

THE COURTS OF THE CITY OF AMERICUS, GEORGIA

by

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A review of legislation from the 1800s reveals that the Mayor's Court of Americus was responsible for the enforcement of non-criminal city ordinances. The Police Court of Americus was responsible for enforcement for criminal city ordinances. Both courts were presided over by the Mayor of the city. Each city's legislative charter had some differences in the definition and powers of its courts but most city charters from the 1800s had a similar system of courts. However, many enabling Acts were poorly written causing a great deal of confusion. In some towns the two courts were the same. By the 1920s, most city charters had been modified to merge the two courts and rename them as a Recorder's Court. The Recorder acted as judge of the court, although in some cases the Mayor continued to act as the Recorder or as the substitute Recorder.

The city court in Americus was established by an 1888 resolution of the Georgia Legislature. The Act established a Mayor's Court with jurisdiction to try violations of local ordinances. The court was presided over by the Mayor of Americus. The Mayor's Court could issue fines of up to \$10. The same Act then created a "police court" in Americus which was also to be known as the Mayor's Court and that had the exact same jurisdiction as the Mayor's Court. It had the power to impose a sentence of 60 days labor or a fine of up to \$100. It appears that the intent was to combine both courts into the Mayor's Court. The city clerk was the Clerk of the Mayor's Court. Appeals from the Mayor's Court were to the full City Council, *de novo*. Appeals from a decision of the full City Council were by certiorari to the Superior Court of Sumter County.

A 1911 Act established a Recorder's Court in Sumter County and gave it the power of the former Mayor's Court. The only substantial change was to specify that appeals from criminal cases were not to the full City Council but were by certiorari to the Superior Court of Sumter County. Appeals from non-criminal cases were still appealed to the City Council. The court was still presided over by the Mayor.

In 1922, a new Charter was granted for Americus. This Act again referred to the court as the "Mayor's Court" but it was to be presided over by a Recorder (or Judge) rather than the Mayor. The Court had the same powers as under the prior charter.

The salary of the Recorder in 1937 was set by the City Council at \$2,700, which was the same salary as set for the City Marshall and the City Attorney. In January, the City expected traffic fines for 1937 to be approximately \$5,200 and budgeted for that amount. Fines in the Recorder's Court for 1938 were \$6,497 compared to \$5,926 in 1937 and \$6,154 in 1936. Nearly

half of the 1938 cases were Disorderly Conduct with 540. Drunkenness was second with 337 cases. Traffic cases ranked third with 82 cases.

In November of 1943, Recorder William E. Smith resigned to join the military and Attorney Hawkins Dykes was appointed to replace him.

In 1943, the Americus Traffic Court (Recorder's Court) assessed \$6,777 in fines from 997 arrests. Fines for 1948 totaled \$20,503 from 2,188 cases. Parking violations lead the list with 781 cases; disorderly conduct cases were next with 597 cases; and drunkenness was third with 566 cases.

In 1992, the city of Americus was again granted a new Charter. In this Charter, the city court is called The Municipal Court of the City of Americus and its powers and duties were redefined to those of the present day. Jurisdiction of the Municipal Court of Americus includes all city ordinances, state traffic offenses, and a number of other state misdemeanor offenses such as marijuana and shoplifting.

None of the above courts should be confused with the City Court of Americus which was established by legislation in 1901. The 1901 City Court of Americus replaced the County Court of Sumter County. The County Court of Sumter County had been established by Act of the legislature in January, 1872. Despite its name, the 1901 City Court of Americus had jurisdiction over the entire County and not just Americus. Cases in the City Court of Americus were tried to a jury. The City Court of Americus was replaced by the State Court of Sumter County in 1973.

Examples of Fines from the Early Years¹

1923	Loitering	\$5 to \$15
1923	Disorderly Conduct	\$10
1924	Discharging Rifle	\$5
1933	Fighting	\$5
1934	Skins Game	\$3
1934	Disorderly House	\$5
1938	Disorderly Conduct	\$3.75
1938	Drunk in Public	\$3.75 to \$7.50
1940	Disorderly House	\$3.00
1940	Drunk in Public	\$3.75
1942	Drunk in Public	\$5.75
1942	Fighting	\$3.75
1945	Disorderly Conduct	\$5 to \$10
1945	Drunk in Public	\$10

Known Recorders (Judges) of the Americus Recorder's Court

1923	Hollis Fort ²
1924	Hollis Fort ³
1925	Hollis Fort
1926	Hollis Fort ⁴
1927	Hollis Fort ⁵
1928	Grover Webb ⁶
1929	H. O. Jones ⁷
1930	H. O. Jones
1931	H. O. Jones
1932	H. O. Jones
1933	H. O. Jones ⁸
1934	R. Lawton LeSueur, Sr. ⁹
1935	R. Lawton LeSueur, Sr. ¹⁰
1936	Hollis Fort, Jr. ¹¹
1937	Hollis Fort, Jr. ¹²
1938	Hollis Fort, Jr. ¹³
1939	Tom Lane ¹⁴
1940	Tom Lane ¹⁵
1941	William (Billy) Smith ¹⁶

1942	William (Billy) Smith ¹⁷
1943	Hawkins Dykes ¹⁸
1944	James A. Fort ¹⁹
1945	James A. Fort ²⁰
1946	William (Billy) Smith
1947	William (Billy) Smith ²¹
1948	William (Billy) Smith ²²
1949	William (Billy) Smith ²³
1950	William (Billy) Smith
1951	William (Billy) Smith
1952	William (Billy) Smith ²⁴
1953	William (Billy) Smith ²⁵
1954	W. T. Lane ²⁶
1955	W. T. Lane ²⁷
1956	W. T. Lane
1957	W. T. Lane ²⁸
1958	Steve Pace, Jr. ²⁹
1959	Steve Pace, Jr. ³⁰
1960	R. Lawton LeSueur, Jr.

Judges of the Municipal Court of the City of Americus

1993 to 2000 - R. Lawton LeSueur, Jr.	2001 to Present - J. Michael Greene
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From 1960 until the termination of the Recorder's Court in 1991, R. Lawton LeSueur, Jr. was the Recorder. He served a total of 41 consecutive years as Recorder of the Recorder's Court and later Judge of the Municipal Court.³¹ From 2004 to the present, William NeSmith has served as Judge Pro Tem.

ENDNOTES

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- 1 Taken from various *Americus Times-Recorder* editions.
2 Recorder's Court Busy Wednesday, *Americus Times-Recorder*, January 31, 1923.
3 Rifle Shooter Draws Fine from Recorder, *Americus Times-Recorder*, March 24, 1924.
4 Police Court in Health War, *Americus Times-Recorder*, June 18, 1926.
5 Caddying Work Decides Fort, *Americus Times-Recorder*, January 28, 1927.
6 Traffic Laws Must Be Obeyed, *Americus Times-Recorder*, January 13, 1928.
7 "Wife Beating," *Americus Times-Recorder*, December 18, 1929.
8 "Only One Case in Recorder's Court," *Americus Times-Recorder*, February 24, 1933.
9 "Negroes Fines for Skinning," *Americus Times-Recorder*, May 15, 1934.
10 "Licenses Fixed," *Americus Times-Recorder*, January 1, 1936.
11 "Licenses Fixed," *Americus Times-Recorder*, January 1, 1936.
12 "Pay Cuts Restored . . .," *Americus Times-Recorder*, January 1, 1937.
13 "Police War on Loafers," *Americus Times-Recorder*, January 17, 1938.
14 "Many Negroes Sentenced at Police Court," *Americus Times-Recorder*, January 9, 1939
15 "Light Docket in Recorder's Court," *Americus Times-Recorder*, March 25, 1940.
16 "Recorder Smith Plans to Make Crime Costly," *Americus Times-Recorder*, January 4, 1941.
17 "City Recorder Holds Session," *Americus Times-Recorder*, January 19, 1942.
18 "New Judge To Take Charge," *Americus Times-Recorder*, November 14, 1942.
19 "Large Number of Cases in Weekly Recorders' Court," *Americus Times-Recorder*, September 19, 1944.
20 "Fines, Bonds Total \$215," *Americus Times-Recorder*, January 15, 1945.
21 "Recorder's Court Fines Total \$441," *Americus Times-Recorder*, January 27, 1947.
22 "Smith to Run for Solicitor," *Americus Times-Recorder*, January 23, 1948.
23 "Beer Stamp Ordinance," *Americus Times-Recorder*, May 17, 1949.
24 "Negro Bound Over to State Court," *Americus Times-Recorder*, January 28, 1952.
25 "Fines in Recorder's Court Total \$332," *Americus Times-Recorder*, February 23, 1953.
26 "Recorder's Court Fines Total \$287," *Americus Times-Recorder*, January 24, 1954
27 "34 Cases Heard in Local Court," *Americus Times-Recorder*, January 24, 1955.
28 "31 Cases Hear in Recorder's Court," *Americus Times-Recorder*, January 28, 1957.
29 "Council Holds Annual Reorganization Meeting," *Americus Times-Recorder*, January 4, 1958.
30 "21 Cases Heard in Local Court," *Americus Times-Recorder*, May 4, 1959.
31 "Quiet Session in Recorder's Court," *Americus Times-Recorder*, January 9, 1961.