

COURT HISTORY OF LEON COUNTY

1825-1941

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Formation of the County

The act of Congress of March 20, 1822, which established a Territorial government of Florida, provided that the first session of the sessions should be held wherever the Governor and the Legislative Council might direct. (18) The second session of the Council, sitting in St. Augustine, (19) authorized the Governor to appoint two commissioners to select a permanent seat of government at some point between the Ochlockonee and Suwannee Rivers. The commissioners were to meet at St. Marks on October 1, 1823 for the purpose of examining and exploring the designated area and were to report to the Governor the place selected by January 1, 1824. The third session of the Council was to be held at the new site. (20)

John Lee Williams, then a resident of West Florida, and Dr. W.H. Simmons of St. Augustine, were named commissioners. Meeting late in October 1823 on the Ochlockonee River, near St. Marks, they proceeded eastward. Dr. Simmons, who had made the trip from St. Augustine over land, had already noted that the high lands south of lake Miccosukee “would form an eligible situation for a town,” (21) a view in which Williams concurred. The exact site selected, as stated in the Governor’s proclamation calling the Legislative Council to assemble there, was “about a mile southwest from the old deserted fields of Tallahassee about a half mile south of the Ochlockonee and Tallahassee Trail, at a point where the old Spanish road is intersected by a small trail running southwardly.” (22)

The Congress, by act of May 24, 1824, granted to the Territory a quarter section of land, to be selected at the new capital site and to be disposed of as the Governor and Legislative Council might see fit. (23) the Legislative Council, which met in November 1824 in a log cabin erected for its accommodation by Major Jonathan Robinson, a planter on Little River in the Forbes Purchase, (24) directed that this quarter section, which was the southwest quarter of section 36, Township 1, North, Range 1, West, (25) should be laid off into a town to be called Tallahassee, and that the lots should be sold at public auction. (26)

At the same session, by act of December 29, 1824, the Council created the county of Leon, (27) which included within its boundaries the new seat of government. The county was presumably named for Juan Ponce de Leon, discoverer of Florida.

Leon County was created from territory taken from Gadsden and Duval Counties. (28) As originally constituted, the county was “comprehended within a line corresponding on the west with the eastern boundary line of Gadsden county aforesaid [i.e., the Ochlockonee River], on the north by the boundary line of the State of Georgia, on the east by the river Suwannee, and on the south by the Gulf of Mexico”. (29) The creation of Jefferson county from the eastern part of Leon in 1827 fixed the latter’s eastern boundary approximately as it is today. (30) An act of 1828, creating the county of Call from the northern and eastern part of Leon was vetoed by Governor William P. DuVal, (31) but in 1843 the southern half of Leon County was erected into Wakulla County. (32) Only minor changes have since been made in Leon County’s boundaries, which were last legally defined as follows. (33) “Commencing at a point where the range line between ranges two and three, east, leaves the Wakulla line at the northeast corner

of Wakulla County, thence running north on said range line to the basis parallel; thence running north on said point where sections twenty-one, twenty-eight and twenty-nine of township one, range three, north and east corner; thence in a line north to where it intersects the line between townships one and tow of range three north and east; thence east on said line to the waters of the Miccosukee; thence up Lake Miccosukee to the south boundary of township three, north range three, east; thence along said township line to the east line of sections thirty-four, twenty-seven, twenty-two and fifteen in said township to the Georgia line; thence with the eastern boundary line of Gadsden and Liberty Counties to the boundary line of Wakulla County; thence along the northern boundary line of Wakulla County to the place of beginning.” (34)

The act creating Leon County directed the territorial county court to hold its first session in Tallahassee on the first Monday in March 1825. (35) The minutes of the first meeting are not extant. At an adjourned meeting on Monday, March 14, 1825, the court let a contract for the county jail to Daniel Stephens for \$285, admitted Adam Gordon to practice law before it, (36) and appointed Heseekiah Myers and Joseph Lane as constables for the county. (37)

The court, as first constituted, was composed of Cary Nicholas, presiding judge, Ambrose Crane, associate judge, and Ede Van Evour, justice of the peace. (36) A. Gordon served as clerk pro tempore until November 7, 1825, when Nicholas assumed that position, Crane becoming presiding judge and Thomas M. Bradford taking his seat on the court as a justice of the peace. (40) The court appointed James Cameron receiver of taxables on April 11, 1825 (41) and Augustus B. Woodward county treasurer on November 12. (42) William Cameron, who presented his commission as sheriff on November 7, (43) was directed to act as tax collector. (44)

One of the earliest actions of the county court was to take advantage of the act of Congress granting to counties the right of preemption to a county quarter section of public land for the establishment of a seat of justice. (45) Commissioners to select the county’s quarter section were appointed on March 28, 1825, (46) and their report was accepted by the court on April 11. The quarter section selected was that “Next adjoining and due west from the town of Tallahassee viz. The S. West Quarter of Section thirty six Range on Township one N. & W.” (47) The county surveyor was at once instructed to run out and mark the lines of the tract, (48) portions of which were soon platted into lots and sold. (49) No immediate steps were taken, however, to erect a courthouse. The county court seems to have held its sessions wherever a suitable room could be had, for from time to time it ordered the payment of rent for a courtroom to such bodies as the city council of Tallahassee, Jackson Masonic Lodge, and the trustee of the Leon Academy. (50) An office was rented for the clerk, but judging by the names of the persons to whom rent was paid, its location was no more permanent than that of the courtroom. (51)

An act of the Legislative Council of January 16, 1828 directed the Leon County court to establish a permanent county seat on the county’s quarter section, to confer with the Land

Commissioner of the City of Tallahassee for the selection of any square or lot of land within the city on which to erect a courthouse, or to make a contract for the use of the basement or ground story of the capitol as a courthouse. The act further stated that “the place agreed upon or settled aforesaid, shall be the permanent seat of justice of said county.” (52) The county court chose the second alternative and, on March 21, 1828, agreed to a proposal of the Commissioner of Tallahassee whereby the latter gave to the county, for use as a courthouse site, the fourth square, north, of Tallahassee, lying between Monroe and Adams Streets, in exchange for the same number of feet of land in the county’s quarter section. (53)

On March 22, 1832 the county court appointed Presiding Justice Benjamin Chaires and Justices Turbott R. Betton, Thomas M. Bradford, Nathan Vickers, and Henry B. Bradford as commissioners to receive proposals for, and to contract for the building of, a courthouse on the courthouse square in Tallahassee. The commissioners were authorized to adopt a plan for the building, to determine its cost, and to permit the contractor’s “to make brick for the said Courthouse on the land belonging to the county.”(54) The exact year in which the courthouse was built cannot be ascertained, as the minutes of the county court after September 19, 1833 are not extant. It seems, however, to have been constructed at some time between 1837 and 1843, for an act of February 12 of the former year authorized the sale of lots on the east and west sides of the courthouse square to secure funds for erection of a courthouse and jail, (55) while a report of the fire that destroyed the business section of Tallahassee in May 1843 stated that the courthouse was not burned. (56)

The courthouse apparently was a commodious building providing space in excess of the county’s needs, for from time to time the county commissioners authorized the use of rooms in the basement for such purposes as school rooms, (57) a guard room for the city of Tallahassee, (58) and as an armory for the State Militia.(59) During the War between the States the county jail, which was on the courthouse square, was used by the Confederate military authorities to confine prisoners, with “great injury” to the premises. (60) The board had considerable difficulty in evicting them and securing “the removal of the soldiers from the Court House where they had been so-joining.”(51) When Federal troops occupied Tallahassee at the close of the war they also stationed troops in the courthouse, with consequent damages to the building.(62) In 1869 repairs to the courthouse and jail were made at a cost of \$2,267.66.(63)

The county commissioners seem to have taken such measures as they could safeguard the records of the county. In 1861 an iron fireproof safe was purchased from New York at a cost of \$711.65. (64) In February 1865 the application of a corps of Negro minstrels for the use of the courtroom was refused, “the board being of the opinion that the Archives and Records of the county might thereby be hazarded and that it was not a suitable place for any such exhibitions.” (65) The next month, when occupation of the city by Federal troops seemed imminent, the county records were removed to Albany, Georgia, to be “properly stored in that place,” although the officers whose records were removed continued to keep their offices at Tallahassee. (66) In 1877, because of the poor condition of the locks on the clerk’s safe, and the

isolated position of the courthouse, a night watchman was employed. (68) In spite of this precaution, the courthouse was destroyed by fire on May 19, 1879. (69)

A special meeting of the board of county commissioners was held the next day to consider rebuilding the courthouse. On June 23 the commissioners voted to issue bonds for construction of a new courthouse, (70) but actual construction seems to have been delayed pending a decision as to a building site. In 1881 the City of Tallahassee transferred to the board Washington Square for use as a courthouse site. (71) and 2 years later the present courthouse was erected there.

Economic Development

The act of Congress of May 24, 1824, which granted to the Territory a quarter section of land for the seat of government, also made possible the immediate appointment of a Surveyor-General.(72) Robert Butler, of Tennessee, was appointed to that position and, on July 9, 1824, was instructed to proceed to the place selected for the seat of government and to “cause the southeast corner of the quarter section selected...to be fixed as the point from which the principal meridian and parallel shall run.”(73) Therefore, the base meridian and parallel for Federal surveys in Florida intersect at Tallahassee.

The Surveyor-General was directed to survey immediately, 20 townships around Tallahassee, with a view to offering the land for public sale as soon as possible. (74) In compliance with this instruction, most of the townships now in Leon County were surveyed in 1824, and 24 townships of land in the county were sold at public auction early in 1825.(75) A Federal survey has never been made in the southwestern part of the county, as that section lies within the Forbes Purchase.(76)

Settlers had not waited for the Federal survey, but started coming into the Leon county area as soon as the capital site had been selected. In April 1824 “the first wagon, with a small party of persons and their effects, arrived on the spot where Tallahassee now stands. It consisted of two men, two women, two children, and a mulatto man.”(77) By October of the following year, 20 farms had been opened in the immediate vicinity of Tallahassee, (78) and a contemporary observer estimated that 2,000 persons moved into the county in 1826. (79) Ralph Waldo Emerson, who visited Tallahassee in 1827, noted in his diary that it was a “grotesque place, selected 3 years since as a suitable spot for the Capitol of the territory, & since that day rapidly settled by public officers, land speculators & desperados. Much club law & little other.”(80) He conceded, however that the land was rich.

In the spring of 1825 the township of land located on any unsold public domain, which had been granted to General LaFayette by the Congress of the United States in 1824, was selected in Leon County. Colonel John McKee, of Alabama, who had been appointed by President Monroe to make the selection, chose Township one north, Range one east,

immediately adjoining Tallahassee. LaFayette, who disliked the plantation system, hoped to establish a free labor community on this grant. In March 1831 a colony of some 50 or 60 French peasants located on a bluff overlooking Lake LaFayette, but the venture was not successful. Most of the settlers soon returned to France or removed to New Orleans. In 1833 LaFayette sold the greater part of the township to three pioneer planters and land speculators, who 5 years later sold the entire concession to the Union Bank. (81)

The fertile lands of Middle Florida acted as a magnet to settlers from the older Southern States, who opened up large plantations which they worked with slave labor. A demand for credit facilities suited to the needs of agricultural economy led in 1833 to the chartering of the Union Bank of Tallahassee, which opened for business in January 1835. Ownership of the bank's stock was restricted to landowning citizens, who were permitted to purchase shares on credit, giving as security 20-year mortgages on their lands and slaves. Stockholders had the privilege of securing loans from the bank to the amount of two-thirds of the value of their holdings. The actual working capital was supplied by the sale of bonds of the Territory, (82) which were to be retired when the stockholders met their mortgages. The Union Bank was practically a Middle Florida institution, and though the majority of its stock was held in Jefferson County. Of the 654 white males over 21 years of age in Leon county inevitably led to speculation and a paper prosperity, but the bubble soon burst. A severe freeze in 1835, the Panic of 1837, and the Seminole Indian disturbances caused a marked deflation of property values on which the credit structure was based, political agitation caused the Territory to repudiate its bonds in 1842, and in 1843 the bank was closed. (83)

In spite of the economic uncertainties of the late 30's, by 1840 Leon County was the most important agricultural area in the Territory. In that year there were 3,980 persons in the county engaged in agriculture, the staple crop being cotton. Its cotton crop of 5,530,644 pounds constituted 46 percent of all the cotton grown in the Territory, and was three times larger than that of any other county. (84) The cash value of farms in the county in 1850 was estimated to be \$1,751,959, or more than one-fourth of the total value of such property in the entire state. (85)

Three years following the War Between the States saw a breakdown of the large plantation system in Leon County, the introduction of tenant farming, and a steady decrease in farm values. In 1870 there were only 191 farms reported, but of these, 65 were between 100 and 500 acres in size, 27 were from 500 to 1,000 acres, and 17 were more than 1,000 acres. Their cash value was estimated at \$1,225,418.(86) In 1880 there were 1,789 farms in the county, but their cash value was only \$1,026,667.(87) A contemporary observer noted in 1876 that the plantations were nearly all in ruins, the fields being "miserably tilled" by tenants whose methods, or lack of methods, were fast impoverishing the land.(88)

The farm tenant system has persisted in Leon County. In 1930, 63.1 percent of farm operators were tenants. There was a marked decrease in tenancy during the last decade, however, the percentage in 1940 being 56.3. The decrease in tenancy has been accomplished by

a decrease in the number of farms and an increase in the number of white operators. The 1930 census showed 317 white and 1,259 Negro operators, as contrasted with 403 white and 1,040 Negro operators in 1940. There were 1,575 farms in the county in 1930, 1,443 in 1940. (89)

A recent sociological study classifies the county, with cotton as the major crop but with a multiple system of subsidiary crops. (90) The subsidiary crops are fast becoming more important in the county's economy than cotton. The total value of cotton produced in the county in 1936-37 was \$132,129, which was equaled by the combined values of sweet potatoes, peanuts, cane syrup and velvet beans, while dairy products were valued at \$396,524.(91)

Leon County realizes a substantial income from forest products, although in 1934 only approximately 10 percent of its area was in merchantable timber. (92) In 1927 there were 20 sawmills and 13 naval stores plants in the county, (93) but by 1936 the number of these had been reduced to 11 and 6 respectively.(94) Bricks are manufactured on a small scale. Other commodities of limited production are cement, concrete, cigars and mattresses. (95)

In 1875 the assessed value of all property in Leon County, both real and personal, was \$2,166,165. (98) Twenty years later the assessed value of all property in the county amounted to \$3,750,000.(99) The total assessed property value in the county in 1939 was \$8,557,890, of which \$3,385,000 was the value of homestead exemptions and \$526,420 was the value of lands under tax certificate, not extended on the tax rolls.(1)

Transportation

In the late seventeenth and early eighteenth centuries a well-defined route was developed between the missions in the Apalache country and St. Augustine, but there seems to have been no regular overland communication with Pensacola. (2) In 1824 the Congress appropriated \$20,000 for the opening of a public road from Pensacola to the site of Fort San Luis, at Tallahassee, and "thence, as nearly as practicable, on the old Spanish road to St. Augustine."(3) This road, which was opened immediately, ran through the most important sections of ante-bellum Florida. The Federal Road, as well as local roads opened by the county, were primitive affairs. It was not until the second decade of the twentieth century that modern hard-surfaced road construction began. The building of modern highways in Leon County, as elsewhere in Florida, received a major impetus from Federal and state aid. Between 1915, the year in which the State Road Department was established, and 1932, \$2,966,954.75 was expended for road construction in Leon County. Of this sum, \$1,640,483.29 came from county funds.(4) There are 125 miles of hard surfaced highway and some 400 miles of improved roads in the county.(5)

The planters of Leon County early felt the necessity of railroad facilities for transporting their cotton, as there was no water route to the Gulf from the rich agricultural lands in the northern part of the county. Companies were incorporated in 1831, 1832, and 1834 to construct a railroad from Tallahassee to St. Marks, (6) the last of which completed a 22-mile

railroad. (7) This was the second railroad in actual operation in Florida. (8) The Pensacola and Georgia Railroad was built from Alligator, the present lake City, to Tallahassee during the 1850's and was soon extended to Quincy. (9) These railroads eventually became a part of the Seaboard Air Line System, as did the Augusta, Tallahassee and Gulf Railroad, which was completed from Carrabelle to Tallahassee in 1894, and the Georgia, Florida and Alabama and the Tallahassee Southeastern Railroads, which were under construction in 1901. (10) There are now 102.3 miles of railroad in Leon County, including side-tracts. (11)

Territorial County Court

A county court functioned in Leon County from the county's creation in 1824 until 1845, (1) when its judicial functions were conferred upon the circuit court, (2) its probate functions upon the judge of probate, (3) and its administrative functions upon the board of county commissioners. (4) One judge handled the judicial business of the court and this judge, with any two justices of the county, or any three justices alone constituted a quorum for the transaction of county business. (5) The judge was appointed by the Governor and Legislative Council for a term of 4 years. (6)

Recorder

From 1824, when Leon County was created, until 1845, the clerk of the county court served as recording officer of the county. (1) In 1845 the clerk of the circuit court succeeded the clerk of the county court as recording officer. (2) Since 1868 the clerk of the circuit court has been constitutionally designated recorder ex officio. (3)

Clerk of the Circuit Court

Constitutional provision has been made for a clerk of the circuit court in Leon County since 1845. (1) This officer is elected by the qualified voters of the county for a term of 4 years. (2) During the few months in 1861 when the circuit court in Leon County was required to handle the judicial proceedings of the former United States district Court at Tallahassee, it was the duty of the clerk of the circuit court to take charge of all record of the former United States Court and to take returns of all writs and process then in the hands of the United States marshal and his deputies. The clerk was further required to keep a separate minute book of all the proceedings of the court regarding cases transferred from the United States District Court. (3)

In 1925 it was provided that the clerk of the circuit court in Leon County should make out and estimate of the money necessary to pay the jurors for the county judge's court in cash and upon receipt of a warrant from the county commissioners for the amount of such estimate, pay the jurors at the conclusion of each term and repay any unexpended balance into the fine and forfeiture fund. (4)

From 1889 to 1913 it was made the duty of the clerk of the circuit court to receive from the constables of the county the proceeds of impounded livestock sales together with the sworn

report of such constable and after a 3 months' period the funds were, if not reclaimed by the cattle owner, turned over to the county treasurer. (5)

The clerk of the circuit court was made an ex officio member and secretary of the Leon County historical Commission when the commission was established in 1939. (6)

Circuit Court

The constitutions have always provided for a circuit court in Leon County since Florida became a State in 1845. (1) One judge served in the second circuit prior to 1927, when an additional judge was authorized. (2) The judges are appointed by the Governor, with the consent of the Senate, for a term of 6 years. (3)

For a few months at the beginning of the War between the States, between the time that Florida seceded from the Union and the establishment of the Confederate government, it was provided that all records, judgments and judicial proceedings formerly in the United States District Court for the northern District of Florida which pertained to any of the counties in the Tallahassee section of the northern District of Florida should be transferred to the circuit court of Leon County at Tallahassee. All cases which were pending in the United States District Court were required to be tried in the same manner as though they had originated in the circuit court, except admiralty cases, which were to be conducted under the rules prevailing in the former United States District Court.

The judge of the circuit court was authorized to appoint commissioners with the same powers, as those in the former United States Courts. The circuit court was further empowered to issue process and enforce all unsatisfied judgments where were of record in the former United States Courts and to continue judgments and decrees in full force and effect. It was further provided that all records and proceedings of the former courts as well as future proceedings of the circuit court in matters so transferred should be kept separate and distinct from the regular proceedings of the court and that all entries in any of such cases be kept in a separate minute book.(4)

County Judge

The territorial county court was the court of probate and had jurisdiction over all matters connected with the estates of deceased persons from 1824 to 1845. (1) The office of judge of probate existed under constitutional authority in Leon County from 1845 to 1868,(2) when it was succeeded by that of county judge.(3) The county judge is elected by the qualified voters of the county for a term of 4 years.(4) Twelve regular monthly terms of the county judge's court have been required to be held in Leon County since 1925, although the judge may continue any of said terms to a later date or may dispense with one or more of the terms for good cause shown and may hold a special term for the trial of any cause, civil or criminal, by

agreement of the parties, or he may receive please or dispose of cases when they may be disposed of without a jury trial.(5) it is the further duty of the county judge to approve the pay rolls of the jurors serving in his court when presented to him by the clerk of the circuit court.(6)

In 1917 the county judge was authorized to issue a \$10 nonresident fishing license for the waters of Leon County and the proceeds were to be applied to the county school fund.(7)

In 1913 it was made the duty of the county judge, when live stock were taken up and impounded in any of election districts 1 – 14 of Leon County, to notify the owner in writing or by posting a public notice, to hear and determine if such live stock had been unlawfully at large within the restricted district and, if so found, to fix the amount due the impounder and order the live stock sold to cover the cost of impounding. The proceeds of such sales were required to be held by the county judge for a period of 6 months during which time the owner of the cattle might present his claim. If, however no claim was made during this time it was the duty of the county judge to turn over to the State Treasurer all such balances on hand for the benefit of the school fund.(8)

The county judge was made an ex officio member of the Leon County historical commission when the commission was established in 1939. (9)

County Criminal Court

A county criminal court was established in Leon County in 1866, (1) and was abolished in 1868. (2) This court was composed of one judge who was appointed by the Governor, by and with the consent of the Senate, for a term of 2 years. (3) No records for this court are extant.

Special Tribunal for Negroes

The special tribunal for Negroes was established under authority of the Constitution of 1861, (1) and continued until abolished by omission from the Constitution of 1865. The special tribunal consisted of two justices of the peace of the county. (2) Apparently the tribunal could assemble as frequently as there were cases for it to try. (3)

Justices of the Peace

The office of justice of the peace has existed in Leon County since the county was created in 1824.(1) The county commissioners are directed to divide the county into as many justice of the peace districts, not less than two, as they may deem necessary. One justice of the peace to each district is elected by the voters of the district for a term of 4 years.(2) There are six justices of the peace in Leon County.(3)

In 1913 it was provided that the justice of the peace in any district in which strayed live stock had been impounded should notify the owner in writing or by posting a public notice. The justice was required to hear and determine if the impounded live stock had been unlawfully at large and, if so found, to make an order to the constable of the district requiring him to sell the cattle at public outcry to cover the costs of impounding.(4)

Housing, Care and Accessibility of the Records

Construction of the present Leon County courthouse began in 1882, after a contract was let on June 21, to D.J. Oxford, of Dalton, Georgia, whose bid was \$20,985. (1) The courthouse was in use by October of the following year, as the building was insured at that time. (2)

The courthouse was remodeled in 1924; \$60,000 of time warrants being issued to meet remodeling expenses. The bid of \$52,900, submitted by O.P Woodcock, of Jacksonville, was accepted for construction work. A separate contract of \$5,000 was let for plumbing. (3) In 1936 – 37 the clerk's basement storeroom, his third vault, and the county judge's office were added at a cost of \$6,133, the construction being done as a Works Progress Administration project.

The courthouse is located on a half block between Monroe and Calhoun Streets. The building is a two story structure of stuccoed hollow tile, with a half attic over the front portion and a small, one-room basement under the southeast wing. It displaces some 630,700 cubic feet and is estimated to be 85 percent fireproof.

Walls and ceilings in all rooms throughout the courthouse are plastered, with the exception of those in the two attics. There the walls are of brick, and neither walls nor roof are ceiled. Floors are wooden throughout, with the exception of those in the county commissioners' office, the seven vaults, and the clerk's basement storeroom, all of which are of concrete or tile. Ventilation is good everywhere except in the interior vaults of the superintendent of public instruction and of the tax assessor and in the attic rooms. Lighting is adequate wherever records are stores, and in most instances is excellent.

On the first floor of the courthouse are: the tax collector's two offices; the county commissioners' office; the office and three vaults of the clerk of the circuit court; the two offices and vault of the superintendent of public instruction, the tax assessor's office and vault; the sheriff's three offices and storeroom; a janitor's room; and two washrooms. Access to the clerk's basement storeroom, under his third vault, is to be had only from his first vault.

Rooms on the second floor are; The office of the supervisor of registration; the state attorney's office; two grand jury rooms; the court room; the county judge's two offices and vault; two circuit judges' offices; the old jury room; a witness room; a washroom, and a closet. Access to the two attic rooms is from the balcony of the courtroom.

Board of County Commissioners. The county commissioner's office is not designed for the keeping of records, but at the time this inventory was made less than 1 percent of the recorder's records were in this room. The records of the board are in the custody of the clerk of the circuit court, as clerk of the board, and all current records of the board are in the clerk's office, vaults, and basement storeroom. About 25 percent of the board's records are in the north attic, some 15 percent in the south attic, and one volume in the office of the supervisor of registration.

Territorial County Court. The records of the territorial county court are distributed as follows: 1 volume in State Library at Tallahassee, 1 volume in south attic in custody of the clerk of the circuit court, the probate records constituting approximately 98 percent of the records are in custody of the county judge and filed in his office and vault.

Recorder. About 98 percent of the recorder's records are in the clerk's office and vaults. Less than 1 percent are in the county commissioners' office. The remaining records are in the south attic, with the exception of a few maps in the north attic.

Clerk of the Circuit Court. The clerk's office contains 45 feet of steel roller shelves for bound volumes. In this room are $25 \frac{1}{2}$ linear feet of unbound material in file boxes and $2 \frac{1}{2}$ linear feet of bound volumes. His first vault has 165 linear feet of steel roller shelves, his second vault 698 linear feet of the same type of shelving, and his third vault 20 feet. The clerk's basement storeroom, used mainly for storage of supplies, has 48 feet of wooden shelves. In the first vault are $17 \frac{3}{4}$ linear feet of bound volumes, 68 linear feet of unbound records in file boxes; and in the third vault are $1 \frac{2}{3}$ linear feet of bound volumes and 108 linear feet of unbound records in file boxes. The basement storeroom contains 7 linear inches of bound volumes and 5 linear feet of unbound material.

The clerk's suite houses approximately 60 percent of the records of the board of county commissioners, 98 percent of this records are recorder, about 40 percent of records devoted to miscellaneous duties imposed on him, some 90 percent of the records of the circuit court, 24 percent of the superior court's records, 5 percent of the tax collector's records, 12 percent of the records of the justice of the peace district 8, 15 percent of the records of the justice of the peace district 12, one volume of the delinquent tax adjustment board, and two volumes of the trustee of county bonds. The remainder of the clerk's records devoted to miscellaneous functions are in the north and south attics, some 5 percent being the former, and 55 percent in the latter and one volume in office of tax assessor. Facilities for consulting records are adequate. More shelving and file boxes than are presently needed have been installed, and there is room for additional equipment when necessary. Access to all records is convenient.

The two attics are used to house retired records of any agency that wishes to place them there.

South Attic. The south attic contains $83 \frac{1}{3}$ linear feet of bound volumes, 25 linear feet of unbound material, and 6 linear feet of newspapers, constituting 15 percent of the records of

the board of county commissioners, 1 percent of those of the recorder, 55 percent of those devoted to miscellaneous functions of the clerk of the circuit court, 2 percent of the circuit court's records, 75 percent of the superior court's records, 60 percent of county treasurer's records, 1 percent of tax assessor's and one volume of the sheriff's records, and 3 percent of the school records. There are 56 linear feet of wooden shelving in this attic, but no file boxes. Records are fairly accessible, and can be consulted in the attic.

North Attic. The north attic contains 74 linear feet of wooden shelving. There are 200 linear feet of bound volumes and 600 linear feet of unbound material, most of which was transferred in the file boxes in which it was originally kept. This material constitutes 25 percent of the records of the board of county commissioners, 5 percent of records devoted to miscellaneous functions of the clerk of the circuit court, 8 percent of the circuit court's records, 39 percent of the county treasurer's records, 4 percent of the county judge's, 15 percent of the justices' of the peace, 75 percent of the tax collector's, 5 percent of those of the supervisor of registration, and 7 percent of school records. There are no facilities for examining records.

Circuit Court. The two judges of the second circuit have offices in the Leon County courthouse, but no court records are kept in their offices. About 90 percent of the records of the circuit court are in the clerk's office and vaults. Of the remainder, approximately 8 percent are in the north attic and 2 percent in the south attic.

Superior Court. 99 percent of the records of the superior court are in the custody of the clerk of the circuit court and in his second vault and the south attic. About 1 percent are in the county judge's vault.

County Judge. The county judge's private office contains no records. His office and vault are equipped with 20 linear feet of wooden shelving and 243 linear feet of steel roller shelves, respectively. Less than ½ linear foot of bound volumes and 5 linear feet of unbound material in file boxes, are to be found in the office. The vault houses 44 linear feet of bound volumes and 553 ¼ linear feet of unbound records. These two rooms contain 95 percent of the county judge's records with the exception of one volume in State Library at Tallahassee, and 2 folders of unbound material in office of supervisor of registration. About 1 percent are in the south attic and 4 percent in the north attic. Also housed in the county judge's vault are 1 percent of the records of justice of the peace district 8, 20 percent of the records of the county canvassing board, 1 percent of county treasurer's records and about 1 percent of the records of the superior court. There are ample accommodations for users in the office and vault and room for additional equipment should it be needed.

County Criminal Court. No records for this court are extant.

Special Tribunal for Negroes. No records for this court are extant.

Justice of the Peace. The county does not provide offices for the justices of the peace. These officers maintain offices in their residences, or elsewhere, according to the volume of their official business.

The records of the justice of the peace for district 1 are in an old store building, opposite the Post Office on Main Street in Miccosukee. Erected in 1878, wood frame building and is owned by J.O. Herring of Miccosukee. Building is old and rotten. The justice of the peace occupies the whole building, 20' x 30' x 16', which contains no shelving and does not have ample facilities for consulting the records.

All records of the justice of the peace for district 3 are in his home, Route 1, Tallahassee.

All records of the justice of the peace for district 4 are in his home, Route 4, Needmore.

The records of the justice of the peace for district 5 are in a store building in Bradfordville. Erected in 1910, wood frame building with tin roof and is owned by James E. Whitehead. The justice of the peace occupies the whole building 24' x 50' x 12', which contains ample shelving for the records but poor accommodations for their use by the public.

All records of the justice of the peace for district 7 are in his home at Chaires.

About 12 percent of the records of the justice of the peace for district 8 are in the first vault of the clerk of the circuit court. The remainder of the records are in the Centennial Building, East Pensacola St., Tallahassee. The building was erected in 1925, constructed of stucco and brick, and is owned by W. C. Hodges, Tallahassee. The justice of the peace occupies an office on the ground floor, 20' x 10' x 18' and has ample shelving for the records, but poor accommodations for users of the records. This space is also used by the constable for district 8, but found no records for this officer.

The justice of the peace for district 11, has his office in the back room of Marshes' Grocery Store at Woodville and all his records are kept in this room. The building was erected in 1931, wood frame with tin roof, and is owned by Dr. S.E. Clinard. The office is 20' x 20' x 10' and has ample space for the records but poor accommodations for their use by the public.

About 15 percent of the records of the justice of the peace for district 12 are in the first vault of the clerk of the circuit court. The remainder of his records are kept in his home, Route 1, Baum.

LEON COUNTY, FLORIDA

Leon County's first courthouse was constructed on or about 1839 at a location three blocks North of the present structure. The cost of this building is not available. The first courthouse burned on the morning of May 19th, 1879 and temporary quarters were used until the next courthouse was completed and occupied on October 1st, 1883 at a cost of \$20,983.00. The builder was D. J. Oxford of Dalton, Georgia.

This second courthouse was constructed on our present site, one block from the State Capitol. Additions were made to the courthouse on three occasions:

- 1924.....remodeled
- 1942.....enlarged and remodeled
- 1961.....East Addition (present remaining structure) occupied. The architect was Prentiss Huddleston and the contractor was Jack Culpepper.
- 1985.....Construction began on the present courthouse. All of the old courthouse except the East Addition were demolished. The new structure has not been completed. Costs are estimated at \$26,000,000.
- Courthouse under construction.....Construction began in 1985 and completion is projected for late 1989. Architects: Barrett, Daffin & Carlan; Contractors: Gilbane Construction Company.

Dave Lang
Clerk of Circuit Court
Leon County, Florida



Excerpt from the Territorial County Court Minutes, dated:

Monday, October 8, 1827

"Ordered that the South half of the County Quarter Section of land off into streets and lots, the streets corresponding herein with the streets of the City of Tallahassee, running East and West according to a plan to be adopted by the Commissioners herein after named for the purpose of building a suitable jail for said County.

It is further ordered that David B. Macomb, Ambrose Crane, John D. Edwards, Robert Copeland and John Y. Gary be and they are hereby appointed Commissioners with free power to adopt a plan and lay off and expose to sale the lots when so laid off for the purpose of the aforesaid, and they are further empowered upon the receipt of the money arriving from the sale of the said lots to make such ulterior contract or contracts for building the said jail, as to them shall seem fit and convenient and they are hereby further directed upon receipt of any of the said moneys arriving out of this sale aforesaid to deposit the same in the hands of the County Treasurer which sum or sums shall be kept and apart for the specific purposes herein before specified, subject only to be drawn out by order of the president of the Board of said Commissioners and the Judge of the County Court be and he is hereby authorized and empowered during the vacation of the County Court in case of vacancy happening in said board of Commissioners to appoint such person or persons as he may deem proper to fill such vacancy."

Dave Lang
Clerk of Circuit Court
Leon County, Florida

