners and guards
- \$8.66 2/3 Cary A. Staples, feeding prisoners and guards
- \$18.00 Thomas Snodgrass, feeding prisoners and guards
- \$228.94 Newcomer and Whitney, feeding prisoners and guards
(Editors Note: G.W. Newcomer and Charles C. Whitney were business partners somewhere in Jackson County. Charles C. Whitney was a known carpetbagger. Charles Whitney was appointed postmaster on June 9, 1866. Newcomer and Whitney dissolved their partnership December 4, 1865. (Deed Book H. Page 43.))
- \$15.30 allowed Milo Moody ferriage for prisoners and guards
- \$1.50 allowed P.P. St.Clair for bacon for prisoners and guards

All the above invoices were to have "preferred claims" to county funds.

Attending a special session of the Commissioners Court on November 23, 1865, were four new members: John Cawlfeld, Russell W. Clay, Lewis A. Armstrong, and Mose Maples. Lawson C. Coulson, as Probate Judge, was the presiding officer. This radical change in the membership of the Commissioners Court is best understood by reviewing the attitude of the President and the Congress of the United States. President Lincoln's plan for restoring the Union was referred to as the "slap on the wrist" approach. The rebellious states must write new constitutions and after 10% of the electorate signed an oath of allegiance (military and governmental officials of the Confederate States were excluded) to the United States Constitution, the rebellious states could reapply for admission to the Union. The leaders in Congress felt that a harsh approach should be followed. The radicals in Congress felt that Congress, directing a military government of the conquered South, should extract a "pound of flesh." Since the government in Washington could not agree on a plan of restoring the South, and since armed forces were either reduced in size or sent West to deal with the Indian problem, a situation developed in which the carpetbaggers and scalawags prevailed. Whether the new Commission was elected or appointed, the members accepted their office with the attitude of providing a stable government for the citizens of Jackson County.

Since the court did not meet for 26 months in 1863, 1864, and 1865, the road overseers for the various county roads had been appointed by the local Justice of the

Peace. The court heard the reports of the Justices and gave approval. The court ordered several changes in the routes of some county roads. The major item of business was the appointment of two men in each voting precinct to be overseers of the poor.

The last meeting of the Commissioner's Court of Roads and Revenues, recorded in Road Book Three was a regular meeting on February 12, 1866. Lawson C. Coulson, John Cawfield, Lewis A. Armstrong, and Mose Maples were present. Russell W. Clay was absent. The orders of the Court dealt with such routine matters as: office supplies for the office of the Circuit Court Clerk, a new schedule of charges for ferry operators, rerouting some public roads and expense allowances for the members of the court.

It is a well-established fact that many of the public records of Jackson County have been lost. At this time no one living can give an answer as to the how's and when's. Our responsibility is to protect, restore, and make available the records we have to present and future historians.

Lewis Wendell Page Sr.
Director-Curator
Scottsboro-Jackson Heritage Center
Scottsboro, Alabama 35768
October 20, 1994

Addendum

From Circuit Court Minutes, Book C, Page 163. "May 14, 1866, Milton P. Brown duly and Constitutionally elected Judge of Probate Court on the first Monday in May 1866." His bond and sureties were signed by: Milton P. Brown, William D. Parks, Hugh L. Parks, J.D. Starnes, E.U. Kirby, Jonathan F. Finney, and John W. Parks.

Approved by W.J. Harlson Judge, 5th District Circuit Court
Recorded by L.H. Brewer, Clerk, Circuit Court.

From Minutes of Probate Court, May 17, 1866, Page 170, Last document signed by Lawson C. Coulson as Judge of Probate Court.

From Minutes of Probate Court, May 22, 1866, Page 174, A document signed by Milton P. Brown as Judge of Probate Court.

The following abbreviations are found in this index

AG	District Agents responsible for welfare of indigents
C	Constable
CCC	Clerk of Circuit Court
CRR	Commissioners of Roads and Revenue
CS	County Surveyor
CT	County Treasurer
FK	Ferry Keeper
GOV	Governor of Alabama
JP	Justice of the Peace
JPC	Judge of Probate Court
KP	Keeper of the Poor House
MD	Medical Doctor
NFN	No First Name
OP	Overseer of the Poor
OR	Overseer of the Public Roads
P	Pauper
SA	Salt Agent
SH	Sheriff
SL	Slave
SS	Superintendent of Public Schools
TA	Tax Assessor
TC	Tax Collector
V	Volunteer in CSA Army with Dependents

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