

C O U N T Y G O V E R N M E N T

By

W. H. Outlaw

BERRIEN COUNTY

Berrien County was created February 25, 1856, and was named from John McPherson Berrien, who for many years represented Georgia in the U. S. Senate. In 1905 a part of the county was set off to help the formation of Tift; in 1918 to help the formation of Lanier; in 1919 to help the formation of Cook. Prior to this time it was bounded on the north by Irwin, on the east by Coffee and Clinch, on the south by Lowndes and on the west by Colquitt and Worth.

According to the last census it has a population of 14,646 and an area of 455 square miles.

The Allapaha, Withlacoochee, and Little rivers drain the land. The surface is generally level and the soil fertile. The climate is mild the year round except during brief intervals of both summer and winter when the temperature is a little below or above body comfort.

Nashville, Ray City, Alapaha, Enigma and Willacoochee are the principal towns. Nashville is the largest, having a population of above 1500 while the others vary from 500 to one thousand.

The Atlantic Coast Line Railroad crosses the county from the west to the east and the Georgia and Florida Railroad crosses the southwestern part, both railroads affording adequate transportation facilities for all parts of the county. In recent years a number of routes have been paved extending from one end of the county to the other. Besides the aesthetic value derived from the paved roads, many farmers have been benefitted by increased real estate values and cheaper transportation rates.

Farming, turpentine, manufacturing, and lumbering are the chief industries.

Due to its warm climate, level and fertile soil, Berrien is the veritable garden spot of Georgia. Corn, rye, oats, cotton, tobacco and vegetables are grown in abundance.

Tobacco was first grown in Berrien County in 1919 when Fred W. Brown, a tobacco planter of Virginia convinced a few farmers that the soil and climate was especially adapted to tobacco growing. Only a few farmers that year were able to finance such an expensive crop as tobacco since many were on the verge of losing their homes as a result of the heavy losses caused by the boll weevil. Due to lack of experience in tobacco growing many felt that such an undertaking would come to failure. Others feared there would be no market after the crop was harvested.

However, Mr. Brown found the solutions to all these problems when he agreed to enter contract providing demonstrators, a warehouse, and a set of buyers, all of which would solve the difficulty of growing and marketing a crop.

By his continuous and persistent efforts he managed to secure about fifty contracts with farmers who agreed to plant from one to three acres. These few farmers were fortunate in producing about 1,000 pounds per acre and receiving an average of 20 cents per pound. After their success many followed the next year, planting tobacco and less cotton because an acre of tobacco usually brought as much as twelve acres of cotton.

Today tobacco is the chief money crop which nets the farmers of south Georgia millions of dollars annually. Corn, oats, rye, peanuts, and other crops are grown mostly for domestic purposes. Truck farming is done on an extensive scale, there being a ready market the year around. Many of the farmers pay their expenses by poultry farming and livestock raising, while a few depend upon them for making a living.

Berrien is noted for its vast forests of long leaf pine, still covering much of the land. Cypress, poplar and cedars are numerous in many sections of the county. Immense quantities of lumber and naval stores are shipped to various ports annually. Turpentine is usually done by negroes who live in the still quarters located in various sections of the county, as a rule in some small village. Farmers who own the timber usually lease it to turpentine men who pay good prices. When the lease expires the ownership of the pines reverts to the farmers who may either sell the trees for sawmill purposes or keep them and make another lease after the passage of a few years.

Berrien is fortunate in having three manufacturing plants, The Boyette Spray and Manufacturing Company, established in 1934 at Nashville by a local citizen and is operated full time, giving employment to many people who otherwise would have been on the relief rolls, and producing sprays which the farmers of Georgia and adjoining states are using in combating the tobacco worms and the boll weevil.

The Alapaha Guano Company, located at Alapaha in the northern part of the county manufactures high grade guano, especially prepared for the use of tobacco growers. It uses county materials in the manufacture of its products. It also aids unemployment as well as produce a high grade fertilizer which may be obtained by the farmers without having to pay long distance freight rates.

The Nashville Fly Spray Company has also been an asset to the county by aiding unemployment and helping to retard the production of mosquitoes, flies, and gnats. The spray can be obtained at a reasonable cost and is found in almost every home. Cases of typhoid and malaria have been reduced to a minimum in the past few years due mostly to the free use of this spray in every home.

Amusements of the county consist in peanut shelling, candy drawings, cane grindings, tacky parties, and birthday dinners.

Nashville is the religious educational, industrial, recreational, commercial and agricultural center of the county.

As an industrial center Nashville had three large tobacco warehouses ranging from one to two acres in size and having a capacity of from one to two million pounds each. There are two manufacturing plants which have already been mentioned. In addition there are two large sawmills and one turpentine still all three of which operate full time.

As a commercial town Nashville has two banking institutions with a capital of more than \$50,000 each. The other large business firms are the A. W. Gaskins Company, Ford and Chevrolet Agencies, Georgia Power Company, and the Nashville Ice and Coal Company.

For recreational purposes there are golf, tennis courts, a movie, a swimming pool.

Unusual educational advantages are offered in the Nashville public schools. In 1928 a new high school building, costing \$60,000 was erected which offers excellent opportunities for those who live in the rural and village districts to finish their high school education. Courses in Commerce, and Agriculture

are offered to those who wish to follow occupations along those lines.

As an agricultural center it is the only town in the county having a tobacco warehouse, therefore, most all the tobacco is marketed there. Because of better marketing facilities than are offered elsewhere and higher prices, much tobacco from adjoining counties is sold there. Cotton also is ginned, corn milled, and rice prepared for market, peas thrashed, and potatoes cured there.

The government of the town is of the mayor and council type. There are three departments of city government namely; the fire, health, and police departments which have been very successful in caring for life property and health.

GOVERNMENT OF THE COUNTY

Berrien is located in the Alapaha Judicial Circuit, composed of Berrien, Clinch, and Lanier Counties. The judge and solicitors are elected by the voters of the circuit, while the other officers are chosen by the voters of the separate counties. The judge is chosen by the electorate for a term of four years, paid a salary of \$5,000 per annum and is eligible for re-election. He must be thirty years of age, three years a citizen, seven years a practicing attorney before he is qualified for his office. While in office he must not practice law.

Court sessions are held twice annually in each county. If the judge so desires, he may call an extra session to dispose of important cases or crowded dockets. He can be removed only by impeachment which has never been done in this county. He has original and appellate jurisdiction of both civil and criminal

The prosecuting attorney like the judge, is chosen by the electorate of the circuit, paid by salary and fees. He must have resided in the state for a period of three years, have attained the age of 25 years, and have been a licensed attorney for three years before he announces his candidacy. He can be removed only by impeachment. His duties are to enforce criminal statutes. To do this he is empowered to collect and gather information, present it to the grand jury, which will result in the indictment of a person accused of crime. He investigates crimes which come to his attention through the public press, the police, or on the complaint of private citizens. He institutes proceedings for the arrest and detention of persons accused of crime. He commences criminal action where the facts, in his judgment, warrant it. He conducts either by person or deputy the trial of criminal cases. He makes recommendation concerning the fixing of bail, the discontinuance, and noll-prossing of criminal action, and the severity of sentences to be imposed. The court generally gives serious consideration to the solicitor's opinion. His criminal jurisdiction extends to public officials, so it becomes his duty to bring to trial officers whom he deems guilty of misconduct, or against whom the court directs him to proceed.

The clerk, Mr. H. C. Brown, is elected for a term of four years, and cannot practice law. He acts as the clerk of the county and city courts. The judge appoints a clerk whenever a vacancy occurs. He is paid by fees which amount to tens of thousands in some years. He is placed under a three thousand dollar bond which he forfeits provided he misuses or destroys any county funds of records.

The clerk may be removed from office on charges of malfeasance, neglect, or malpractice. Removal takes place through court procedures by which he is tried by a jury and removed if found guilty.

Mr. Brown is required to attend all sessions of the court, keep minutes of the day, issue and sign summons, subpoenas, writs of execution, process or order under the court. He must keep dockets and books, records of civil and criminal suits, record garnishments, affidavits, bonds and claims. He administers oaths and takes affidavits. Failure to do any of the above is contempt of court.

Owen L. Griner, the sheriff, is elected, qualified, commissioned, holds office for the same term, and is subject to the same disabilities as the clerk. He is under two surety bonds of \$10,000 each. He is paid by fees, appoints deputies, clerks, jailers, and is responsible for their official acts. The sheriff is charged with the duties of controlling the county jail, the arrest and safe-keeping of persons charged with crimes and misdemeanors, and the enforcement of statutes against gambling, vice, and liquor traffic. The police department of any town is in no way responsible to him. In time of disorder the sheriff has power to appoint additional deputies to help him quell a riot or quiet a disturbance.

The sheriff is the executive agent of the courts. At each session is either present in person or by deputy. He opens and closes court sessions with a formal proclamation and maintains a proper degree of decorum. He serves various writs and other processes in connection with civil suits, and also warrants for the arrest of persons accused of crimes and subpoenas for the attendance of witnesses. Sheriff Griner carries out the judgment of the courts in civil cases and executes the sentence of the court upon persons convicted of crimes or misdemeanors.

In case of a vacancy the coroner acts as sheriff until an appointment is made by the ordinary.

The sheriff is removable only by the governor on charges of misbehavior, malfeasance, and neglect of office. The governor never has exercised this power of removal in Berrien County. While most of his duties are enforcing state and county laws there is but little control exercised over the sheriff by the governor and the courts.

Berrien elected William Overstreet to succeed John Meyers as coroner in the last primary held Sept. 12, 1934.

training. His duties to seek to find the cause of death when any person dies in a suspicious or unusual manner. He is removable only by the governor.

There are ten subdivisions of the county, each having a justice chosen by popular vote for a term of two years. They have no qualifications other than those of the voters. The writer knows of only one lawyer serving in this capacity in the entire county. Most of the other justices have only a common school education. They are paid by fees.

The justices of the peace have jurisdiction over petty and criminal offences. They issue warrants for the arrest of persons accused of felonies and may conduct preliminary examination and if evidence seems to warrant it, they may bind over such persons to wait the action of the grand jury. The justices of the peace administer oaths, solemnize marriages and take the acknowledgement of legal instruments. He has no clerk and keeps no official records, and in the most petty misdemeanors and civil cases are their decisions final.

The justices of the peace are very inactive according to reports of the past few years. In most of districts there were only three or four cases tried during a whole year.

The board of Roads and Revenue of Berrien County are composed of A.N. Dean, Chairman, M. E. Guthrie, and A.J. Perry who are elected by the people for a term of two years, paid a salary. Like many other county officials they have no other qualifications except those prescribed for the electorate. They are removable on two thirds address of the grand jury. Their duties are to levy and assess taxes, arrange for loans on the credit of the county, hear and decide tax appeals from the citizens. The members of the board are the trustees of all county property including court houses, jails, almshouses, roads, and the county farm. The members designate the polling places, the voting precincts, distribute the ballots appoint election officials, and canvass the votes. The board appoints the county warden, county agent, overseer of the almshouse and other minor officials.

TAXATION

The taxable wealth of Berrien county is three million, seven hundred and four thousands, three hundred and sixty five dollars. The tax rate for county purposes is twenty mills.

The tax receiver, N. H. Harper, and the tax collector John Powell are chosen by the people for a term of four years and are removable on two thirds address of the grand jury. The tax collector receives the highest compensation, both being paid by fees.

The tax receiver is required to make rounds at frequent intervals.

The tax collector does not make rounds, but remains in his office at the county seat where the citizens go to pay their taxes. Only a small portion of the taxes are used for state purposes while the county uses the remainder.

About one eighth of the county's population is negroes, although only one thirtieth of them pay any taxes. By far the majority of the taxes are derived from tangibles yet there is thought to be more than one million dollars of intangibles.

IN the event of a dispute concerning property values the county board and property owner appoint an individual each and in turn they appoint the third man who with the other two appointed arbitrate the matter. The agreement reached by these arbitrators is final.

EDUCATION

The board of education consists of Luther Akins, A.J. Barrineau, L.C. Swindle, Noble A. Hull, and P.L. Howard, who must have good moral character and a common school education. The board is chosen by popular vote for a term of two years and are removable on two thirds address of the grand jury. They receive a salary of two dollars per day while they are in session. Their duties are to determine school policies, elect teachers, construct and repair school buildings, levy and assess school taxes, and apportion them between the school districts.

The county school superintendent is chosen by popular vote for a term of four years and receives a salary of fifteen hundred dollars annually. He must be a citizen of the county, have taught three years, have a degree from a normal school or the equivalent there of.

He may be removed from office by a two thirds vote of the county school board for malfeasance, neglect, inefficiency, incapacity, or corruption. Any commissioner so removed shall have the right of appeal to the state commissioner of education and from him to the state board of education.

It is the duties of the county schools superintendent to examine and license teachers, visit the schools and inspect the management instruction, and make suggestions as to any improvements that may be made. He is the medium of communication between the state board and subordinate officials. He makes and keeps records.

In Berrien there are a great number of two teacher schools, although there has been a rapid move for consolidation in the past few years. Many teachers who are making teaching their profession have never been to high school a day in their lives. The superintendent is a lawyer and a business man, devoting only his spare time to educational affairs. Just before election

remaining one of the most backward counties in education that the State of Georgia has ever known. The percentage of illiteracy is on the increase, the number of better teachers is on the decrease; while the trends toward higher standards of education are on the decline and the chances for ethical and moral training are on the verge of collapse.

REPRESENTATION

J. H. Gaskins, Senator and L. C. Swindle Representative represent Berrien in the General Assembly.

Both men having a college education are farmers and business men and because of their activities in state as well as county affairs they have received state wide attention, and important committee assignments. They are very favorable and able representatives according to the opinion of voters, newspaper articles and accomplishments during the last session of the legislature.

REFORMS

The salaries of county officials should be great enough to remove all temptations of bribery, graft and corruption . All policy determining officials should be chosen by the people and the executive officials appointed, which means there would be ~~greater~~ unifying and directing authority as well as the proper degree of responsibility placed upon the shoulders of those who today are evading their ~~the~~ duties by blaming some one else for the lack of action or the authority with which to act. Also the ballot would be shortened, the expense of time and cost of holding elections would be greatly reduced. Men of superior rank instead of inferior caliber would take more interest in holding offices and there be fewer chances and tendencies for political bosses and corruptible machinery to dominate our county government.

The three leading defects of the county judiciary are:

- (1) Lack of unity through out the system,
- (2) Method of selecting and removing officials,
- (3) The jury system.

One writer said "We have a jumble of disconnected and disjointed courts, each pursuing its own way, with little regard to any other." Under the present judiciary system there is no division of labor, degree of coordination or correlation. The decisions of the lower courts are reversed by the higher courts on the basis of technicalities rather than from the standpoint of ethics or justice.

To remedy this situation there should be a judicial council placed in charge of the judicial system in order to avoid confusion and insure cooperation and coordination.

The judges should be nominated by the state bar association and voted on by the people. If they were selected in this manner there would be more able minded and efficient jurists since the members of the bar association know better the qualities of a judge than the electorate and are not nearly so likely to be influenced by political impulses or tempted to bribe in making their selection. The judge should be removable by the Chief Justice of the Supreme Court, or the Governor.

The solicitor should be appointed by the Solicitor General of the state and made removable by the same.

More of the officials should be appointed. This would mean more intelligent voting, shortening of the ballot, reducing the cost and expense of holding elections.

JURY SYSTEM

The number of members sitting on the jury should be reduced, and their qualifications higher. Six qualified men could reach quicker and wiser decision at less expense than twelve incompetent persons who are incapable of understanding a judge's charge of interpreting law.

THE COUNTY BOARD

Is composed of three members from the different parts of the county, ^{and} is of ideal size, meets once a month which is often enough, yet ~~its~~ many faults ~~are~~ letting seniority rule predominate in the election of its chairman: (2) It has no legislative powers, (3) It has no real leadership. As a rule the county chairman who is always chairman just because of his seniority tends to develop into a political boss who uses his office for personal gain and patronage.

If board had legislative powers ^{it} they could do the same for rural communities that city boards are doing for city communities. County boards should be empowered to enact county legislation subject to the Governor's veto which might be overridden by a two-thirds vote of the electorate. This would shorten the term, the length of the Constitution and give action when needed.

COUNTY MANAGER

Berrien needs a county manager who prepares a budget appoints, officials corrects abuses, wastes and extravagance, enforces a proper degree of harmony and cooperation among various departments of the county government. He also should be the central purchasing agent who should know the amount of revenue and expenditures.

TAXATION

There should be a trained person to make property assessments since property values are difficult to arrive ^r at. Also the one million dollars of intangible values in the county should bear their burden of taxation.