

The Courts of Greene County, Georgia

The first Superior Court convened in Greene County in January 1790 and Judge George Walton (signer of the Declaration of Independence) presided. He and Judge Henry Osburn constituted the Georgia Supreme Court at that time and they met here to formulate rules and regulations for the procedures for all courts of Georgia.

Greene County was then located in the Northern Circuit and so remained until December 7, 1807. Judges succeeding Judge Walton were:

**Henry Osburn
Thomas P. Carnes
John Griffin
Charles Tait
Peter Skrine**

Osburn preceded Walton and Griffin only served a short time.

The Ocmulgee Circuit was formed on December 7, 1807 and Peter Early as the first Judge. Those who succeeded him were:

**Stephen Willis Harris
Christopher B. Strong
Augustus Baldwin Longstreet
Owen H. Kenen
Eli S. Shorter
Thomas W. Cobb
Lucius Q. C. Lamar
John G. Polhill
Adam G. Saffold
Edward Young Hill
Francis Hiram Cone
William Crosby Dawson
James A. Merriwether
Herschell V. Johnson
Hiram F. Cone (2nd term)
Robert Vines Hardeman
Iverson Louis Robinson
George T. Bartlett
Thomas Graves Lawson
William Franklin Jenkins
John Collier Hart
Frederick C. Foster
Hugh Graham Lewis**

**James Billingslea Park
1911-1939
Joseph B. Jackson
George Carpenter**

Prior to 1877 all Judges of the Superior Courts of Georgia were appointed by the Governor and confirmed by the Senate. The Constitution of 1877, known as the Robert Toombs Constitution, the method of selecting Judges was changed and the Legislature selected the Judges. In 1897 by the Act of the Legislature the mode of election was transferred to the people. This may or may not be a wise provision, as any shyster lawyer may aspire to the office and if he has the friendship of law breakers, racketeers and bootleggers there is a danger of the courts falling into the hands of a dangerous man.

**Among some of the lawyers of Greene County were, Judge Henry T. Lewis.
James B. Park, Sr. and Jr.
James L. Brown, Sr.
Edward Young
George Merritt
Miles W. Lewis
Joseph P. Brown
Noel P. Park
James Davison
J. S. Calloway
Columbus Heard**

In the year 1811 the county fully realized the necessity of re-establishing the records of the courts and asked the legislature to pass an act authorizing the court to revise and rewrite her records up to that time. A contract was entered into between the Inferior court and Benjamin Jourdan to transcribe the records still in existence. This contract was witnessed by Ebenezer Torrance. You would be impressed by the beautiful handwriting up to the year 1811 and would note that the same person did all of the writing.

Benjamin Jourdan was convicted of murder and served his sentence in jail at Greensboro and while in jail transcribed most of these records. This work must have taken years, and many books now may be found both of the Inferior and superior Court Records and Deed Books in Jourdan's beautiful writing. The last date seems to be 1819 and there is no record of what became of Jourdan. Some believe that he served out his life in prison, but from other sources he seems to have been

freed after completion of his task. These books were bound and for the first time scattered records of Greene County. (after three fires) were preserved for posterity. The men assigned to see that Jourdan's work was accurate, and according to the contract drawn up by the County were:

**John Sorell
A. Heard
Pressley Watts**

These men practiced law in the courts of Greene County simultaneously:

**John Clark (later Governor)
John Griffin
Charles Tait
Peter Early
Charles Micajah
Peter Williamson**

and many others. Bitter tilts often occurred. In Sept. 1803 the court was presided over by Judge John Griffin, brother-in-law of John Clark. Judge Griffin died and Charles Tait not only succeeded him but married his widow, becoming brother-in-law of John Clark. Later L. Q. C. Lamar, a nephew by marriage of Clark's became Judge.

John Clark horsewhipped Charles Tait on the streets of Milledgeville, the Capitol. The origin of the quarrel between John Clark and Charles Tait originated in Greensboro court. The feud went on and finally they fought a duel in which Crawford was severely wounded.

The court records show that John Clark was indicted with Hugh McCall and Hugh Buckner for rioting in Greene County and were heavily fined when William Stitch, Jr. was the presiding Judge. (Vol. I Minutes of Superior Court pp 165, 167, Dept. Term 1794.)

In order to serve on the juries in that day, a man had to be a citizen of good repute, a free holder and a man of some reputation with some education. Men of disrepute or those who had been tried and convicted of crime, were never drawn on juries, nor were their names allowed to be put in the jury box.

Courts and Laws

The Legislative Act that created the county authorized the building of a courthouse and a jail. These were wooden buildings and soon were not adequate and were replaced by more substantial buildings. In 1806 a rock jail was built 28 feet square and 25 feet high, which stands today (see picture). Here hangings were public affairs and the old gruesome gallows took many lives.

In 1795 duelling was common, stocks were used for punishment and gambling and card playing at public meetings were condemned In about 1801 - 1806 when the threat of Indian raids subsided the settlers found time for some sports such as horse-racing, chicken fighting and shooting matches. The first club organized was the Greensboro Jockey Club, already functioning by 1800.

The Bethesda Baptist Church objected to horse-racing and brought charges against members for abetting this ungodly practice.

Time passed on and from one room dirt floor cabins and Indian raid, forts, and land-grabbing, duels and hangings we came to better homes, schools and churches.

The first court that we can find any record of is recorded in Book A, Vol. 1 of Greene Superior Court which convened on Monday January 11, 1790, and was presided over by Judges H. Osborne and George Walton, (Signer of the Declaration of Independence) There seemed to be only three judicial circuits at that time; the Eastern, middle and western. The Western Circuit was composed of Greene, Jackson, Franklin, Hancock, Oglethorpe, Elbert, Wilkes and Lincoln Counties.

Judge George Walton was the first Judge to serve on the Western Circuit. The records of the Greene County Superior Court show the following Judges serving up to the time that the Ocmulgee Circuit was formed in 1807, George Walton, H. Osborne, William Stith, Jr. , Judge Taliaferro, Judge Carnes, D. B. Mitchell, Judge Griffin, Judge Tait, Benjamin Shrine and Judge Stephens. Judge Tait held the last court under the old Western Circuit.

Judge Peter Early's term began January 1, 1808 and he held his first court in Greensboro in March 1808, continuing through an adjourned term which continued through the 16th of Dec. 1812.

An early record of court shows that Historian Hugh McCall, John Clark, and his father Gen. Elijah Clark were indicted in Greensboro for riot, and Elijah disliked Jonas Fauche and his troops for helping to destroy his Trans-Oconee-Republic. It is said that the Clark's and McCall always thought and spoke of Greensboro like the southerner who coined the word, "Damyantee".

CRIME:

"Gone to Texas" - was frequently heard when court convened in Greene, and other counties in Georgia, as well as in other states, a few generations back. Back in her early days, Texas was a refuge for law violators and had it not been for her refugees, she might never have gained her independence from Mexico.

This does not mean that all of the early settlers of that wonderful state were fugitives from justice. In fact, only a small percent of her pioneers were of that class. But on account of the vastness of her territory, and the spirit of adventure that gripped the lives of the young men a hundred years ago, the slightest excuse would cause them to turn faces to the west.

Greene County furnished her quota of young men to help free that vast empire from tyrannical misrule, and many of her sons lie buried in unmarked graves along the Brazos, Colorado, Trinity and other rivers along which, were fought the battles that won fame for Houston, Austin, Jack, Archer, Fannin, Williamson, and hundreds of others, whose fame will last as long as the state of Texas will last.

The Alamo and San Jacinto, are holy shrines to every Texan and Greene County blood flowed freely at both of these. Therefore, whatever indiscretion that caused these men to turn their faces westward, should be freely given.

Unfortunately, when the war between Texas and Mexico ended, many of these bad men from other states congregated in one section. Naturally, they reverted into their old habits of lawlessness, and it from this element that the state gained her reputation for harboring criminals.

The situation became so acute that the law abiding people of that section appealed to the Governor for relief. And set forth in that plea, that outlawry was so bad, that even the court was intimidated. And that the outlaws had said --- that no court should be held in that county. The Governor accepted the challenge, and appointed a judge whom he knew feared nothing.

The Governor's action, aroused the ire of the outlaws and the "shyster" lawyers whom they had hired to defend them, and when the judge ordered the sheriff to open court; one of these lawyers arose, asked the privilege of reading some resolutions that had been drawn by the people of that county. His request was granted and he proceeded to set forth the fact that the people of the county were capable of managing their own affairs, and they did not appreciate the Governor's interference by sending an outside judge to hold court. And that they did not intend that he should preside over affairs.

The judge asked the lawyer to cite some section of the code of Texas that would justify such action on the part of the people of any section. Whereupon, the lawyer held up a dirk, and said, "This is the law of the section." The judge reached under his desk and drew out a long six-shooter, and after aiming it at the most vital part of the objector, said "This is the constitution. And I hope there will be no conflict between the law and the constitution, Mr. Sheriff, you will proceed with the opening of this court."

The records show that the court did convene, and continued until the docket was

cleared. And that many murderers were convicted and executed. Tradition says that some friend or relative of one of the men who was being tried, took offence at the judges ruling on some point, and emphasized his attitude by trying to assassinate the judge while he was on the bench. His aim was bad however, and he shot the judge through the arm. Whereupon, the Judge brought his own six-shooter into action, and shot the objector down, and ordered the Sheriff to restore order in the court room, and proceed with the business of the court.

This incident was recited in a speech by Judge Clark of Waco some years ago, in presenting a portrait of this famous judge., at a joint meeting of the Senate and House of Representatives at Austin, Texas. The purpose of this joint meeting was to honor the man who was chairman of the convention that declared war on Mexico, and who was a member of the Texas Senate throughout the period that she was a Republic, and who presided over her State and supreme Courts. He figured largely in formulating the terms under which, Texas became one of the states of the Union.

This man was a Georgiana, and while he may never have been a citizen of Greene County; his father owned thousands of acres of land along Shoulderbone Creek, when Greene county extended below Milledgeville.

I have on my desk, a letter from Houston, Texas dated July 27, 1931, enclosing a clipping from a newspaper published in that city, recounting some of the activities of a "cattle-king" of Texas, who had passed away in recent years. The letter stated that, he had heard that this "cattle-king" was a former citizen of Greene county, and that he left here "between suns".

I have heard the same thing about the same individual many times. But-since he seems to have made a name for himself in the Lone-Star-State," I fail to see the need of bringing the old "skelton" out of the closet in Greene County, to scare his children and grand-children, who are in no way to blame for their ancestor's indiscretion.

Greene County History by Thaddeus Brockett Rice Original Copy is in the Reese Library - Augusta College - Augusta, GA

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