

# MADISON BELL:

BIOGRAPHICAL SKETCH

OF

HIS EARLY LIFE AND EDUCATION

WITH

A BRIEF ACCOUNT

OF

HIS MILITARY AND OFFICIAL CAREER.

BY DR. V. D. LOCKHART.

BYRD & PATILLO, PRINTERS, ATLANTA.

Garnett Dell  
Russell, Va.



*Madison Bell*

# MADISON BELL:

BIOGRAPHICAL SKETCH

OF

HIS EARLY LIFE AND EDUCATION

WITH

A BRIEF ACCOUNT

OF

HIS MILITARY AND OFFICIAL CAREER.

By DR. V. D. LOCKHART.

*Samuel Bell*

LYRD & FAITHFUL, PRINTERS, ATLANTA.

## DEDICATION.

*To the Children of Madison and Mary C. Bell:*

The Israelites, in their journeyings through the wilderness, were guided by a pillar of cloud by day and a pillar of fire by night. God provided these unmistakable evidences of His love and protection in order that they might know that they were the chosen of the Lord.

This little volume is dedicated to you in order that the irreproachable example of your loving father and mother may guide you safely through this world.

*November, 1887.*

THE AUTHOR.

## INTRODUCTION.

The subject of this sketch is, in some respects, one of the most remarkable men of our times; possessing those noble traits of character and of mind capable of seizing the opportunities of the hour and utilizing them for his own promotion and for the good of others, and thus becoming a true benefactor of the human race.

Coming upon the stage of action at the time, and under the circumstances surrounding him, his name will go to make up the roll of honored heroes of this beautiful and beloved Southland, and will remain in the history of the sons of Georgia as one who did much from a very humble beginning to add to the lustre of his native State. As a representative of the brave and chivalrous sons of the South, and of that open-hearted, generous hospitality that characterizes the Southern people, he may be said to have few superiors among his contemporaries.

He was born to be a leader, and was a leader of thought and action, in public and in private life, during and after the war between the States; and in many of

the enterprises that contributed time to the internal improvement of Georgia.

He took an active interest during the late civil war, and the unhappy struggle became Reconstruction measures, the means most likely to bring the State to its proper status in the Union.

When this had been accomplished, his position of high trust and honor was served acceptably to all eyes, and the most rigid scrutiny of his conduct of all who held office during this period, by the State administration, his character was without the slightest reproach.

The individuality of every act a full determination to discharge the full measure of his patriotic citizen, with a State and that alone, was in contact with him, public officer, or as a private citizen, he be truthfully asserted, favored with such a high regard, and requirements in the matter.

MADISON BELL.

6

the enterprises that contribute so much at the present time to the internal improvement and development of Georgia.

He took an active interest in the cause of the South during the late civil war, and at the termination of the unhappy struggle became an earnest supporter of the Reconstruction measures, as proposed by Congress, as the means most likely to secure the restoration of the State to its proper status as a member of the Federal Union.

When this had been accomplished, he was called to a position of high trust and responsibility, in which he served acceptably to all parties; and, notwithstanding the most rigid scrutiny and investigation of the official conduct of all who held official station of any kind, at this period, by the State authorities of the succeeding administration, his character was left unsullied and without the slightest reproach.

The individuality of his character, evincing in his every act a full determination to do *exactly right*, and to discharge the full measure of his duty as an honest and patriotic citizen, with an eye single to the good of the State and that alone, was impressed upon all who came in contact with him, either as a soldier, politician, public officer, or as a private citizen. Indeed, it may be truthfully asserted, that comparatively few men are favored with such a happy combination of mental acquirements in the management of affairs as Major

MADISON BELL.

7

It is the intention of the writer, who has been long and intimately acquainted with him, to present, in this little volume (written not with the expectation of profit, but for future reference for his children and intimate friends), a simple portrayal of the most prominent incidents of his life; and it is hoped that those nearest and dearest to him by the ties of natural affection will appreciate the impulse thus moving the writer to present this brief sketch of one who has ever been kind and charitable, and in no sense false to any trust.

## CHAPTER I.

James Bell, a son of Thomas Bell, the grandfather of Madison Bell, was a native of Pennsylvania, and moved to Virginia, where Major John Bell, the father of Madison, was born.

Major John Bell, when quite a young man, went to South Carolina, where he engaged in business. Here he became acquainted with and married Miss Narcissa Lockard, a lady who had been born and reared in Chester District of that State.

While living in South Carolina the older members of Major John Bell's family were born, viz: John L. Bell, Charner Bell (who died while an infant), Aaron Bell, Mary P. Bell, and William R. Bell.

While the last named—Richard, as he was called—was yet an infant, the family moved to Georgia, and settled on the waters of Grove river, in Hall (now Banks) county, during the early settling of this portion of the State, and engaged in farming. At this place the remaining members of Major John Bell's family were born, viz: Harriet, Narcissa, Anderson W., Madison, and Allen J., Madison being born on the 25th

*Samuel Bell*

day of June, 1836. It will thus be seen that Madison was the seventh son born to them, and on this place he was partly raised.

While Madison was yet a small boy, his father having, before his birth, become interested in some lands, about twelve or thirteen miles north and on the west side of the Chattahoochee river, moved his entire family to this place and engaged in gold mining and farming.

This place, afterward owned entirely by Major John Bell, was then and has ever since been known as the Glade gold mines. It is situated in Hall county, twelve miles north of the beautiful city of Gainesville, on the road to Cleveland, Ga., the county site of White county, and six miles west of Bellton, a thriving town on the Piedmont Air-Line railway. The farm is nestled down at the foot-hills of the Blue Ridge Mountains, and is surrounded by some of the most beautiful natural scenery to be found in Northeast Georgia. A large creek runs through the plantation, into which empties several smaller streams. This place, at the time of which we write (about 1840), was discovered to be quite valuable on account of a number of rich deposits of gold; and it is said that two or three diamonds have been found on this place. One, the writer knows, was found by Thomas C. Bell, an uncle of Madison, who, at this writing, lives at Bellton, Ga. This diamond was purchased from Major John Bell by Dr. Richard Banks,

of Gainesville, who sent it to Philadelphia, where it was valued at about two hundred and fifty dollars. The Doctor afterwards had it set in a finger ring and gave it to his daughter, Susan, now a Mrs. Becker, living in Atlanta, who still has it in her possession. It was on exhibition at the Cotton Exposition in Atlanta in 1881, and attracted much attention. Others were said to have been found on the same place, but of these the writer has no personal knowledge.

From various portions of the country people gathered in to engage in the rich harvest of the precious metal, and, as is common with mining districts, many of the rougher and immoral characters assembled, and the moral status was at a low ebb. The country itself was sparsely settled, and the manners and habits of this section at that time were of a very plain and unsophisticated character; at least the uneducated, and, in the main, the dissipated element of society predominated.

But Major John Bell was a man of very strong native intellect, of irreproachable moral integrity, and far above an average in business judgment and capacity; and his wife was an earnest Christian, a warm-hearted, generous lady, possessing many highly cultivated talents, and sincerely devoted to the welfare of her children; and doubtless the advantages of early parental training and restraint had much influence in the formation of the character of young Madison, notwithstanding



the many evil influences generally prevailing, and especially in this locality.

In politics, Major John Bell was an old line Whig, and while his county often elected Whig candidates for county officers and members of the General Assembly, he never was a candidate for any office whatever, preferring to devote his time and attention to his farming and mining interests and the improvement of his new home.

About the time Madison was fourteen years of age, his father was stricken with paralysis and died about the third day afterward, being at the time of his death fifty-seven years, three months and one day old. He left no will, and the administration of the affairs of the estate fell upon the widowed mother and her son Richard, guardians being appointed by the Court for the minor children.

As the writer remembers Mrs. Bell, she was of Scottish-Welsh descent, a lady greatly beloved by all who knew her. Modesty and charity, and perhaps it would be proper to add, domestic qualities, were very prominent characteristics of her life. She was truly a devoted wife; an affectionate mother; a kind and indulgent mistress, greatly beloved by her servants; and, although such duties as those of administratrix were very different from those of the accustomed channel of her life, she disposed of the estate of her deceased husband in a manner satisfactory to all interested. She lived to be

sixty years of age, and on the 4th day of May, 1861, died a peaceful and happy death, having survived her husband for a period of about ten years, and was buried by the side of him in Hall county, about one and a half miles from the old homestead, the burying ground being very near Bell's Chapel, which church had been erected in the main by Major John Bell, during his life-time, and which was named after him by the preacher then in charge of that circuit.

The writer has a sainted mother resting here among these old pioneers of Hall county, and the scenery of the place will linger in his memory through life as one of the most sacred spots on earth. Not far from here he first saw the light of day, and at this place he first went to school to Madison Bell, who was at that time just merging into manhood. The building was then beginning to show signs of decay, and has long since been leveled to the ground, but another and more substantial structure has been erected near by, to perpetuate the memory of those whose bodies now lie mingling with the dust. Eternity alone can reveal what God has wrought through these humble instruments of his. This place is situated two miles north of the Chattahoochee river, on the road from Athens to Cleveland. The church stood just by the road, to the left hand going north—a beautiful, lovely spot—perfectly level, and surrounded with natural forests. The grave-yard

is also near the road, and a little south of the old church, on the top of a beautiful eminence gently sloping off in all directions.

Here we may stand and commune with Nature in her most lovely aspects. Looking to the north, the towering peaks of the Blue Ridge range lift their rugged forms to kiss the flying clouds, and in winter seem to reach upward, to mingle with the regions of eternal snow. To the east and south are the distant river hills beyond the lovely vale of the Chattahoochee, while a beautiful landscape lies between, interwoven with small farms and orchards, while to the west, though not in sight, is the old homestead of the Bell family, which has already been partially described.

The graves of Major John Bell and wife are enclosed together by a handsome iron railing, surrounded by a clump of cedars and other natural growth. A neat marble headstone bearing the following inscriptions stands over each grave, while around them sleep the remains of many dear friends and neighbors who have followed then on to the better land:

Q

SACRED  
TO THE MEMORY OF  
MAJOR JOHN BELL.  
Born December 1, 1792;  
Died March 2, 1850.  
"Blessed are the dead who die in the Lord."

SACRED  
TO THE MEMORY OF  
NARCISSE,  
WIFE OF MAJOR JOHN BELL.  
Died May 4th, 1851,  
Aged 60 years.  
"Blessed are the pure in heart, for they shall see God."

*Samuel Bell*

Isaac Rylee, who had married Harriet (an elder sister), was appointed Madison's guardian, and he remained on the farm, plowing and hoeing, and performing other ordinary labor with the other hands, and occasionally attending such schools as were taught in that immediate neighborhood.

The houses in which these schools were taught were log cabins, of a single room or apartment, rough plank floors loosely thrown down, and supplied with no furniture except rough slab seats constructed on the bench or stool order, and without backs.

The teachers of that time in upper Georgia were generally men of very limited education, very often being possessed of no learning beyond the bare rudiments of common English branches. They knew but one thing perfectly, and that was the art of governing a school by a rigid discipline of force; and the pupils seldom failed to yield to the eloquent persuasion of the long, keen hickory switch, which usually occupied a very conspicuous position near the teacher's chair. This silent but powerful monitor had, no doubt, a very salutary restraining influence upon the schools of this time; but it is surprising to see how slowly the world came to recognize the fact, that intellectual, and not physical forces were the great conservators of this world's morals.

In this way, alternating between farm work and attending school, young Madison obtained a limited

knowledge of spelling, reading and writing; and being possessed of an ambitious and aspiring disposition, he often studied hard at night, and when not at work on the farm taught some two or three schools in the neighborhood, composed mainly of young children; and in one of these schools the writer was first initiated into the mysteries of the English language. Young Madison was at that time boarding with his brother Richard, and the writer then being too small to attend alone, the teacher came by on his way to school, which was then being taught at Bell's Chapel, and took charge of him on his way to school and back again. In this way he continued to work and study, availing himself of every possible means of improvement, until about eighteen years of age, when he was employed by Mr. Aaron Wheelbel as a clerk, at seven dollars per month. Mr. Wheelbel was then doing business in Gainesville, the county town of Hall county, as a general merchant. Here he remained, as a salesman, for a period of one year, which position he filled to the satisfaction of his employer; and while Mr. Wheelbel had greatly increased his wages for the second year, young Madison had determined, after due consideration, to give up his position and enter upon the study of law, which he commenced under the direction of Gray & Banks, a law firm then practicing at Gainesville. After studying with these gentlemen a few months, the law department was added to the State University at Athens.

The professors of this department at that time were Joseph H. Lumpkin, Chief Justice of the Supreme Court of Georgia; Thos. R. R. Cobb, and Wm. Hope Hull, very learned and distinguished lawyers of their day.

After receiving a regular course of instruction in this department of the University, he graduated with distinction, and commenced the practice of law in Homer, the county site of Banks county.

GREAT-UNCLE

JAMES P. HARGROVE - SGT. - U.S.A.

BORN - JAN. 23, 1836

KILLED IN BATTLE KNOXVILLE, TENN.  
NOV. 29, 1863

ASBURY HARGROVE -

BORN - SEPT. 22, 1809

DIED - MAR. 15, 1879

LOUISA HARGROVE (WIFE)

BORN - MAY 17, 1814

DIED - FEB. 18, 1889

MATHEW GRAND-  
PARENTS

FRANCIS HARGROVE -

BORN - DEC. 22, 1843

DIED - SEPT. 19, 1917

CHAPTER II.

Banks was a new county (having been organized in 1858), and formed originally from portions of Habersham and Franklin counties, a portion of Hall being subsequently added, and in 1871 Dr. William R. Bell, who was at that time representative from Banks, introduced a bill, which was passed, changing the lines between Banks and Jackson so as to include all that portion of the latter county, as far as the Athens and Cleveland road, and intersecting with said road, at the place where the town of Maysville now stands, on the North Eastern Railroad.

At the time the new county was formed, Joseph H. Banks was a member of the Legislature from Hall county, and was opposed to the bill—at least he objected to the new county infringing upon the territory of Hall—and the friends of the measure proposed to name the new county in honor of his father, the lamented Dr. Richard Banks, an eminent physician and surgeon of Gainesville, who lived for many years in that town, and who, it may be proper to remark, was the preceptor of Dr. Wm. R. Bell while he was a student of medicine.

REVERENT - M. D.

W. R. BELL - BORN - OCT. 30, 1826

CHESTER DIST. S. CARO

DIED - JULY 3, 1876

BURIED IN S. CARO, GA.

It is said that this inducement, however, failed to remove the objection of Mr. Banks, and the bill passed without including any portion of Hall at that time; but Mrs. Martha Banks, the widow of Dr. Banks, gave the new county the sum of one hundred dollars, as a token of her appreciation of the honor conferred upon the name of her deceased husband.

Homer, the county-site of the new county, was a prosperous and thriving young village; Athens was the nearest railroad point, and the place where Harmony Grove, the young business giant of Northeast Georgia now stands, was little more than a camping-ground where the wagoners from North Carolina and the mountains of North Georgia stopped for the night, or during the day to let their teams rest in the shade.

There was one business house and a blacksmith shop near the road at Harmony Grove, and few people dreamed that the business of Northeast Georgia would ever sustain such a place as it now is, or that it would ever grow to be as large a place as Homer was.

The new county was not troubled to any extent with litigation, but at the recommendation of the distinguished Judge Lumpkin, Mr. Bell decided to make it his future home. He accordingly identified himself with the people of the county, and rapidly rose in their confidence and esteem, doing a large share of the legal business of this section until the war came on.

He was an ardent Union man and an earnest op-

ponent of the measures of secession, and did all he honorably could to prevent it; but after the State had adopted the Ordinance of Secession, and war came as the result, he entered the service of his native State as a volunteer private in Captain Delaney's cavalry company, which was assigned to duty in the famous Cobb's Legion, and remained in active service two years in Virginia, during which time his health became much impaired on account of sickness and exposure, and he was sent home on a furlough.

While at home, and after his health had been partially restored, he received authority to raise a cavalry company for service in the Confederate army, and succeeded in enlisting one of the largest cavalry companies ever raised in North Georgia, principally composed of able-bodied young men, who entered the service with all the enthusiasm that a love of country and the cause of the South could inspire. They were principally from the counties of Banks, Jackson, Franklin, and a few from Habersham and Hall.

Mr. Bell was elected Captain; Payton Bush, of Banks county, First Lieutenant, and Isaac W. Alexander, of Banks, Second Lieutenant. This new company was assigned to the Eleventh Georgia Cavalry, Captain Bell soon being promoted to the rank of Major, serving a portion of the time under General Wheeler and a portion of the time under General Howell Cobb in Georgia. During the latter portion of the war, however, and at

the time of General Lee's surrender, he was under General P. M. B. Young.

During General Sherman's memorable campaign in Georgia, Major Bell was with that portion of the Confederate army that followed in General Sherman's rear; and the writer has heard him remark that the Confederate forces were scarcely strong enough to keep Sherman's rear guard well closed up, should such a force have been necessary. He was following after the Federal troops until they reached South Carolina. About the time they reached this State, the command of Major Bell, under General P. M. B. Young, when near Camden, South Carolina, met a raiding force of the enemy, making their way towards Charleston. A number of severe skirmishes occurred between these forces and those of General Young for a day or two, when General Young, ascertaining the superior force of the enemy, and as he could not much longer hope to retard their progress, as they would soon, doubtless, break through his lines, sent Major Bell, with three companies of cavalry, five or six miles down the river to destroy a train of cars which had been sent down there, loaded with provisions and ammunition, in order to prevent them from falling into the hands of the enemy. Major Bell obeyed this order at once, and to the letter. Returning back with his squadron, he met the enemy in full force, which had charged and cut through the main line of General Young's command during his absence. For-

tunately for this small force of Confederate cavalry, there happened to be a fork in the road where they met. Major Bell quickly ordered his men into the right hand road, and they dashed away down this road some two or three miles, the enemy passing on down the main road. Luckily for Major Bell's squadron, night soon came on and they were enabled to elude the enemy, whereas, had it been daytime, his entire force, consisting of about three hundred and fifty men and horses, would, doubtless, have been captured.

During the night the Federals all passed and gave them an opportunity of again falling into their rear, where he was again met by General Young, a large portion of whose command had by this time scattered out into the adjacent swamps and brush. With such forces as could be collected, they again followed in pursuit of the enemy, in the direction of Charleston, occasionally skirmishing along, until the middle of the afternoon, when the Federals came to a halt, threw up some temporary breast-works, and opened a vigorous fire.

Major Bell now received orders from General Young to charge their breast-works. This was promptly done and the enemy driven from their position, falling back behind some still more formidable entrenchments, when they again made a stand, and a warm engagement was going on, when Major Bell was ordered to bring his men out. He did so, and galloping up beside General

Young, was informed of General Lee's surrender of the Confederate forces at Appomattox.

General Young then proceeded with his command to Columbia, thence to Augusta, where they were paroled, and the men dispersed to their homes with sad hearts, for the Confederacy had indeed fallen; many thousands of the bravest and truest hearts that ever enlisted in any cause were stilled in death, and their pathway returning homeward was marked by the desolating hand of an invading army, whose onward march could not be arrested because of superior numbers.

It is thought by many, and from all accounts it seems to be true, that this was the last charge and engagement of the Confederate war east of the Mississippi river.

As will be seen from the foregoing account, Major Bell enlisted early in the cause of the South, and remained true to that cause up to the last hour of final defeat. He was in several battles and many skirmishes, but, fortunately, he was never captured by the enemy or wounded in any way. As a military officer, he was particularly noted for his kindness and the zeal and energy he manifested in endeavoring to add to the comfort and welfare of his men. Consequently he was much endeared to them as an officer, and, doubtless, had the war continued much longer, he would have been promoted to a still higher rank. He never considered any duty too hard for him; he was an honest-hearted, brave

and faithful soldier, battling for the South and its cause, and as such, to know and to do his duty was the inspiration that led him to face danger and endure privation and affliction without a murmur.

When the banner of the Confederacy was furled in defeat, he turned again to his native land to bind up the broken hearts and assist in building up the wrecked and ruined fortunes of his own State.

He returned to his home in the little village of Homer almost penniless, and with a shattered constitution and greatly impaired health, and at once opened up an office and again commenced the practice of law.

Continued and unremitting attention to business, and faithful attention to the interests of his clients, soon won for him a liberal share of practice. He soon formed a co-partnership in the practice of law with the lamented Colonel Robert McMillan, of Clarksville, and was subsequently elected Solicitor General of the County Court of Banks county, which position he held until the County Court was abolished by law.

He was chosen a delegate to the Constitutional Convention of 1867-68, from the Thirty-third Senatorial District, consisting of the counties of Jackson, Hall and Banks.

Major Bell was one of those who accepted the defeat of the cause of the South as the final solution of those great questions of national politics that had agitated the public mind for so many years. The Confederacy

*Samuel Bell*

had been overpowered by superior numbers, and with its failure went down the brightest hopes and anticipations of its gallant defenders. To be restored to the Union, and to repair, as far as possible, the sad consequences of secession, was the great object with him. He therefore favored the reconstruction measures, as proposed by Congress at that time, as likely to afford the quickest relief to the suffering people of the South. He was also uncompromisingly opposed to the "relief measures" proposed to be enacted at that time, because, to him, it was a species of dishonesty. His position on those questions was fully announced, and after a warm and exciting canvass he was elected by a handsome majority, and became a very active and influential member of the Convention, and in May, 1868, was chosen by the Republican Convention of Georgia as a delegate to the National Republican Convention at Chicago, and voted in that Convention for Grant and Colfax for President and Vice-President of the United States.

### CHAPTER III.

As before stated, all that section of country lying north of Atlanta, including the counties of Hall, Banks, Jackson, Franklin, Habersham, and, in fact, all the northern and north-eastern portions of the State, had not, as yet, been penetrated by any line of railroad; and, as a matter of course, after the war, the mail facilities of the country were very limited, as Congress had not, as yet, made provision for the re-establishment of many of the postal routes of the country.

The building of the Air-Line Railroad had been talked about a good deal before the war, and some work had been done. After the war the country was paralyzed, and the people were too poor to contribute to its completion, but it was a pet project of Major Bell's, and he lost no opportunity to bring it prominently before the people, hoping to attract the attention of capitalists, and did a great deal of good by his efforts in this direction. To this end, while a member of the Constitutional Convention of 1867, he introduced a resolution, which was passed; petitioning Congress to extend Government aid to the building of the Air-Line Road. While he had but little idea that the Government would extend aid to the road, yet he hoped that, through this



means, the attention of prominent capitalists would thus be directed to this great through line. The resolution was read before the House and Senate, and enrolled on the journals of Congress, and it may be said that this, in no small degree, contributed to the accomplishment of this great undertaking. He was also very influential in securing State aid to this road, and was considered, at this time, one of the moving spirits of this great enterprise, which resulted in opening up this beautiful section of Northeast Georgia, and bringing her rich products of mineral and agricultural wealth to the attention of the world.

When the road had been completed as far as Gainesville, a grand railroad meeting was held at that place, and Atlanta united with Gainesville in a day of great rejoicing. Major Bell, among others, was invited to be present and address the people. In response to the invitation, he addressed the committee the following letter, which is here introduced to show how he rejoiced with the people of his native county at the advent of this road:

ATLANTA, June 26th, 1871.

Messrs. J. F. Langston, P. M. Caldwell, D. E. Banks and others, Gainesville, Ga.:

GENTLEMEN—Your favor of the 9th inst., inviting me, by direction of a meeting of your citizens, to be present at a meeting to be held at Gainesville on the 4th day of July, prox., and to address the people, etc., has been

received, and would have been replied to earlier, but for a brief necessary absence from this city. Permit me, gentlemen, to thank you and the citizens whom you represent, for this expression of confidence and respect; and to say that under different circumstances, it would afford me great pleasure to accept your courteous invitation, and to the best of my ability express my views on the subject of railroad enterprises, which calls together this interesting assemblage of the citizens of my native county. I very much regret that other engagements, coupled with official duty, will not permit me to attend. I regret it more because this occasion would enable me to meet many of my old friends and acquaintances, whom I have known and esteemed from childhood, and in whose prosperity and happiness I feel a deep interest.

I would also be glad to attend for the purpose of aiding, with whatever talent or influence I possess, the enterprise to which you refer. I feel a deep interest in railroad extension in Northeast Georgia, and, in my feeble way, have never failed, heretofore, to do all in my power to bring it about.

I now beg to congratulate you, and the good citizens you represent, upon the fact that the Air-Line Railroad has reached your beautiful town; and I trust that its extension beyond may not be retarded—that ere another twelve months shall have rolled around, the road will be in running order to the South Carolina line, and that our heretofore neglected citizens of Northeast Georgia may be enjoying the full fruition of their fondest hopes in reference to this great enterprise.

I hope that the road to Dahlonega may be speedily completed, and that ere long that El Dorado of the South

may receive new stimulation to mining enterprises; that capital and skill may be attracted thither, in order that the vast treasures hidden in the earth may be fully developed.

I trust that railroads may penetrate that whole region, until every community shall be brought within a convenient distance of railroad communication. I hope soon to see this neglected region emerge from its long obscurity; to hear the hum of manufactories along its beautiful streams, abounding, as they do, in unsurpassed waterfalls. I anticipate a new impetus to agriculture, and hope to see our citizens adopting the modern improvements in that line, so that the greatest production with the least possible labor may be realized. All this will be the happy result—and more—schools will spring up, and churches, intelligence and Christianity will keep pace with these physical developments; and before a great while we may see this healthy, rich, productive, and, I can add indeed, unsurpassed country, become the "garden spot" of Georgia.

Allow me to express, in conclusion, the hope that you may have a harmonious meeting, and that the purposes in view may be fully carried out, and at a very early day.

I am, very respectfully,

Your obedient servant,

MADISON BELL.

A very large assemblage of the citizens of Atlanta and of Gainesville and surrounding country were present on the occasion above referred to. The foregoing letter from Major Bell was read, and ex-Governor Jo-

seph E. Brown, in addressing the people, made use of the following very complimentary language in reference to him:

"I notice from the report of the Comptroller-General, whose letter has been read before you, and who was reared among you, who has your confidence, and who richly merits your confidence, for he has been faithful and efficient in the discharge of the duties of the high office that has been conferred upon him, that during the last year the taxable value of the property of Georgia has increased over twenty-one millions of dollars."

Major Bell, while a member of the Constitutional Convention of 1867, introduced a resolution, which was passed, requesting Congress to re-establish the mail lines penetrating Northeast Georgia, as they existed before the war, and especially the old tri-weekly route from Atlanta to Gainesville, via Lawrenceville, thence through Banks and other counties. This resolution was laid before Congress, and was referred to the Postmaster-General, and resulted in obtaining for this section of the State the re-establishment of mail service to the various county towns and prominent places throughout Northeast Georgia.

We might refer at greater length to his services as a member of the Convention, which framed the organic law of Georgia, after the war, but will forbear, with the

remark that he was a very efficient and faithful member of that body, always conservative, looking well to the best interest of the State, and especially to his own immediate section.

#### CHAPTER IV.

In the summer of 1868, the first Legislature chosen under the new Constitution assembled in the city of Atlanta, and Major Bell was elected by that body to the high and responsible position of Comptroller-General, which position he held for the regular term of four years, as provided by the Constitution, and also during the interval, from the expiration of that time to the commencement of the next regular fiscal year, as provided by law, embracing in all a period of four years and six months. The present chapter will contain a brief account of some of the most prominent of his official acts during that time, and the manner in which they were received by the leading journals of the State and the mass of the people.

When Major Bell came into the administration of the affairs of this department of the State government, the entire records of the office, including the large number of tax digests, which had accumulated in the office at the old Capitol at Milledgeville, were left by the Federal forces in a state of utmost confusion and disorder. It was a task of herculean proportions to collect and re arrange these in their proper order so as to be enabled to obtain sufficient data upon which to base a com-

*Samuel Bell*

parative report of the various resources of the State, and otherwise to place the affairs of the office in proper running order. This task was, however, no discouragement to his will and resolution, and in a short time the office, together with all the records, such as could be obtained, had been transported from the old Capitol in Milledgeville to the new State house in Atlanta, and the next annual report of the Comptroller-General was an able state document, setting forth in regular and classified order the various resources of the State, with all its receipts and expenditures.

But, on account of defective legislation, much remained to be done in the way of properly indexing the records of the Wild Land Department of the Comptroller's office. Major Bell therefore recommended, and the Legislature passed, a resolution authorizing the appointment of a clerk for this purpose, to be known as the clerk of the Wild Land Department. This position was given to Dr. Allen J. Bell, whose labors resulted in a systematic arrangement of all returns of wild or unimproved lands throughout the State, indexed by number, district and section, with the name and residence of the owner. This systematic index of the Wild Land Records was a thing much needed by the citizens of the State as a matter of convenience to the people, and resulted in bringing to light a fact hitherto little known, namely: that a very large number of lots of wild lands were not returned

for taxation, the State thereby losing thousands of dollars annually.

These, together with other improvements in the affairs of the office, soon rendered Major Bell's administration as Comptroller-General very popular, notwithstanding the fact that the administration of State affairs at that time, under the Governorship of Rufus B. Bullock, had been assailed with the fiercest opposition by the press of the State.

Major Bell discharged the duties of the Comptroller's office to the entire satisfaction of all parties, and received the endorsement of various leading newspapers and the mass of the people at large, enjoying the confidence of a large number of personal friends of various shades of political opinion and tenets of statesmanship, won by his genial manners and unflinching devotion to official integrity and the best interests of the State. Notwithstanding the delicate and peculiar position he occupied at the time, he continued his hold upon public good will and fellowship, as will be seen by the following extracts taken from a large number of newspaper comments published at that time:

The *Daily Intelligencer*, a Democratic paper published at Atlanta, under date of May 19th, 1870, after giving an extended synopsis of the report of the Comptroller-General for the preceding year, adds the following complimentary notice:

"We regret that we have not the space to lay before our readers the valuable information which the *figure labor* of this report embraces, which covers many pages of it, and which demonstrates the office of Comptroller to be one of great responsibility, requiring of its possessor the Jeffersonian requisite of all holding public trusts, capability and integrity, which we take pleasure in saying Comptroller Bell possesses in an eminent degree. \* \* \*

Comptroller Bell, in this report of his, has a clear comprehension of the financial condition of the State, and of his duties in connection therewith, which we are pleased to know he discharges in a conscientious manner, without fear, favor or affection, scrupulously guarding every interest of the State, with an eye single to that and that alone."

The same paper, under date of May 18th, 1870, contains the following editorial and extract from the *Gainesville Eagle*, a Democratic newspaper, published at Gainesville, Georgia:

"We are pleased to see that most of the press of the State have taken favorable notice of the Annual Report made to the Governor, by Major Bell, the Comptroller-General of the State, which he has transmitted to them; and we are more pleased that most of them have made copious extracts from it, as from the limited number of copies ordered to be printed in pamphlet form only, the

important statistical and other interesting information which the able document embraces could not reach the people. Among the many notices taken of the report, we copy the following, for a reason we shall give, from the *Air-Line Eagle*. That paper says:

"We are indebted to the courtesy of Major Bell, Comptroller-General of Georgia, for a copy of his annual report for the year 1869, and take this method of returning him our sincere thanks for this valuable document. From a cursory examination of this report, we hesitate not to pronounce it one of the ablest and most interesting that has ever emanated from that department. It displays an immense amount of labor and care in its preparation; and while it gives the resources of the State, and a minute account of the receipts and expenditures for the political year 1869, it contains a mass of statistical information rarely to be found in a public document of this kind. We venture to predict, that when the true merits of this document shall be properly understood, it will be sought with avidity by all who feel an interest in the resources and prosperity of our State. We take great pleasure in commending it to the perusal of our citizens generally, as a source of useful and interesting information, presented in an attractive and condensed form, which reflects much credit on our worthy and much-esteemed Comptroller-General."

The *Intelligencer* then adds by way of editorial comment:

"Major Bell is one of the representative men of Northeast Georgia—an old and influential citizen of Gainesville, where the *Eagle* is published. The merited compliment, therefore, paid him at his old home, must, we are sure, be grateful to him; and, appreciating as we do his ability and faithfulness as a public officer in high trust to the State, we transfer it to our columns. There are exceptions to the generally received sentiment conveyed in the old saying, 'a prophet is without honor save in his own country,' and the case of Major Bell is one of these. But few men enjoy more of the confidence of the people of Northeast Georgia than he, and few have more and warmer friends in the circles in which he has moved, previous to his removal here, the capital of the State, where his official duties require his almost daily presence."

As before stated, the systematic arrangement of the Wild Land Department of the Comptroller's office, and the indexing of these returns, brought to light the fact that a large number of lots of wild or unimproved lands had not been returned for taxation by their owners, and the question of how to get the tax on this property came to the consideration of the Legislature. During the session of 1870, the Legislature was trying to devise some means of securing the tax on this spe-

cies of property. A very extensive list of such lands had been prepared under direction of Comptroller Bell, and a resolution had been introduced making provisions for the reversion of these lands to the State. This action on the part of the Legislature was opposed by Major Bell, as will be seen by the following letter from him to Hon. Robt. L. McWhorter, at that time Speaker of the House of Representatives:

COMPTROLLER GENERAL'S OFFICE,

ATLANTA, GA., Oct. 7th, 1870.

Hon. Robert L. McWhorter, Speaker of the House of Representatives:

SIR—In answer to your inquiries, I have the honor to state that, in my judgment, it is unconstitutional for the State of Georgia to take private property for public use without adequate compensation. The law of the State in regard to improved land is, that if not duly returned for taxation, it shall be double-taxed and sold under execution for the tax. I can see no reason why wild land should be placed on a different footing. All that the State desires, or can demand, and all that she is entitled to, is the lawful tax upon the value of the property within her jurisdiction.

The unreturned wild lands have all once been granted, and the title has passed out of the State, and the State cannot legally deprive the owner of his property or title, after it has once been granted, except by levy and sale for taxes under execution. Under the law, as it now exists, the owner can redeem his land when sold, at any time within two years, by paying the purchase money and a certain per cent. thereon.

I have read the amendment proposed by you to the present law in reference to wild lands, and am of the opinion that it ought to pass. All the impediments now in the way of an easy and practicable execution of the wild land laws will be removed. It would be far preferable, in my judgment, to let the law remain as it is, than to pass a law reverting these lands to the State. But, in the event your amendment cannot be passed, I think the Price bill would be far preferable to that which proposes to revert the lands to the State. I am at a loss to perceive how the State can resume the title to lands after the same has lawfully passed from her, unless she becomes the purchaser of such lands after the same have been levied on and sold at public outcry, under existing laws. The lands are subject to taxes, and in default of their payment they may be lawfully sold, like improved lands, to raise the taxes, but it seems to me that it would be an act of usurpation on the part of the State to resume the proprietorship of these lands in the manner proposed by the act reverting them. It also seems to me to be a dangerous precedent to set, that the State may seize upon private property and forfeit the title thereto without consent of the owner. If it may be done with reference to wild lands, it may be done with equal propriety with reference to any other species of property.

The bill proposing to revert these lands, in my judgment, amounts to nothing less than confiscation of title to private property.

Very respectfully,

MADISON BELL,  
Comptroller General.

The Act of 1866 required the Comptroller, after completing the list of unreturned wild lands, to make advertisement of the same for sixty days in the Congressional District in which the lands lay, requiring the respective owners of said lands to come forward and pay the taxes, and in default thereof, said lands to be sold, under execution issued from the Comptroller's office. In his supplemental report, issued in January, 1870, Major Bell recommended the repeal of the act, but the Legislature failed to repeal the law, and he, being left with no other alternative, was proceeding to carry out the provisions of the law; but seeing that much injury would doubtless result to many citizens of the State by this hasty proceeding, he interceded with the Governor and prevented their sale. But this will be better understood by reading the following correspondence between Major Bell and Governor Rufus B. Bullock on the subject:

ATLANTA, GA., January 9, 1871.

*His Excellency, Rufus B. Bullock, Governor:*

SIR—Your Excellency will recollect that in my Supplemental Report, dated 12th January, 1870, I recommended the repeal of the Act of 1866, known as the "Wild Land Act," and gave some reasons for so recommending. The Legislature, however, did not comply with this recommendation, but left the law in full force; therefore it became my duty to carry out its provisions. Consequently, on the 11th of November last, I caused a list of the unreturned wild lands, reported in 1868, in

*James Bell*

forty counties, to be advertised, with instructions in accordance with the provisions of said act as amended; and on the 11th of this month the term of advertisement (sixty days), will have expired, when the law makes it my further duty to issue execution against every lot so advertised, unless relieved by the payment of tax, or in some other legal manner, and to cause the same to be sold in the county where the land lies.

Still adhering to the opinion expressed in said report, my convictions as to the correctness of that opinion have been strengthened by subsequent experience and a close observation of the workings of the system established by the law referred to; and I am now satisfied that great injustice and hardship will result to many citizens of the State, unless some means for their relief can be adopted suitable to the present emergency.

It is the purpose of this communication to suggest to your Excellency the means adapted to attain the desired end. I propose that your Excellency issue an order postponing the issuing of executions against these lands until, say, the 1st of July next. In the meantime, require parties interested in these lands to continue to pay taxes, and submit the necessary proofs to this office for the relief of their lands. Let the advertisement of the lists be discontinued, thereby stopping the heavy expense incident thereto, as the notices have been generally disseminated throughout the State by this time, and the intelligence of what is required of parties interested will gradually increase, and can be supplied in particular cases, when necessary, by sending printed copies of the lists, which I propose to keep constantly on hand.

The reasons for my request are as follows:

1st.—The large area of territory in the State, many sections of which are sparsely populated and badly supplied with mail facilities, will prevent a large number of persons from seeing the advertisements until it will be too late for them to profit by it, and until the time has been exhausted; consequently, numbers of persons interested know not what they are required to do, and probably will not before their lands are put up and sold.

2d. In many instances these lands belong to widows and orphans—minors who are ignorant of their rights, and have had no means of knowing what is required of them. Many are so situated in the rural districts that they cannot see a newspaper, and the intelligence as to what is required travels so slowly that time has not been allowed sufficient for its general dissemination in those sections.

3d. It is found that a large portion of these lands have been returned in *substance* and the tax paid; but, from ignorance of numbers, etc., caused by loss of papers and other causes, and frequently by errors or mistakes of tax receivers, the lands *appear* in default. The extension asked will give all this class of persons ample time to get up their proof and file it in this office, thus relieving their lands without paying an unjust tax.

4th. Owners have died or disappeared during the war—and perhaps their title papers have been destroyed—their heirs and kindred (in many instances widows and orphans), remain in ignorance of their rights, which time and extended opportunity will enable them to discover and secure.

Many other good and obvious reasons could be given, but these are deemed sufficient, especially when it is



considered that the ultimate interests of the State will in no wise suffer by the proposed extension, and thousands of good and worthy citizens will be benefited.

Your Excellency has the authority, under Section 70 of Irwin's Code, to suspend the collection of all these taxes until the next meeting of the General Assembly; consequently there can be no question as to your legal power to grant the extension asked, which is much less than said Section 70 authorizes. It is a mere question of expediency and discretion, and, in my judgment, the interests of a large number of the honest tax payers of the State demand this recommendation, and I most earnestly commend it to your favorable consideration and action.

Respectfully,

MADISON BELL,  
*Comptroller-General.*

Whereupon the Governor issued the following order:

EXECUTIVE DEPARTMENT, STATE OF GEORGIA,

ATLANTA, GA., January 9th, 1871.

In consideration of the Honorable the Comptroller-General, and by virtue of the authority vested in me by Section 70 of the Revised Code of Georgia, it is hereby *Ordered*, That the Comptroller-General desist from the issuing of executions against unreturned wild lands until the first day of July next. And it is further *Ordered*, That the advertisement of the lists of unreturned wild lands be discontinued from and after the

11th instant, and that the Comptroller-General continue to collect the unpaid tax on said lands until the 1st of July mentioned.

RUFUS B. BULLOCK.

By the Governor:

R. C. CORSON,

*Secretary Executive Department.*

Thus it will be seen that by this timely and wise recommendation of Major Bell, thousands of the citizens of the State were protected from the operation of a law of which little was known at the time by those interested.

Another of the official acts of Comptroller Bell, which the author has thought proper to introduce, was in reference to the issuance of certain bonds of the State, some of which have since been repudiated. The question of the legality of these bonds at that time was considered to be of great importance, and is one which will doubtless be discussed in the future, and will probably remain a public question of considerable importance for some time. It will be seen by the following official correspondence that the law providing for the issue of these bonds did not specify whether they should be payable in currency or gold coin; and it is to be inferred that Major Bell was inclined to the opinion that where the nature of the bond was not specified, it should be a currency and not a gold bond, and that he also entertained doubts as to his duty to countersign

the bonds, and sign the coupons as an officer of the State.

He submitted these matters to the consideration of the Attorney-General, who, it seems, was absent at the time, and Governor Bullock appointed Judge O. A. Lochrane (who afterwards became Chief Justice of the Supreme Court of the State) Attorney General *pro tem*. His letter addressed to Major Bell settled all the points in the Governor's favor, and relieved the Comptroller-General from all responsibility. He then countersigned the bonds as directed by this legal opinion and order of the Governor.

#### THE CONSTITUTION ASKS COMPTROLLER BELL FOR SOME FACTS.

[COPY.]

CONSTITUTION OFFICE,

ATLANTA, GA., November 10th, 1871.

Hon. Madison Bell, Comptroller-General.

SIR—In your last annual report, you state the number of bonds approved and registered by you, under and by virtue of the acts of 15th September and 17th October, 1870, which you say comprises all your official action connected with bonds up to the 1st day of January last. I desire you to furnish me the number and character of bonds registered by you since that date, under the acts above mentioned. I have understood that an official opinion on this subject has been ren-

dered by Honorable O. A. Lochrane, as Attorney-General *pro tem*, and now Chief Justice of the Supreme Court. I would also thank you to furnish me with a copy of said opinion.

Respectfully,

[Signed.]

I. W. AVERY, Editor.

#### COMPTROLLER BELL TELLS ABOUT THE BONDS.

COMPTROLLER-GENERAL'S OFFICE,

ATLANTA, GA., Nov. 11, 1871.

Col. I. W. Avery, Editor Constitution, Atlanta, Ga.:

SIR—In reply to your note of the 10th inst., asking certain information relative to State bonds registered in this office, I have to inform you that, up to date, I have countersigned and registered \$3,000,000 bonds issued under and by virtue and authority of an act approved September 15, 1870, entitled "An Act to authorize the issue of bonds of this State, whereby to redeem all bonds and the coupons thereon now due or falling due, and for other purposes therein mentioned." I have also countersigned and registered and delivered to the Governor (as I did those above named) all the bonds required to be issued by the Act of 17th October, 1870, entitled "An Act to amend an Act entitled an Act to aid the Brunswick and Albany Railroad Company, approved March 18, 1869," amounting to the sum of \$1,880,000. I am not cognizant of the disposition of any of the bonds mentioned made by the Governor after they were delivered to him. The bonds men-

tioned are payable in gold coin, as also the coupons. The coupons of the bonds issued under the first named Act are payable quarterly, and those under the latter semi-annually. This comprises all my official information and acts relative to said bonds. I transmit herewith certain papers in connection with my official acts in the premises, and the opinion of Hon. O. A. Lochrane, asked for in your letter.

Very respectfully,

MADISON BELL,  
Comptroller-General.

P. S.—I should have stated, also, that the first batch of bonds signed by me was lithograph gold bonds, issued under the said Act of October 17, 1870, from No. 1 to 880, inclusive, which are not included in those above mentioned, and which should have been returned cancelled, as indicated by the Governor's first order, dated December 24, 1870.

M. B.

GOVERNOR BULLOCK SENDS BONDS TO BE  
SUBSTITUTED.

[COPY.]

EXECUTIVE DEPARTMENT, STATE OF GEORGIA,  
ATLANTA, GA., Dec. 24, 1870.

Hon. Madison Bell, Comptroller-General, Atlanta, Ga.:

DEAR SIR—I send you 880 bonds issued under authority of an act of the General Assembly, approved October 17, 1870, entitled "An Act to aid the Brunswick and Albany Railroad." These bonds I desire to

exchange for the first State bonds that were issued to said Company, as these are steel engraved, the others being lithographed. It is desirable, and to the interest of the State, that the steel engraved bonds should be substituted for the others. You will, therefore, please countersign them, and I will have exchange made before delivering them to the Company.

Very respectfully,

RUFUS B. BULLOCK.

GOVERNOR BULLOCK ORDERS THE COMPTROLLER  
TO SWAP BRUNSWICK AND ALBANY  
RAILROAD BONDS.

[COPY.]

EXECUTIVE DEPARTMENT, STATE OF GEORGIA,  
ATLANTA, GA., October 27, 1870.

WHEREAS The proper officer of the Brunswick and Albany Railroad has made application for an exchange of bonds, as provided in an act approved October 17, 1870, it is ordered that the Honorable the Secretary of State sign and seal, and the Honorable the Comptroller-General countersign the bonds of the State of Georgia, for one thousand dollars each, numbers 1 to 880, inclusive; coupons to be stamped with the autograph of the Honorable Madison Bell, Comptroller-General.

Given under my hand and seal of the Executive Department, at the Capitol in Atlanta, the day and year first above written.

[Signed.]

By the Governor:

RUFUS B. BULLOCK.

H. C. CORSON,

Secretary Executive Department.

*Madison Bell*

COMPTROLLER BELL HAVING DOUBTS, APPLIES  
TO THE ATTORNEY-GENERAL FOR LIGHT.

[COPY.]

COMPTROLLER-GENERAL'S OFFICE,  
Dec. 6, 1870.

*Hon. Henry P. Farrow, Attorney-General, Atlanta, Ga.:*

SIR—As authorized by the Constitution and laws, I respectfully ask your official opinion, in writing, on the following question of law connected with my duties as Comptroller-General:

1. Is it my legal duty to countersign the bonds provided for by section 2 of the act of October 17, 1870, entitled "An Act to amend an Act to aid the Brunswick and Albany Railroad Company," approved March 18, 1869?
  2. Is it my legal duty to sign coupons to be annexed to said bonds?
  3. Is it incumbent upon me, if I am to countersign the bonds, or sign the coupons, to see that their terms conform to the law as to what they are payable in, or is His Excellency, the Governor, alone chargeable with that duty, and must I treat as legal whatever form of bond or coupon he may present?
  4. If the medium of payment be at all for my consideration, then ought I, as a matter of legal duty, to cooperate in the execution of said bonds and coupons, if they are sought to be made payable in gold?
- In other words, can a bond and its coupons, issued under the second section of the act of the 17th October, 1870, be made payable in gold, or should they be left without any given medium of payment expressed?

These questions first arose in your absence (before your recent return from the West), and I suffered no doubts and difficulties as were then in my mind concerning them to be overruled by an order from His Excellency, the Governor, as to the bonds then presented to be countersigned. I countersigned all that he required at that time (amounting to \$880,000), and acquiesced in the appearance of my name in lithograph upon the coupons. Since then my doubts have become more serious, and being informed that more are likely soon to be presented to me, I wish your opinion and advice as speedily as possible. It may facilitate your investigation for me to cite such other statutes and statutory provisions, as my attention has been drawn as bearing upon or possibly illustrating the subject in one or more of its elements. These are Revised Code Sections 949 and 950; also, an act of September 15th, 1870, entitled "An act to authorize the issue of bonds and coupons thereon now due or falling due, and for other purposes therein mentioned;" Flish's pamphlet, page 4; also act of October 5, 1870, to amend an act to authorize His Excellency the Governor, to borrow a sufficient amount of money on the credit of the State, etc. *Ibid*, page 5.

Very respectfully, your obedient servant,  
MADISON BELL, *Comptroller-General*.

THE GOVERNOR NOTIFIED OF THE COMPTROLLER'S  
DOUBTS.

[COPY.]

COMPTROLLER-GENERAL'S OFFICE, Dec. 6, 1870.

*To His Excellency, Rufus B. Bullock:*

SIR—That you may more fully understand my doubts heretofore expressed to you verbally in relation to my

countersigning and authenticating the coupons of the bonds issued under and by authority of the act of October 17, 1870, I transmit herewith a communication I have addressed to Hon. H. B. Farrow, Attorney-General, asking his official opinion in writing as to my authority under the law to take part in the issuing or authenticating the said bonds and their coupons. As soon as I shall receive a reply to said communication I will be prepared to take such action as the Attorney-General's opinion may point out.

Please to forward said communication to the Attorney-General after reading it.

Very respectfully,

MADISON BELL,  
Comptroller-General.

(Signed.)

THE GOVERNOR CALLS ON THE PRESENT CHIEF  
JUSTICE TO ACT ATTORNEY-GENERAL.

[COPY.]

EXECUTIVE DEPARTMENT,  
STATE OF GEORGIA,  
ATLANTA, GA., December 5, 1870.

Hon. Madison Bell, Comptroller-General, Atlanta, Ga.

DEAR SIR—I am instructed by His Excellency the Governor, to acknowledge the receipt of your communication of the 6th instant, covering a communication addressed to the Attorney-General, asking advice, opinion, etc. Justice to the parties in interest, as well as to the State's interest in a great public work, demands that the question submitted should be disposed

of without delay, and as the Attorney-General from the city, and will not probably return weeks, I have this day appointed the Hon. O. A. Lochrane, and have transmitted to him your communication, and requested that he reply with as little delay as possible.

(Signed.)

Very respectfully,

H. C. CORLISS,  
Secretary Executive Department.

[COPY.]

EXECUTIVE DEPARTMENT,  
STATE OF GEORGIA,

ATLANTA, GA., December 6,

Hon. Madison Bell, Comptroller-General, Atlanta.

SIR—I am instructed by His Excellency the Governor, to hand you herewith enclosed the official opinion of the Hon. O. A. Lochrane, Attorney-General, in answer to your communication of yesterday.

Yours respectfully,

(Signed.)

H. C. CORLISS,

Secretary Executive Department.

[COPY.]

ATLANTA, GA., December 6,

Hon. Madison Bell, Comptroller-General, etc.:

SIR—Your communication of yesterday, addressed to the Honorable H. P. Farrow, Attorney-General, and his official opinion in relation to matters therein, has been transmitted to me by His Excellency the Governor.

ernor, with the request that I would consider the questions made and furnish you with a written opinion on the subject matter of your inquiry. In obedience to such request, and as Attorney-General *pro tem.*, I now proceed to answer the legal propositions submitted:

Your first inquiry is, whether it is "your legal duty to countersign the bonds provided for in section 2d of the act of October 17, 1870, to amend an act to aid the Brunswick and Albany Railroad Company." After a careful review and consideration of the law defining the duty of the Comptroller-General, and of the act itself, I have no hesitation in saying that it is your legal duty to countersign such bonds issued by direction of the Legislature, under the 3d section of the act approved September 15, 1870. The act referred to is clear as to its provisions, that the bonds of the State of Georgia issued for such purposes as the General Assembly may direct shall be signed by the Governor and countersigned by the Comptroller-General, and inasmuch as the General Assembly have, by an act 17th October, 1870, directed the issuing of certain bonds to the Brunswick and Albany Railroad Company, and these bonds have been issued in pursuance of direction of the General Assembly, and signed by the Governor, it follows as a matter of law that your legal duty is to countersign them. The act of September 15, 1870, is a general act; its caption does not limit it to the issue of bonds whereby to redeem all bonds, and the coupons thereon now due or falling due, *but is for other purposes therein mentioned.* The other purposes contemplated by the act itself, derivable not only from its context, but the history of its passage, is the issue of such other bonds as

might be directed to be issued by the General Assembly; the act being general, the direction to issue after its passage fell within its provisions, unless otherwise specially directed. The second section of the act restrains the use of a certain class of bonds for, but the bonds to be issued by direction of the General Assembly for other purposes are expressly the general authority of the act. And in my opinion the bonds directed to be issued to the Brunswick and Albany Railroad Company, approved October 17, 1870, were to be bonds under the authority of the act 15th September, and conformable to its provisions, except in so far as general law has been changed by the subsequent act or act of October 17, 1870.

Responding to your third and fourth questions in relation, I would further state, that having no doubt as to your legal duty to countersign the bonds in question, I do not believe that your duty demands any consideration whatever of their terms "as to what they are payable in." The Governor of this State is its highest executive officer. The law imposes on him the duty of its administration. He is clothed with incidental powers from which we might by custom, prerogative, or power, deduce his general right to adjudge the propriety of executing the laws appertaining to the discharge of imposed duties. But in the acts we are considering the language is clear and certain: "His Excellency, the Governor, is hereby authorized to issue bonds of the State sufficient to meet all outstanding bonds, the coupons thereon, etc., and for such other purposes as the General Assembly may direct," is the language of the act September 15, 1870. The second section of the act October 17, 1870, under which the bonds

question are issued, provides that the Governor shall receive from the company the whole issue of the second mortgage bonds, amounting to \$2,350,000, and he is to pay the company for the same in the bonds of the State of Georgia at par, bearing 7 per cent. interest, etc., in the aggregate, amounting to \$1,888,000, and His Excellency the Governor, is hereby authorized and directed to cause said bonds to be executed in due and legal form and paid over, etc." This language is plain and leaves nothing to construction. By taking the acts together, we find the act of September 15th authorized the issue by the Governor of the bonds, the act of 17th October directs the Governor to issue bonds to the Brunswick and Albany Railroad Company and charges him directly with causing said bonds to be executed in due and legal form. In my opinion, the Governor is charged with the duty by the direction of the General Assembly, and he alone is chargeable with the duty. The act of issuing the bonds involves the whole duty; the act of countersigning is a mere ministerial act under the law done in obedience to it by the Comptroller-General, involving no act of discretionary or judicial duty, but invoking only by its terms the simple duty of its performance, the registration of the amount issued, and the report to the Treasurer for record is no more purely ministerial than the act of countersigning.

The opinion thus far establishes the fact that the bonds in question being directed by the General Assembly after the passage of the act September 15, 1870, come directly within its provisions, and by construing the act of October 17, 1870, with the act of September 15, 1870, the Governor is alone chargeable with the

duty of issuing, and the act of countersigning official verity prescribed by the law as follows issuing by the Governor.

The 4th question is mainly answered, as the of payment is not a matter for the decision of the Comptroller-General. For myself, I may add I have no objection as to the medium in which all bonds of this kind are to be issued under the renewal law, and to put this beyond dispute, the act of October 5, 1870, imposing the restraint upon the Governor not to issue any other character of bonds than those authorized by the act of September 15, 1870, exhibits the policy of the General Assembly to make that act the fountain-head of credit in her future issues of bonds, and to commit the Governor in the discharge of the duties imposed upon him touching the manner in which the directions of the General Assembly relating to the issue of bonds are to be executed. I now come to the second question touching the legal duty of the Comptroller-General to issue coupons to be annexed to said bonds. I find in a letter, in which these questions are propounded, that the name of the Comptroller-General is lithographed and if this be true, the question of signing the coupons does not arise. The act of October 17, 1870, authorizes the Governor to cause said bonds to be executed in due and legal form. The bond is the obligation, and coupons signed or unsigned, is immaterial. The bond on itself, carries on its face, the promise to pay principal and interest. The Code does not make the signing of the coupons an essential part, or in fact a part of its execution. The act of 1843, for convenience authorized the Treasurer to endorse the coupons due during his administration, and such coupons

collectable without the presentation of the bond. The Code simply enlarges the convenience by authorizing the Treasurer to sign the coupons, if the holder desires him to do so, and he may do so before or after the issue of the bonds. The only benefit of such signature is convenience to the holder, but his signing the coupons neither adds, nor does the absence of his signature diminish the value of the bond a farthing. The bonds in question are within a peculiar provision, charging the Governor with deciding the due and legal form in which they shall be issued, and by implication, the Governor might in the issuing of the coupons, authenticate them by such official authentication as might import verity. The Governor could issue the coupons without a signature, or he could sign them himself, or he could direct another to sign them. All this is proper and within the scope of the law, but would impose upon the holder the necessity of presenting the bond itself to the Treasurer to collect the coupon, "only this and nothing more." As there is nothing provided by law in relation to signing the coupons, and this matter is one of convenience to the holder, the lithographing your names, or your signing them, imports no obligation and involves no official interference with the duties of another, and is simply done as the Governor may direct in the authority given him by the 2d section of the act October 17, 1870. With the policy or impolicy of the passage of these acts, we have nothing to do. Our business is simply to construe them. So, I think it is your legal duty to countersign said bonds and coupons when required by the Governor.

Very respectfully,  
(Signed.)

O. A. LOCHRANE,  
*Attorney-General, pro tem.*

THE RESULT—THE COMPTROLLER ORDERED TO  
SIGN THE BONDS.

(COPY.)

EXECUTIVE DEPARTMENT,  
STATE OF GEORGIA,

ATLANTA, GA., December 6, 1870.

*Ordered,* That the Honorable the Comptroller-General, sign the bonds and coupons of the State of Georgia for one million eight hundred and eighty thousand dollars, issued in pursuance of an act of the General Assembly, approved October 17, 1870.

(Signed.)

RUFUS B. BULLOCK.

By the Governor:

H. C. CORSON,

*Secretary Executive Department.*

Among the recommendations made by Major Bell in his official reports to the Legislature while Comptroller-General, was one suggesting to that body the propriety of furnishing to each of the maimed Confederate soldiers of the State an artificial limb, when practicable and when that could not be done, such a sum of money annually as the Legislature might think sufficient to enable them to live, or, at least, to relieve their most pressing necessities. This recommendation, coming from a Republican, at a time when sectional bitterness and political animosities were very strong, caused the Democratic party throughout the State to look upon him with much favor, and this, together with his wise



and prudent course in regard to issuing executions against unreturned wild lands, as detailed in the foregoing correspondence, built up for him many strong friends inside of the Democratic party who would have heartily endorsed his re-election, but he declined to again become a candidate for the office.

With this brief notice of a small portion of the official conduct of Major Bell as Comptroller-General of Georgia, the author closes the present chapter.

The following chapter will be devoted to his marriage and other matters connected with his domestic and private life, together with a short history of his wife and family.

## CHAPTER V.

When Major Bell retired from the office of Comptroller-General, he entered into the enjoyment of private life with a sense of great relief. He had been through the war; he had assisted in the great work of Reconstruction, and discharged faithfully the duties of a very high and responsible department of the State Government during those stormy and turbulent times succeeding the war, when reason among the people had been well nigh set aside, and when passion and prejudice against the administration of the Chief Executive had been fanned into a flame of adverse sentiment all over the State. With the exception of a position to which he was appointed in the Treasury Department at Washington City, and which he was compelled to resign after a few months' service, on account of ill health, Major Bell from this time took little part in affairs of public and political concern.

On the 13th day of May, 1869, he married Miss Mary C. Cox, of Banks county, Georgia, a lady who was born 20th July, 1847, and reared within about seven miles of the place where he was born and partly raised. She had been brought up on a farm, and was thoroughly familiar with all the details and management of

domestic affairs; possessing in a remarkable degree those qualifications of mind and heart calculated to win the affections and prepare her for that highest and noblest sphere of woman's mission on earth—a good wife and mother. She never aspired to the distinction of a society lady, in the general acceptance of the term, but rather to render home cheerful, and to make happy those who were in any way thrown into her society.

It was, therefore, but a short time after she left the country and its simple ways, and took her place beside her husband, who was at that time enjoying the distinction of one of the highest offices of the State, until she had drawn around her a circle of warm friends and acquaintances in the city. The allurements of fashion, with its vanity and show, wrought no perceptible change in her character. She was ever the same loving, faithful and devoted wife and mother every day, beautifully illustrating in her life the simple faith taught in early life in the power of revealed religion.

This union was a most happy and fortunate one, resulting in a happy, contented and cheerful family—one which it is a great privilege to visit; but before I invite the reader within, we will linger on the threshold to review for a few moments the previous family connections of this good lady.

Aris Cox, the grandfather of Mrs. Bell, was a native Virginian, from which State he came to Georgia, when about eleven years of age, about the commencement of the Revolutionary war.

Mathew Cox, her father, was born in Georgia 1809, and died in 1880. He was known to the world for many years as an old and highly respected citizen of Banks county, where he lived and died, and where he raised a large family of boys and girls, and managed to accumulate considerable property. He was regarded by all who knew him as a man of strictly honest principles and unflinching integrity, and was a useful citizen and an accommodating neighbor.

Mrs. Rebecca Cox, his wife, was a native of Georgia and a daughter of Jessie White, of Clarke county. She was born in 1812, and is still living, at the present writing, at the old homestead in Banks county, where she is noted for her kindness to the sick and distressed and is patiently awaiting the summons to join her beloved husband on the other shore.

Major Bell and wife have five children—Mary, Nellie, Cora, Madison, and Ulysses S.

Mary Bell was born May 3d, 1872.

Nellie Bell was born December 26th, 1875.

Cora Bell was born August 21st, 1877.

Madison Bell was born August 1st, 1879.

Ulysses S. Bell was born January 28th, 1884.

Major Bell was loth to give up the scenes of his early youth and young manhood, and when he was released from the onerous duties of official life, his heart more turned to his native hills, and he would gladly have again cast his lot among the friends of his

*Samuel Hill*

youth, but Providence, it seems, had ordered otherwise, so he took up his residence permanently in the city of Atlanta, where the greater portion of his property had accumulated, and where he might enjoy the benefits of a prosperous and growing city and its advantages for educating his children.

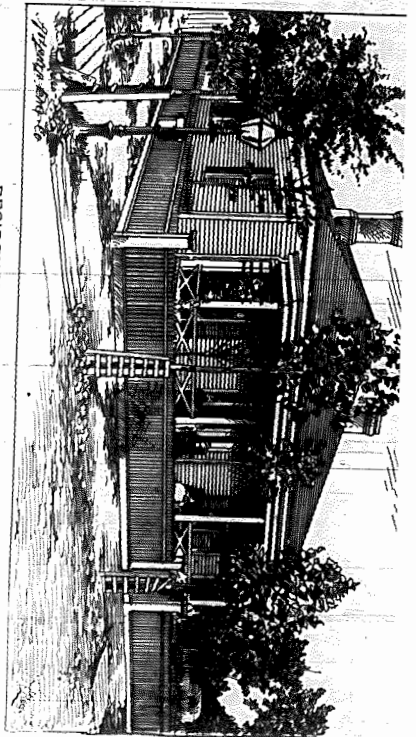
The family residence is a neat cottage, on the corner of Alexander and Luckie streets, near Marietta street car line, and stands upon a beautiful eminence, from which the water runs in almost every direction, and is in sight of the historic battle-grounds of General Sherman's memorable campaign around the city in 1864. At this place his children were born, and here has centered for many years the warmest and tenderest affections of his heart and life; here he has held sweet converse with friends and entertained some of the most noted and distinguished men of the present generation, including learned statesmen and distinguished leaders of the church.

No one leaves the sanctuary of this home without impressions for good. The influences met in the society of this family are calculated to enoble and purify the mind, and to strengthen one for the conflicts of life. Both of these parents are members of the Methodist Episcopal Church, South, and their lives are examples of religious faith and piety.

And the Lord has been very gracious and kind, in that no mortal disease has afflicted them or the children,

Now at this writing, Jan. 1, 1888, the house remains as it was at the time the picture was taken, except being differently painted. The trees around it, of course, have grown larger, making in the summer a beautiful, pleasant shade on the summit of the ridge upon which it stands.

RESIDENCE OF MAJ. MADISON BELL.  
No. 30 ALEXANDER STREET, CORNER LUCKIE, ATLANTA, GA., SEPT. 18TH, 1876.



though the father passed through many of the common afflictions of life, some of which resulted, no doubt, from exposure to the vicissitudes of camp life during the war.

For the present we leave the subject of this sketch enjoying a moderate degree of health and prosperity, in the prime of manhood, and in possession of all those faculties of mind and heart calculated to endear him to family, friends and society, with the hope that his history of usefulness to mankind may increase with advancing years, and that a crown of eternal life awaits him at the end.

## APPENDIX

The following pages are added simply as a matter of reference for the children and family of Major Bell, being selected from albums and other family records which it is thought best to preserve by inserting them in this place. The following is a copy of Major Bell's Diploma as a graduate of the Lumpkin Law School:

### *State of Georgia.*

To all to whom these presents shall come, Greeting  
Know ye that Madison Bell is of good moral character is well skilled in the Laws, and is competent to act as an Attorney, Solicitor and Counsellor in the several Courts of Law and Equity in this State from his attendance upon the Lumpkin Law School, situated at the seat of the University of Georgia, and the proper officers of said Law School hereby grant to him this Diploma, as evidence of his graduation, and to entitle him to all the rights and privileges conferred upon the graduates of said Law School by the Act of the General Assembly incorporating the same, approved December 19th, 1859.

In witness whereof, the Professors have hereunto set their hands and caused the seal of the corporation to be affixed, this 1st day of February, 1861.

JOS. HENRY LUMPKIN,  
THOS. R. R. COBB,  
WM. HOPE HULL,

*Professors.*

ADVICE FROM AN AGED PRECEPTOR TO HIS PUPIL,  
MR. MADISON BELL.

Be courteous; be composed; be punctual in all your engagements. Grace is intended for religion; when applied to worldly business, it should be called disgrace; and he who does not keep his appointments, will be doomed to the fate of the ancient virgins.

Be respectful to the Bench as well as your seniors at the Bar. Flippancy, frowardness, and forwardness are exceedingly unbecoming the youthful attorney. Let every secret communicated by a client be kept as close as "Natures taciturnity." You are his "other self." Repudiate the ethics of Lord Brougham, who declared in his defense of Queen Caroline before the House of Lords, that an advocate should know but one person in the world, and that was his client. As the minister of justice—and such he is—he owes duties to the court and the country which he may not disregard. He is not the serf or slave of any man. He may not press for a wrong judgment, much less the conviction of an innocent man. Law, and justice according to law, should be his motto.

Let your manner be warm, energetic, sincere. Earnestness begets an electric sympathy between speaker and hearer which we cannot describe—which nothing else can supply—which is irresistible. Be thankful

that you have no forefather's feet to stand up posterity to look to; aspire to be the founder of a new race. The golden round is before you; the grasp it is yours, and if you fail the cause of truth will be yours. Remember the language of Richilieu, "That in the vocabulary of youth, where reserves for a bright manhood, there is no such word as FAIL." God never created a man whom he endow with ability to sustain himself in the whereunto he was called. Listen to the still voice whispering ever and anon in your ear, "You are not born to die and leave no mark behind you." Be like Sampson, every green withe that would ignorantly bind you to indolence and pleasure, as a shackle abroad in all the native freedom and strength of powers.

Cling to the Constitution. This ark contains the cradle of liberty in which you were rocked. It is the sacred urn where the ashes of your patriot fathers moulder. Cling to this ark, therefore, and do while a drop of blood is propelled from your heart, while a shred of muscle quivers on your bones. Triumph or fall as the friend of liberty and equality, or fall as a man.

Fear God and keep his commandments, for this is the whole duty of man; and may Heaven defend you from all evil, and crown your efforts with success.

JOSEPH HENRY LUMP

Athens, Nov. 5th, 1860.

*Samuel De*

Be true to thy God and He will never forsake thee.  
Be true unto thyself, and thou canst not be false unto  
another.

Your friend,

THOS. R. R. COBB.

Athens, Nov. 8th, 1860.

I trust my name may always be associated with  
pleasant hours past at the Lumpkin Law School.

WM. HOPE HULL.

Nov. 14, 1860.

[The following is from an album dedicated by Major  
Bell to his daughters.]

This album is presented by a loving father, Madison  
Bell, to his darling daughters, Mary, Nellie and Cora.  
Washington, D. C., July 2d, 1879.

Dear little Mary Bell:

Your loving father requests that I shall inscribe the  
first lines in this album, which he has bought and dedi-  
cated to you and your younger sisters. And he has re-  
quested that I shall pen something that you may read  
when you grow up. Now, what better sentiment or  
maxim could I put in this first sheet, than to enjoin

upon you the scriptural injunction "Honor thy  
and thy mother, that thy days may be long up-  
on the land which the Lord thy God giveth thee."

ALEXANDER H. STEPHEN

National Hotel, Washington, D. C., 3d July, 1879

Dear Sissy Nella Bell:

I am penning these lines to you when you are  
young to know anything about them, but for you to  
read when you become older and can understand.  
Remember, then, through life, the injunction of  
Scripture, "Fear God and keep his commandments, for  
this is the whole duty of man."

ALEXANDER H. STEPHEN

National Hotel, Washington, D. C., 3d July, 1879.

Well, what shall I write for baby Cora Bell.  
My father says I must say something for her, infant that  
she be, that I must write something for her to read  
when she enters upon life, after I have departed. Then,  
Cora, when you grow up remember that He who  
as never man spake said "Blessed are the pure in heart  
for they shall see God."

ALEXANDER H. STEPHEN

National Hotel, Washington, D. C., 3d July, 1879.

Bishop Geo. F. Pierce also favored this precious family album with a message to the children as follows:

*Dear Mary:*

Your father requests me to write a line in your album. He wishes you to read it when you are older. It was my privilege to baptize you and pray for you. In after times remember that you have been dedicated to God. To Him you belong. Love Him, obey Him, in all things; then it will be well with you forever.

G. F. PIERCE.

*Nov. 7th, 1879.*

*For little Cora:*

On this day, the 7th Nov. I baptized you and your sister and brother. I asked God to take care of you, bring you up in the church and prepare you to do good in the world. I hope you will live long and be happy all your days.

G. F. PIERCE.

*Nov. 7th, 1879.*

*Madison Bell, Jr.:*

You are now a babe in your mother's arms. By the Divine blessing you may live to be a man. I hope you will. At the right time, you must learn to read and study, that you may be wise. The highest wisdom is to know God—to do justly—love mercy—believe in Christ, and prepare for heaven.

G. F. PIERCE.

*November 7th, 1879.*

*Miss Mary Bell:*

Your affectionate father asks me to write you notice in this book as a memento of the friendship that exist between us since our association at the Treasury Department at Washington. I will live long to love him as faithfully as he loves me.

JOHN SHERMAN

*November 20, 1881.*

*Dear Nellie Bell:*

The years that will measure the time ere you reach womanhood will, in all probability, close my life. I hope, however, this will serve to inspire in you the kindly feeling that I cherish for your father.

JOHN SHERMAN

*November 20, 1881.*

*For Little Cora:*

I can only wish that her life may be joyous and that she may be happy in her home and life, and that she may secure the crown of righteousness for the world to come.

JOHN SHERMAN

*November 20, 1881.*

*For Little Madison, Jr.:*

I leave a word of advice. Be brave, truthfully. Love your mother and sisters. Try hard to find out the right way, and then pursue it fearlessly.

*Samuel S.*



and firmly. In this way you will best honor your father and win the respect of your fellow-men.

JOHN SHERMAN.

November 17th, 1882.

*Dear Miss Mary Bell:*

Remember now thy Creator in the days of thy youth, while the evil days come not, nor the years draw nigh when thou shalt say I have no pleasure in them.

What a beautiful admonition this is to every youth And how lovely the character of the young lady who heeds it.

JOSEPH E. BROWN.

November 17th, 1882.

*Dear Miss Nellie Bell:*

Fear God and keep His Commandments, for this is the whole duty of man. For God shall bring every work into judgment with every secret thing, whether it be good or whether it be evil.

How important it is, then, that our deeds be not evil

JOSEPH E. BROWN.

November 17th, 1882.

*Dear Little Miss Cora Bell:*

When you are old enough to reflect on the great end and duty of life, remember that our Divine Redeemer has said, "Thou shalt love the Lord thy God with all

thy heart, and with all thy mind, and with all and with all thy strength."

This is the first and great commandment.

November 17th, 1882.

JOSEPH E. B.

*Dear Little Madison, Jr.:*

When you are a young man, and reflect on the and wisdom of God, you will be struck with the of the expression, that when God laid the found the earth, "the morning stars sang together and sons of God shouted for joy." And you will be with the solemnity of the declaration that when died on the cross there was a darkness over earth, from the sixth to the ninth hour of the day died that we might live.

November 17th, 1882.

JOSEPH E. B.

*To the Children, one and all:*

Long and well have I known your father, and you ever be under temptation to do wrong, example and his good name restrain you. As I walked in the path of duty and honor, may you do likewise.

L. E. BLECKI

*Samuel Bell*