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INVENTORY
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COUNTY ARCHIVES
of
VIRGINIA

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No. 73

POWHATAN COUNTY

HISTORICAL RECORDS SURVEY
WORK PROJECTS ADMINISTRATION

INVENTORY OF THE COUNTY ARCHIVES

OF VIRGINIA

Prepared by

The Historical Records Survey
Division of Professional and Service Projects
Work Projects Administration

NO. 73. POWHATAN COUNTY (POWHATAN COURT HOUSE)

Richmond, Virginia
The Historical Records Survey
August 1939

The Historical Records Survey

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FOREWORD

The Inventory of County Archives of Virginia is one of a number of bibliographies of historical materials prepared throughout the United States by workers on the Historical Records Survey of the Work Projects Administration. The publication herewith presented an inventory of the archives of Powhatan County, is number 73 of the Virginia series.

The Historical Records Survey was undertaken in the winter of 1935-36 for the purpose of providing useful employment to needy unemployed historians, lawyers, teachers, and research and clerical workers. In carrying out this objective, the project was organized to compile inventories of historical materials, particularly the unpublished government documents and records which are basic in the administration of local government, and which provide invaluable data for students of political, economic, and social history. The archival guide herewith presented is intended to meet the requirements of day-to-day administration by the oficials of the county, and also the needs of lawyers, business men and other citizens who require facts from the public records for the proper conduct of their affairs. The volume is so designed that it can be used by the historian in his research in unprinted sources in the same way he uses the library card catalog for printed sources.

The inventories produced by The Historical Records Survey attempt to do more than give merely a list of records - they attempt further to sketch in the historical background of the county or other unit of government, and to describe precisely and in detail the organization and functions of the government agencies whose records they list. The county, town, and other local inventories for the entire country will, when completed, constitute an encyclopedia of local government as well as a bibliography of local archives.

The successful conclusion of the work of The Historical Records Survey, even in a single county, would not be possible without the support of public officials, historical and legal specialists, and many other groups in the community. Their cooperation is gratefully acknowledged.

The Survey was organized and has been directed by Luther H. Evans, and operates as a nation-wide project in the Division of Professional and Service Projects, of which Mrs. Florence Kerr, Assistant Commissioner, is in charge.

F. C. HARRINGTON
Commissioner

PREFACE

The Historical Records Survey, a project of the Division of Professional and Service Projects of the Work Projects Administration, was organized nationally in January 1936 under the supervision of Dr. Luther H. Evans, National Director. In March, work was begun in Virginia as part of the Federal Writers' Project with Dr. H. J. Eckenrode as State Director and Dr. Lester J. Cappon of the University of Virginia as part-time Assistant State Supervisor in charge of the Survey.

In November 1936, when the Survey became independent of the Federal Writers' Project, Dr. Cappon became part-time State Director and Elizabeth B. Parker, a former supervisor, Assistant State Director. Following Dr. Cappon's resignation in June 1937, Miss Parker was appointed State Director.

The principal objective of the Survey in Virginia has been to discover, preserve, and make accessible the basic materials for research. Complete inventories of the records of the State, counties, cities, towns, and other local public archives are being made and will be prepared for publication and deposited with the appropriate agency of the Federal Government. In addition, a complete list of manuscript depositories in the State is being prepared and an inventory of important manuscript collections will be made. A considerable amount of work has been done in listing early American imprints and approximately one-third of the church records in the State have been inventoried. The Survey has also been responsible for assisting State and county officials in sorting, arranging, and in some cases labeling and indexing loose papers and unbound materials. Furthermore, as a result of our efforts, many county officials have provided more adequate space for storing their records. Information in the entries in this volume is given as to the dates of all extant records, the quantity, the contents of series, the arrangement, indexing, and location. Records are arranged according to the functional destination of the record. In the subject index the material is arranged alphabetically; in the chronological index it is arranged by decades. Preceding the entries for each office is a brief account of the history, functions, and records of that office.

The Inventory of the County Archives of Virginia will, when completed, consist of a separate number for each county. The numbering will be according to the respective position of the county in an alphabetical list of counties. Thus Powhatan County is number 73. The inventory of the State archives and municipal and other records will be issued separately.

The original inventory was undertaken in Powhatan County from January 7 to April 20, 1937 by McGuire Morris under the supervision of Elizabeth B. Parker. During the period between November 19 and December 12, 1937, the storage material was removed to the jury room where it was assorted, bundled, labeled, and filed by Edward Baucom and Clyde Sirles and placed on shelves and in cabinets built by order of the board of supervisors at the suggestion of the project. A final recheck of the records was made in June 1939 by Harry A. Parker, under the supervision of Harold A. Lovenstein.

The inventory was edited in the Richmond office through the combined efforts of the editorial staff headed by Celia L. Meyer. To Ellis Miller, Jr., head of the legal research, Hamilton Enslow, and Pinckney H. Walker goes most of the credit for the legal essays. Dr. Evans and his editors in the Washington office examined and criticized the manuscript before it was printed, but re-

sponsibility for its completeness and accuracy lies with the Virginia staff. The Survey is indebted to Mr. C. C. Fisher, regional supervisor of The Historical Records Survey, and to the officials of the Virginia State Law Library for their assistance in the preparation of this volume, as well as to the officials of Powhatan County for their cooperation while the inventory was being made. Upon request, a limited number of copies of this volume will be distributed free of charge to state and local public officials and to public libraries and government agencies outside of the State. Further inquiries regarding this publication should be addressed to Elizabeth B. Parker, Historical Records Survey, American Building, Richmond, Virginia.

Richmond, Virginia
August 1, 1939

ELIZABETH B. PARKER
State Director
The Historical Records Survey

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1. HISTORICAL SKETCH

Powhatan County was originally a part of Henrico shire, one of the eight shires into which the colony of Virginia was divided in 1634.[1] It was a part of Goochland County which was cut off from Henrico in 1727,[2] and in 1748 came within the bounds of Cumberland County which was formed from Goochland.[3] The rapid development of the Piedmont during the third quarter of the eighteenth century made another division advisable,[4] and an act separating Powhatan from Cumberland was passed in May 1777. The new county included the entire parish of Southam and a part of the parish of King William.[5] It was named in memory of Chief Powhatan, the most notable of the Indian chiefs whom the early Virginia settlers encountered.[6] Its boundaries on the north reach to the James River which separates it from Goochland County; on the east, to Chesterfield County; on the south, to the Appomattox River which separates it from Amelia County; and on the west, to Cumberland County.[7] These bounds are the same as those of 1777 except for a small portion of Chesterfield County which was acquired in 1850.[8]

The area of 273 square miles extends in an east-west length for approximately 25 miles and in a north-south width for approximately 14 miles.[9] Midway and running the length of the county is the dividing line between the many tributaries which the waters of Powhatan County furnish the James and Appomattox Rivers.[10]

The county is chiefly agricultural; its total income last year (1938) from crops, dairying, and livestock amounted to approximately a million and a half dollars.[11]

The total population numbering 6,143 is largely native born; 3,155 of the inhabitants are colored.[12] In 1936 there were 24 Federal income tax personal returns.[13]

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1. William Waller Hening, compiler, The Statutes at Large . . . (1619-1792), 1st ed., Richmond, etc., 1809-23 [hereinafter cited as Hening, Statutes; for complete citation, see Bibliography], I, p. 224.
2. Ibid., IV, p. 240.
3. Morgan Poitiaux Robinson, Virginia Counties, Virginia State Library Bulletin, IX, nos. 1-3, Richmond, 1916, p. 48.
4. Hening, Statutes, IX, pp. 241, 257, 325, 420; Charlotte Allen, compiler and editor, Virginia, Richmond, 1937, p. 13.
5. Hening, Statutes, IX, pp. 322-323.
6. Charles Massie Long, Virginia County Names, New York and Washington, 1908, p. 167.
7. Rand McNally Commercial Atlas and Marketing Guide, Chicago, 1939 [hereinafter cited as Commercial Atlas], p. 407.
8. Robinson, op. cit., p. 104; Acts of the General Assembly of the State of Virginia, 1809--, Richmond, 1810-- [hereinafter cited as Acts] 1849-50, p. 26.
9. Commercial Atlas, pp. 406-407, 411.
10. Ibid., p. 407; conversation with Mr. W. F. Michaux, County Agricultural Agent of Powhatan County, May 1939.
11. Conversation with Mr. W. F. Michaux, County Agricultural Agent of Powhatan County, May 1939.
12. Fifteenth Census of the United States, 1930, Population, III, Reports by States . . ., pt. 2, Washington, 1932, p. 1166.
13. Commercial Atlas, p. 411.

Historical Sketch (First entry, p. 55)

There is no incorporated city, but the county is dotted with many villages, one of the largest being Powhatan Court House, the centrally located county seat, with a population of 160.[14] Joining these communities and their rural areas are approximately 120 miles of hard-surfaced roads. The chief highway is Route 60, a Federal Highway which follows the divide through the length of the county. Near the center, it is joined by State Highways 13, 16, and 49 into which another State Route, 44, runs. There are also many sand-clay roads intersecting these highways.[15]

Serving the inhabitants are various corporations among which are the Greyhound Bus Line, the Southern Railway which cuts across the southeast corner of the county, several Postal Telegraph stations, a Western Union station and the Powhatan Bank, which is located at Powhatan Court House.[16]

Powhatan operates under the board of supervisors plan of government, has three magisterial districts - Macon, Hugenot, and Spencer[17] - and is in the fourth judicial circuit with the counites of Chesterfield, Amelia, Nottoway, Dinwiddie, and the City of Petersburg.[18] Jointly with Chesterfield County it is entitled to one member in the House of Delegates.[19] It is in the ninth senatorial district along with Amelia, Nottoway, Lunenburg, and Prince Edward Counties.[20]

The first court of Powhatan County was held in the home of Littlebury Mosby, July 17, 1777, the magistrates being John Netherland, William Flemming, Littlebury Mosby, John Mayo, William Smith, Thomas Turpin, Jr., Robert Smith, Edward Haskins, John Harris, Richard Eggleston, Vincent Markham, John Swann, Richard Crump, William Mayo, and Edward Logwood. Robert Smith became the first sheriff and Thomas Miller, the first clerk. At this session, William Flemming was recommended to the Governor for appointment as county lieutenant and John Harris as lieutenant colonel,[21] both men being later commissioned.[22] Littlebury Mosby was made colonel of militia and Edward Haskins, major.[23] The first mention of various other county officials occurred as follows: In 1778 when Edward Munsford presented his surveyor's commission from the College of William and Mary[24] and when Thomas Hall was appointed constable;[25] in 1783 when

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14. Ibid., pp. 406-415.
15. Commonwealth of Virginia, County Maps of the Primary and Secondary Systems, State Department of Highways, Richmond, 1936, p. 73.
16. Commercial Atlas, pp. 411-415; see footnote 11.
17. Acts 1938, p. 1068; Board of Supervisors, pp. 51-52.
18. The Virginia Code of 1936, Charlottesville, 1936 [hereinafter cited as Code 1936], sec. 5888.
19. Ibid., sec. 78.
20. Ibid., sec. 79.
21. Powhatan Co. Order Book Records (1777-84), July 17, 1777, pp. 1-5, in Common Law Orders, Powhatan County Court, see entry 175.
22. Ibid., Aug. 21, 1777, p. 9.
23. Ibid., Aug. 21, 1777, p. 6.
24. Ibid., May 21, 1778, p. 39.
25. Ibid., May 21, 1778, p. 40.

Joseph Turpin, Jr. became coroner;[26] in 1787 when William Clark was appointed tax commissioner;[27] in 1787 when Goodrich Crump was named treasurer;[28] and in 1794 and 1799, respectively, when William Clarke was recommended as escheator and Moses W. Cardoza appointed jailer and caretaker of the courthouse.[29] The earliest mention in the order books of a commissioner of revenue was in 1801, the incumbent's name not being mentioned.[30]

During this session the court, in addition to giving the oaths of office, viewed the several proposed sites for the location of a courthouse and also considered plans for laying off the county seat,[31] Scottsville, named in memory of General Charles Scott, a resident of the county and a Revolutionary hero.[32] The lands of Betty Bailey and of Richard Ligon were chosen as the site and lots were to be sold at public auction.[33] By legislative enactment the town was to be 1,300 feet in length, 900 feet in width, to consist of six blocks of land each 300 feet square and each surrounded by a street 100 feet wide. One block was to be set aside for county buildings - a courthouse and prison with pillory and stocks.[34] The court ordered that the prison with pillory and stocks be built, with the specification that it be completed within 12 months. Size, dimensions, and plans of the courthouse were to be similar to those of Buckingham courthouse and the building was to be paid for in three installments, a third "when a sufficient quantity of brick" should have been burned, another third when the walls were raised, and the remainder upon completion of the building.[35] In spite of this order, more than a year later there was some thought of buying the old Cumberland courthouse at Deep Creek Bridge and moving it in case no bids for constructing a new courthouse were received.[36] In 1780 court was being held at the house of Thomas Pollock[37] and 2 years later it was ordered that 15 pounds sterling be paid to him for the 3 years' rent of a courthouse.[38] The next year a second order by the court was issued to "let to the lowest Bidder the building of a Courthouse . . . in . . . Scottsville,"[39] while in 1789 "Sheriffs Bars and Decks, to the Courthouse" were ordered to be erected[40] and in 1791 an

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26. Ibid., Sept. 18, 1783, p. 312.
27. Order Book (1786-91), Dec. 20, 1787, p. 217, in Common Law Orders, Powhatan County Court, see entry 175.
28. Ibid., Jan. 8, 1787, p. 74.
29. Ibid., (1791-94), Feb. 20, 1794, p. 367; Orders (1799-1804), Sept. 18, 1799, p. 139, in Common Law Orders, Powhatan County Court, see entry 175.
30. Ibid., (1799-1802), Sept. 16, 1801, p. 517.
31. See footnote 21.
32. Henry Howe, Historical Collections of Virginia . . ., Charleston, S. C., 1846, p. 430.
33. Powhatan Co. Order Book Records (1777-89), May 21, 1778, p. 39; June 18, 1778, p. 40, in Common Law Orders, Powhatan County Court, see entry 175.
34. Hening, Statutes, IX, pp. 322-323.
35. Powhatan Co. Order Book Records (1777-84), July 16, 1778, pp. 53-54, in Common Law Orders, Powhatan County Court, see entry 175.
36. Ibid., Nov. 19, 1778, p. 73.
37. Ibid., June 15, 1780, p. 151.
38. Ibid., Aug. 15, 1782, p. 235.
39. Ibid., Aug. 21, 1783, p. 310.
40. Order Book (1786-91), June 18, 1789, p. 430, in Common Law Orders, Powhatan County Court, see entry 175.

order was issued for keeping the courthouse clean and in repair.[41]

The specifications for construction of the jail were to "let to the lowest Bidder the building of a Log Prison twenty two feet long by sixteen feet wide on the publick square . . . to be built of square logs . . . ."[42]

As for the clerk's office, one writer states that Abner Crump, clerk from 1786 to 1802, kept the office at his residence 8 miles from the courthouse.[43] As early as 1795, however, there was an order by the board to let to the lowest bidder a clerk's office with specifications named.[44] Again the next year, a like order was given with specifications more general; the building was to be 24 by 20 feet with fireplace and such other necessary apartments as they thought fit, and it was to be brick and covered with slate.[45] Not only did the magistrates seek to safeguard county records with respect to the building material used in the clerk's office, but periodically they appointed a person to inspect the records of the county and make a report of their condition to the court.[46]

A brief description of Scottsville about 1781 by a French traveler stated that it was a more rustic settlement than Cumberland, consisting of "two mean huts, one for the purpose of holding the sessions, the other by way of public house; but which hitherto is scarcely fit for the reception of travellers."[47] Besides Scottsville, which still was the name of the county seat as late as 1836,[48] there were in the early days several other villages, namely, Jefferson, Cartersville, Saundersville, Petersville, Mt. Pleasant, Genito, and Manakin Town which was built by French refugees about 1700.[49]

A distinctive feature of Powhatan's history before its separate organization was the settlement of this group of French Huguenots who came to Virginia after the revocation of the Edict of Nantes. They settled on the south bank of the James on 10,000 acres of land which had been occupied by the extinct Manakin tribe of Indians.[50] This land had been given them by the Virginia Government

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41. Ibid., (1791-94), July 21, 1791, p. 1.
42. Powhatan Co. Order Book Records (1777-84), July 16, 1778, p. 54, in Common Law Orders, Powhatan County Court, see entry 175.
43. Frederick Johnston, Memorials of Old Virginia Clerks, Lynchburg, Va., 1888, p. 311.
44. Orders (1794-98), Aug. 21, 1795, p. 144, in Common Law Orders, Powhatan County Court, see entry 175.
45. Ibid., May 20, 1796, p. 240.
46. Powhatan Co. Order Book Records (1777-84), Dec. 19, 1782, p. 254, in Common Law Orders, Powhatan County Court, see entry 175; ibid., Sept. 16, 1784, p. 47; Order Book (1786-91), Sept. 20, 1787, p. 199, in Common Law Orders, Powhatan County Court, see entry 175.
47. Marquis de Chastellux, Travels in North-America in the Years 1780-81-82, New York, 1828, pp. 264-265.
48. Joseph Martin, A New and Comprehensive Gazetteer of Virginia, Charlottesville, 1836, p. 265.
49. Powhatan Co. Order Book Records (1777-84), Order Book, C. C. (1784-86), Order Book (1786-94), Orders (1809-11), passim, in Common Law Orders, Powhatan County Court, see entry 175; Dr. H. R. McIlwaine, "The Huguenot Settlement at Manakin Towne", The Huguenot, VI (1933), p. 74.
50. Howe, op. cit., pp. 430-431; The Virginia Magazine of History and Biography [hereinafter cited as Virginia Magazine], II, no. 1 (July 1894), pp. 86-87.

together with money, provisions, and a "brief to entitle them to the charity of well disposed persons", and the privilege of exemption from public levies for a period of 7 years.[51] Extending along the river for 25 miles and reaching back from the bank for 1 mile, the land was divided in such a way as to give each holder a water front. The southern boundary, marked by cuts in trees, was known for a hundred years as "the French line." Their town they called Manakin Town.[52] In 1702 they began the making of wine from wild grapes but a historian states that this industry never became extensive, and that the chief occupation was farming.[53]

To encourage settlement at Manakin, the community was permitted to become a separate parish in 1700, to be known as King William Parish.[54] Although there was a parochial dispute which resulted in the emigration in 1707 of some of their number,[55] the inhabitants of Manakin Town maintained their ethnical solidarity for some time as their Register and Vestry Minutes, written in French and partially preserved, attest.[56]

French names today, such as Fontaine, Chastaine, Flournoy, Mayo, Michaux, Sublett, Boisseau, Maury, and many others, remind one of the early Huguenot colony,[57] as do those of their manors which are still preserved.[58] Today their descendants, who have spread over the United States, have organized the Huguenot Society. Its members from time to time make pilgrimages to old Manakin Town. Recently there has been erected a granite cross in memory of the French refugees who found haven there.[59]

The fact that Powhatan County has been and is today predominantly an agricultural region is attributable in part to topographical and climatic conditions and to the character of the soil. The section in which Powhatan lies is more like a plain than any section of Virginia;[60] the growing season varies from 7 to 8 months while the precipitation, which is advantageously distributed over the growing season,[61] is from 32 to 34 inches per year.[62] The nature of the soil also varies; in some parts one finds a red clay soil

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51. Hening, Statutes, III, p. 201; Howe, op. cit., p. 431; McIlwaine, op. cit., p. 74.
52. Virginia Magazine, II, no. 1 (July 1894), pp. 86-87; McIlwaine, op. cit., p. 75.
53. Howe, op. cit., p. 431; McIlwaine, op. cit., p. 75.
54. Hening, Statutes, III, p. 201.
55. Virginia Magazine, VIII, no. 1 (July 1900), p. 59.
56. R. H. Fife, "The Vestry Books of King William Parish, Va." (1707-50), in Virginia Magazine, XI, no. 3 (Jan. 1904), pp. 293-304.
57. Powhatan Co. Order Book Records (1777-84), passim, in Common Law Orders, Powhatan County Court, see entry 175.
58. Virginia Magazine, I, no. 4 (Apr. 1894), p. 469; William and Mary College Quarterly, XVI, series 1, no. 4 (Apr. 1908), p. 284.
59. Richmond Times-Dispatch, Apr. 14, 1939.
60. Jedediah Hotchkiss, compiler and editor, Virginia: A Geographical and Political Summary . . ., Richmond, 1876, p. 13.
61. See footnote 11.
62. Hotchkiss, Virginia, p. 57.

which is well adapted to wheat raising; in other sections, a sand-clay soil best fitted for general farming, and along the rivers a rich alluvial soil in which tobacco thrives.[63] Top soil varies from 8 to 10 inches in thickness but in places "strikes" of rock interfere somewhat with cultivation. Another disadvantage is that after a few croppings much of the land becomes acid and must be limed.[64]

A great deal of the history of Powhatan County could be written around the story of tobacco. The Piedmont, southside section, was the chief tobacco-growing area in the State for some time before 1870.[65]

Writing of the middle of the eighteenth century, Howe states that tobacco culture below the fall-line having exhausted the soil, its culture had been steadily advancing westward where fresh lands were to be had; and he adds that the tobacco-growing district lacked the foliage and marks of personal comfort apparent in the region in which its culture had been abandoned. Yet the demand, and the inviting price paid for the plant, encouraged the settlers to raise it to the neglect of other crops.[66] Cabell, writing also of the Colonial Period, says that the colonial policy of the mother country drove the planters against their inclination to tobacco raising as the readiest, most certain, and almost exclusive source of revenue.[67]

By the close of the eighteenth century, at least, there was some diversification of crops, for wheat was being grown.[68] Flour was commercially inspected[69] and Powhatan was a chief source of flour for the Army in 1781.[70] However, the county, along with the State in general, continued to use the same methods of extensive rather than intensive cultivation, so long as fresh lands were easily available.[71]

The organization about 1820 of a State Agricultural Society was one of the first concerted efforts to make planters aware of a need for change in agricultural methods.[72] Although several citizens of Powhatan County were members of this progressive society,[73] a letter of 1834 indicates that the foresighted efforts of this group of Powhatan planters did not reap deserved rewards. It attributed to tobacco raising the fact that the county presented "so melancholy an aspect." It further stated: ". . . Here, to the unsuccessful culture of

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63. Ibid., pp. 31-32; see footnote 61.
64. See footnote 11.
65. "The Status of Virginia Agriculture in 1870" in Report of the Commissioner of Agriculture for the Year 1870, Washington, 1871, p. 271.
66. Howe, op. cit., p. 133.
67. Nathaniel Francis Cabell, Early History of Agriculture in Virginia, Washington [ca. 1860], pp. 16-17.
68. William P. Palmer, et als., editors and compilers, Calendar of Virginia State Papers and Other Manuscripts (1652-1869), Richmond, 1875-93 [hereinafter cited as Calendar], V, p. 148.
69. Hening, Statutes, X, p. 290.
70. Calendar, II, pp. 248, 384.
71. "The Status of Virginia Agriculture in 1870," p. 268.
72. Ibid., p. 268.
73. Memoirs of the Society of Virginia for Promoting Agriculture . . ., Richmond, 1818, pp. xi-xii.

grain and grasses, we add a tobacco crop, the worst of all others to import any benefit to the soil . . . ." This writer advised the exclusive cultivation of grains and grasses with only a small crop of tobacco.[74] Efforts to rehabilitate the soil were in evidence around 1836 when clover and plaster were being used.[75] But in 1850, the average per-acre value of land was still low, Powhatan ranking in the lowest tenth in this respect among the counties of the State.[76] The Commissioner of Agriculture in reporting for 1870 said that the county was giving increased attention to alternation of crops, was adopting the policy of working less land and making it rich, and was slowly rallying from the depression. About this time there were some labor-saving implements such as the drill, reaper, and mower on the large James River farms but few elsewhere.[77]

The tendencies apparent in the later decades of the nineteenth century are marked today. The decline in tobacco production from 1870 (541,430 pounds) through 1880 (914,132 pounds)[78] and 1934 (166,993 pounds)[79] continued to 1938 when only 140,000 pounds were raised.[80] From 1929 to 1934 there were a great many more acres planted in corn and in wheat than in tobacco.[81] The objective of the county agricultural agent is a long-term improvement program, effected by planting legumes to build up the soil to the degree that will enable Powhatan to become a stock-raising county. In this program the farmers have cooperated. In 1937 they planted 4,135 acres in legumes and 4,056 in grain crops. In 1938 the difference between the figures was further increased, with legumes still leading. The Soil Conservation Administration has enabled the farmers to give this cooperation. In 1936 approximately 300 farmers signed contracts with the Soil Conservation Administration, with benefits amounting to approximately $7,000; in 1937, 360 farmers signed with benefits approximately $10,000; and in 1938, 650 with benefits amounting to approximately $15,000.[82]

Tenantry has been a factor of significance in the history of agriculture in Powhatan as in most sections of the State. In 1910, 20 percent of farm operators were tenants; a slight increase in 1920 was followed by a drop to 12.6 percent in 1925,[83] since which time there has been a slight increase, until in 1935 approximately 16 percent of farm owners were tenants.[84]

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74. The Farmers' Register, II (1835), pp. 9-10,
75. Martin, Gazetteer of Virginia, p. 264.
76. "Statement Showing Value of the Lands and Lots in the Several Counties and Districts of Virginia: 1850 Assessment," in Documents Containing Statistics of Virginia Ordered to be Printed by the State Convention . . ., 1850-51, Richmond, 1851. (pages unnumbered).
77. "The Status of Virginia Agriculture in 1870", pp. 276, 279.
78. The Virginias, A Mining, Industrial and Scientific Journal . . ., II (1881), no. 9, p. 140.
79. United States Census of Agriculture, 1935, I, Reports for States, with Statistics for Counties, pt. 2, The Southern States, Washington, 1936, p. 422 (table III).
80. See footnote 11.
81. See footnote 79.
82. See footnote 11.
83. United States Census of Agriculture, 1925, Virginia, Statistics by Counties, Final Figures, Washington, 1927, p. 15.
84. United States Census of Agriculture, 1935, I, pt. 2, p. 411 (table I).

Historical Sketch (First entry, p. 55)

Another interesting condition of agriculture in Powhatan is the nature of farm ownership. The aggregate number of full owners of farms increased approximately 25 percent between 1930 and 1935, and the colored ownership increased slightly more than did white ownership, so that in 1935 it nearly equaled the latter. The acres involved, however, were much greater in the case of white full owners.[85]

Average values of farm land per acre have changed greatly since the beginning of the nineteenth century when the average per acre was $1.64. By the middle of the century, it had increased to $10.12. In 1910 it was approximately $17; by 1930 it had increased to approximately $34, and then dropped to approximately $20 in 1935. Today (1939) there is a tendency toward a higher price.[86]

Although Powhatan has been principally an agricultural county, it has also produced coal. Speaking of the coal bed, part of which underlay Powhatan, one historian states: "The earliest of these coal pits, although of uncertain date, are known to have been the first opened and mined in America. Virginians by 1701 were aware of the presence in their midst of coal, which a Huguenot by chance discovered in a James River cliff . . . . The land at that point, not far from the Huguenot settlement . . . . Manakin-town is what is now Powhatan County, was ungranted" and Colonel William Byrd patented it about 1704. At the time of the Revolution this coal field, privately mined, became an asset to the local government, and during the first half of the nineteenth century it was the chief coal-producing area in the United States.[87] Though Howe states that the distance to market prevented this coal area from being worked advantageously,[88] coal-mining companies continued to be chartered in Powhatan. Between 1840 and March 1854, there were four coal companies incorporated,[89] one of which was authorized to mine and manufacture iron as well.[90] Early in 1860 a company was formed for the purpose of manufacturing woolen and cotton goods.[91] However, it appears that manufacturing was not carried on to any great extent, for according to an industrial census of 1860 the total value of products from the 20 establishments amounted to only $23,950, a situation which ranked the county low in the State.[92] The census of 1930 revealed a like condition; very few inhabitants of Powhatan were occupied with coal mining or manufacturing. Outside of

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85. Ibid., p. 404 (table I).
86. "Statement Shewing Average Value of Land Per Acre", 1800-1850 in Documents Containing Statistics of Virginia (pages unnumbered); United States Census of Agriculture, 1925, Virginia, Statistics by Counties, p. 28 (table II); United States Census of Agriculture, 1935, I, pt. 2, p. 404 (table I); see footnote 80.
87. Kathleen Bruce, Virginia Iron Manufacture in the Slave Era, New York, 1931, pp. 87-88, 99, ff.
88. Howe, op. cit., p. 430.
89. Acts 1839-40, p. 119; Acts 1846-47, p. 192; Acts 1852-53, p. 291; Acts 1853-54, p. 74.
90. Acts 1846-47, p. 192.
91. Acts 1859-60, p. 601.
92. Hotchkiss, op. cit., pp. 98-101.

farming, the greatest numbers were employed in saw and planing mills.[93]

Roads of the early day led not only to the mines but to such centers of interest as the county seat, the churches, the saw and flour mills, the cross-road stores and ordinaries, the bridges and ferries,[94] and later to the James River Canal.[95] There were in the early days two main roads running the length of the county, the Buckingham Road on the ridge between the two rivers and the Manakin Town Road between the Buckingham Road and the James River.[96] Cross-roads united these with each other and with the rivers. During the later decades of the eighteenth century and the earlier decades of the nineteenth, there was much activity in straightening old roads, building new ones, and in constructing or enlarging bridges, some of which were toll bridges;[97] by June 1813 there were at least 51 roads in the county. They were kept in condition by road surveyors.[98] Negligence in this duty or in erecting and maintaining sign posts at crossroads was subject for investigation by the grand jury.[99] A turnpike road of 1814, 30 feet wide and covered with gravel or stone, was paid for by the proceeds from the sale of the glebe of King William Parish.[1] Near the middle of the nineteenth century many turnpikes were being constructed in nearby counties, but there is no mention in the Acts of Assembly of any such construction in Powhatan.[2] Since the beginning of the road system in 1932, the sand-clay roads to a very large extent have been replaced by hard-surface roads. Total expenditures for the primary road system since that date amounted to $663,935.18 and for the secondary road system, $146,344.49.[3]

In addition to the roads and turnpikes, the rivers were a much-used means of transportation in the early days. One of the questions frequently asked by the county court was whether a proposed dam would obstruct navigation.[4] Transportation on the James was improved by the James River-Kanawha Canal which passed along its shore.[5] About 1834, the Upper Appomattox Company was formed to improve navigation on that river,[6] and two years later another company was incorporated for the purpose of improving the Little and Big Deep Creeks in the

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93. Fifteenth Census of the United States, 1930, Population, III, Reports by States . . ., pt. 2, p. 1193.
94. Powhatan Co. Order Book Records (1777-84), pp. 1-5, et passim; Orders (1812-13), July 15, 1812, p. 185, in Common Law Orders, Powhatan County Court, see entry 175.
95. Acts 1820-21, p. 56.
96. Martin, op. cit., p. 263.
97. Powhatan Co. Order Book Records (1777-84), Order Book (1789-94), Orders (1809-11), passim, in Common Law Orders, Powhatan County Court, see entry 175; Acts (1819-20), p. 69.
98. Orders (1812-13), June 16, 1813, p. 455, in Common Law Orders, Powhatan County Court, see entry 175.
99. Ibid., (1804-7), Oct. 17, 1805, pp. 320-321.
1. Acts 1813-14, p. 113.
2. Acts 1848-49, p. 114, et passim; Acts 1849-50, pp. 55-70, 78-102, 235-236.
3. State Highway Commission, Report of June 30, 1938, Richmond, 1938, pp. 66, 68; Acts 1932, pp. 872-880.
4. Orders (1812-13), May 20, 1812, p. 151, in Common Law Orders, Powhatan County Court, see entry 175.
5. Richard Edwards, ed., Statistical Gazetteer of the States of Virginia and North Carolina . . ., Richmond, 1856, p. 347.
6. Acts 1833-34, p. 322.

county.[7]

One of the railroads of the days of coal mining was the Powhatan Railroad Company, incorporated in 1839, which led from the coal pits of Dupuy and Poval to an advantageous point on the James River.[8] Today the only railroad serving the county is the Southern Railroad which cuts across the southeast corner of the county on its way to Richmond.[9]

Although the inhabitants of Powhatan were chiefly interested in industry and commerce, they had other interests. The church was one of these interests. Hugh Jones, writing of the days around 1725 in the colony in general, states that the vestries consisted of the minister and the 12 most substantial and intelligent persons in each parish, that the vestrymen were elected by a poll of the parish, and that the vestry managed all parochial affairs including paying the minister and caring for the poor or needy of the parish. The parish clerk registered births and deaths and was responsible for taking the list of tithables for the county levy. Jones also states that every parish had a dwelling-house and glebe of about 250 acres and that the yearly salary to the minister was about 20,000 pounds of tobacco.[10] One of the early churches often mentioned in the order books of earliest days was that at Petersville.[11] By 1807 the Methodist denomination had made a place for itself and about that time Bishop Early wrote in his diary that he had preached at Charity Chapel in the county, and had attended a camp meeting there.[12] By 1850 there were Baptists and Presbyterians in Powhatan; the total number of churches of all denominations was 19.[13] A decade later one other denomination, the Christian, had appeared.[14]

Another cultural interest of Powhatan County was education. As early as 1791, the Scottsville Lodge of Free Masons petitioned the Assembly to permit it to raise a sum of money by lottery in order to erect a building in or near Scottsville to be used as an academy and also as a lodge.[15] Morrison, writing of the educational system of the eighteenth century generally, quotes Governor Tyler in 1809 thus: "A faint effort was made some years past to establish schools in the respective counties . . . but . . . the courts had a discretionary power to execute the law or not, which completely defeated the object intended; for in no instances had the law been complied with, to the disgrace of the

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7. Acts 1835-36, p. 221.
8. Acts 1838-39, pp. 74-75.
9. Commercial Atlas, p. 407.
10. Hugh Jones, The Present State of Virginia, New York, 1865, pp. 66-72.
11. Powhatan Co. Order Book Record (1777-84), passim, in Common Law Orders, Powhatan County Court, see entry 175.
12. Virginia Magazine, XXXIV, no. 2 (Apr. 1926), pp. 131, 136, 244.
13. Seventh Census of the United States, 1850, The Seventh Census of the United States: 1850 . . . Embracing a Statistical View of Each of the States and Territories, Arranged by Counties, Towns . . ., Washington, 1853, pp. 286, 292, 296.
14. Ninth Census of the United States, 1870, I, Statistics of the Population of the United States . . ., Washington, 1872, p. 558.
15. Hening, Statutes, XIII, pp. 293-295.

county courts, and to the great disadvantage of the people . . . ."[16] In 1818 the School of Genito was incorporated and authorized to receive donations and to make rules for the academy.[17] Some twenty years later, a trustee board for Powhatan Academy was incorporated,[18] and in 1847 the Huguenot Academy was established.[19]

By the census of 1930, approximately 60 percent of the children of school age were in attendance at the public schools. There was considerable dropping out, however, as children grew older. For example, 92.2 percent of children between the ages of 7 and 13 attended, whereas only 55.5 percent of those between 16 and 17 attended.[20]

Illiteracy has decreased since the early part of the twentieth century. In 1910, 20.3 percent of those persons of 10 years and above were illiterate[21] while by 1930 the figure decreased to 11.8 percent.[22]

In addition to caring for the poor of the parish, the vestry often "bound out" orphans and other young people to learn the "arts and mistery" of various trades, among which were wheelwright's, cooper's, blacksmith's, bricklayer's, tailor's, and shoemaker's trades for men and the carding, spinning, weaving, sewing, and knitting trades for women.[23] Not long after the formation of the county, two districts were established with an overseer of the poor for each,[24] while in 1810 it was ordered that the overseers build a poorhouse or houses as they deemed necessary.[25] It was the custom of the court to inquire into the condition of free Negroes and mulattoes from time to time.[26]

To some extent, at least, the county was mindful of its health in the early days. For instance, one of the requirements made was that dams should not

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16. Alfred James Morrison, The Beginnings of Public Education in Virginia, 1776-1860, Richmond, 1917, p. 24.
17. Acts 1817-18, pp. 153-155.
18. Acts 1838-39, p. 128.
19. Acts 1846-47, p. 162.
20. Fifteenth Census of the United States, 1930, Population, III, Reports by States . . ., pt. 2, p. 1166.
21. Thirteenth Census of the United States, 1910, Population, Reports by States . . ., III, Washington, 1913, p. 955.
22. See footnote 20.
23. Orders (1804-7), Apr. 18, 1806, pp. 541-543; ibid., (1807-9, Mar. 1808, p. 331; ibid., (1809-11), Feb. 20, 1811, p. 408; ibid., (1809-11), Jan. 17, 1810, pp. 164-165; ibid., (1809-11), Sept. 18, 1811, p. 516; ibid., (1812-15), Nov. 8, 1812, p. 311, in Common Law Orders, Powhatan County Court, see entry 175.
24. Order Book, C. C. (1784-86), Mar. 16, 1786, p. 308, in Common Law Orders, Powhatan County Court, see entry 175.
25. Orders (1809-11), May 16, 1810, p. 242, in Common Law Orders, Powhatan County Court, see entry 175.
26. Ibid., (1804-7), May 15, 1805, p. 183.

cause an overflow upon adjacent lands to the possible injury of the health of the inhabitants.[27] The benefits of mineral waters were known, for in 1845 the Huguenot Spring Company was incorporated to use and dispense the waters of Howard's Spring in the lower part of the county.[28]

Powhatan County, with its almost continuous series of official records, offers an inexhaustible source for the historian. Important records, such as the deed books,[29] will books,[30] and county court order books,[31] form a very nearly unbroken picture of the county's history from its formation in 1777. Other records run from the same date with very few gaps[32] or begin a few years later and are unbroken up to the present day.[33] The historian's task, when confronted with such a wealth of material, is one of selection rather than research.

2. GOVERNMENTAL ORGANIZATION AND RECORDS SYSTEM

Structural Development of County Government

The American county, copied from the English shire, has been called "an attenuated English shire with the towns left out."[1] In Virginia "the English institutions of the time of the settlement were more nearly reproduced. In that colony the county - a mere subdivision of the colony without independent life as the New England town - early became the unit of representation in judicial and financial administration. The parish . . . combined both ecclesiastical and civil functions. In time the county as a governmental unit took over much of the civil work of the parish."[2]

Although the town is subordinate to the county in Virginia and the southern states,[3] there are at present 24 cities in Virginia which are not in any county.[4] There were in 1928 2 other such cities in the United States - Saint Louis, Missouri, and Baltimore, Maryland - and 20 in Virginia.[5] These cities "are independent of the county organization and constitute primary divisions of the states . . . ."[6]

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27. Ibid., (1804-7), Aug. 21, 1805, pp. 306-307; ibid., (1812-14), May 20, 1812, p. 151.
28. Acts 1845-46, p. 118 (Dec. 10, 1845).
29. See entry 15.
30. See entry 120.
31. See entry 175.
32. See entry 35.
33. See entry 102 and chronogical index.

1. James Bryce, The American Commonwealth, London and New York, 1893, I, p. 582 (quoting Macy, Our Government).
2. Eugene McQuillan, The Law of Municipal Corporations, 2nd ed., Chicago and New York, 1928 [hereinafter cited as McQuillan, Municipal Corporations], I, pp. 226-227.
3. Ibid., I, p. 246.
4. Report of the Secretary of the Commonwealth . . . (1937-38), Richmond, 1938, pp. 257-272.
5. See footnote 3.
6. See footnote 3; Supervisors of Norfolk Co. vs. Cox, 98 Va. 270 (at p. 274). 36 S. E. 380 (1900); 3 Michie's Digest 126, sec. 13; Eugene McQuillan, The Law of Municipal Corporations, 1st ed., Chicago, 1911, I, pp. 274 (note), 732.

In several of these cities are located the respective courthouses of counties which adjoin or surround the cities. It is generally held that the location fulfills the statutory requirement that the courthouse be located in the county, and that there is no conflict between the jurisdiction of the corporation court of the city and the circuit court of the county, since the city court has jurisdiction of the site.[7]

This background makes the county's present status clearer. Although the county as a unit of government is older than states or towns,[8] it has never possessed sovereign attributes, but has been, and is today, a mere "arm of the State."[9]

"It has been held by authorities that a county is a political subdivision of the State for the purpose of civil administration of such powers as may be delegated by the State."[10] The status may be summarized in the statement that the county is a political subdivision constituting one of the instruments or agencies through which the State administers locally its general powers of government.[11]

The county is distinguished from a municipal corporation both in the manner of its creation and in the limitation of its powers.[12] "Our counties are parts of the state, political subdivisions of the state, created by the sovereign power for the exercise of the functions of local government . . . . 'Counties are at most but local organizations, which for the purposes of civil administration are invested with a few functions characteristic of corporate existence. They are local sub-divisions of a state, created by the sovereign power of the state, of its own sovereign will, without the particular solicitation, consent, or concurrent action of the people who inhabit them.' Hamilton County v. Mighels, 7 Ohio St., 109.

"A municipal corporation is created mainly for the interest, advantage, and convenience of its locality and its people.

"A county organization is created almost exclusively with a view to the policy of the State at large, for purposes of political organization and civil administration, in matters of finance, of education, of provision for the poor, of military organization, of the means of travel and of transport, and especially for the general administration of justice.

"With scarcely an exception, all the powers and functions of the county organization have a direct and exclusive reference to the general policy of the State, and are in fact but a branch of the general administration of that policy."[13]

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7. Supervisors of Norfolk Co. vs. Cox, supra; 3 Michie's Digest 126, sec. 13.
8. 15 C. J. 393.
9. Board of Supervisors of King and Queen Co. vs. Cox, 155 Va. 687 (at p. 710), 156 S. E. 755 (1931).
10. Chichester, J., in Kirkpatrick vs. Board of Supervisors, 146 Va. 113 (at p. 126), 136 S. E. 186 (1926).
11. Board of Supervisors of King and Queen Co. vs. Cox, supra; 15 C. J. 389.
12. McQuillan, Municipal Corporations, I, pp. 395-401.
13. Lacy, J., in Fry vs. County of Albermarle, 86 Va. 195 (at p. 197), 9 S. E. 1004 (1890); language adopted in Smith vs. Kelley, 162 Va. 645, 174 S. E. 842 (1934).

The county, unlike the city, is a mere quasi corporation, having certain corporate attributes, but only such as are necessary to the execution of the powers granted it.[14] "Counties are quasi municipal corporations, whose powers and duties are set forth in general statutes in the main and exercised by boards of supervisors", while city councils, being municipal corporations proper, exercise, within the scope of their charters, duties which are chiefly legislative.[15]

By statute the board of supervisors has certain corporate attributes such as the power to sue or be sued in its own name, the right to have a seal and alter it at will,[16] and, to a limited extent, the right to take and hold property.[17]

Since the county is a purely administrative subdivision functioning for the benefit of the State, it possesses no sovereignty distinct from the powers given it by statute, and hence its governing body possesses no general legislative authority. Although "the boards of supervisors, as the representatives of the political body, the county, are clothed with certain legislative and discretionary powers",[18] and are supreme within the limits of their statutory jurisdiction and authority,[19] "the board of supervisors, like every other quasi corporate body, being the mere creature of the statute, . . . has only such powers as are expressly conferred upon it, or necessarily implied in furtherance of the object of its creation."[20]

However, certain quasi-legislative powers of a local nature are given its board.[21] "The police power of the State, the power to legislate in the interest of the public welfare, the public health and the public safety is inherent in the legislature, and it may delegate the full power or any limited part thereof to the cities or counties of the State as it sees fit . . . . It is plain that the legislature has the right to grant to any county any functions looking to the advancement of the public welfare not prohibited by the State Constitution."[22]

It has been suggested that the section conferring such legislative power (Code 1936, sec. 2743) could be used to cure the omission by the revisors of the Code of 1919 of section 2071 of the Code of 1887, which made trespass a misdemeanor.[23] Under the power to prevent trespassing by persons, animals, and

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14. Camp vs. Birchett, 143 Va. 686, 126 S. E. 665 (1925); Fry vs. County of Albemarle, supra; Ferguson vs. Board of Supervisors, 133 Va. 561, 113 S. E. 860 (1922); McQuillan, Municipal Corporations, I, p. 398.
15. Christian, J., in Camp vs. Birchett, supra (at p. 692); Ferguson vs. Board of Supervisors, supra; Fry vs. County of Albemarle, supra; McQuillan, Municipal Corporations, I, p. 396.
16. Code 1936, sec. 2710.
17. Ibid., sec. 2723.
18. Prentis, J., in Ferguson vs. Board of Supervisors, supra (at p. 566).
19. 15 C. J. 457.
20. Hinton, J., in Roper vs. McWhorter, 77 Va. 214 (at p. 223) (1883); Supervisors vs. Powell, 95 Va. 635, 29 S. E. 682 (1898).
21. Code 1936, sec. 2743; McQuillan, Municipal Corporations, I, p. 400.
22. Chichester, J., in Kirkpatrick vs. Board of Supervisors, supra (at p. 126).
23. This provision was substantially reenacted by a statute of 1934, making an unauthorized entry after notice a misdemeanor: Acts 1934, p. 248.

fowls, "each board of supervisors could enact an ordinance making it a misdemeanor to 'go upon' or 'range' on the land of another, when forbidden so to do by the owner or tenant of said land."[24] This would have been a definite exercise of local legislation, which would have been valid if not prohibited by the constitution, and if authorized by statute.[25]

Although the early charters for the settlement of Virginia patterned government according to the law of England,[26] a martial law clause was early invoked, and the colony was ruled like an armed camp for the greater part of the first 12 years.[27] The Governor, appointed by the Virginia Company, was commander in chief, and the plantations or smaller settlements were controlled by commanders of the plantations and their lieutenants who were commissioned by the Governor.[28] There was a provost marshal general, and lesser provost marshals for the local divisions, whose duty it was to arrest and imprison offenders against the martial code. These officers also owed their authority to the Governor.[29]

Civil government commenced in Virginia in 1619, when the Sandys party gained ascendancy within the company and Sir George Yeardley was dispatched with a commission to hold a popular legislative assembly and created a system of government based upon the law and institutions of England.[30] The extension of this principle to local institutions must soon have followed; at any rate, by 1624 monthly courts were being held at various points remote from Jamestown where the General Court (Governor and Council) sat.[31] These courts were headed by the commanders of plantations,[32] and served by the provost marshal,[33] but were now guided by civil rather than the military law which had ruled in the former courts martial.[34] In 1634 the land was divided into eight shires or counties in place of the earlier plantations, boroughs and hundreds, and county lieutenants (commanders of local military forces) were appointed as in England.[35] Thus the military authority was divorced from the judicial and administrative. At the same time, sheriffs replaced the provost marshals, and bailiffs and sergeants could be appointed where needed.[36] There is no statutory mention of constables until 1643 nor of coroners until 1674, but since both of these were

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24. The Virginia Law Register (new series), VI (1921), p. 296.
25. Standard Oil Co. vs. Commonwealth, 131 Va. 830, 109 S. E. 316 (1921).
26. Hening, Statutes, I, pp. 64, 69-71, 73-74, 95-96, 103, 112.
27. Ibid., I, p. 96; Colonial Records of Virginia, Senate Document, Extra, Richmond, 1874, p. 20; William Stith, The History of the First Discovery and Settlement of Virginia, New York, 1865, pp. 152-153.
28. Ibid., pp. 152-153, 162; Susan M. Kingsbury, ed., The Records of the Virginia Company of London, Washington, 1903-33, III, p. 623, et passim; Philip A. Bruce, Institutional History of Virginia in the Seventeenth Century, New York, 1910 [hereinafter cited as Bruce, Institutional History], II, pp. 242-243; Hening, Statutes, I, pp. 131-132.
29. Bruce, Institutional History, I, pp. 592-594; Records of the Virginia Company, III, pp. 91, 121.
30. Ibid., III, pp. 241, 309-310, et passim; Bruce, Institutional History, II, pp. 245-250, et passim.
31. Hening, Statutes, I, p. 125.
32. Ibid., I, pp. 130-133, 168-170, et passim.
33. Bruce, Institutional History, I, pp. 592-594.
34. Hening, Statutes, I, pp. 168-169.
35. Ibid., I, p. 224.
36. Ibid., I, p. 223.

common law officers of ancient tradition, they were probably functioning in Virginia much earlier, as suggested by the phraseology of the first acts.[37] The shift from the government of the company to that of the Crown occurred in 1625 without serious alteration in the fabric of government, nor was there any violent change in the Commonwealth period, during which the assembly ruled the colony and selected its Governors.[38] The Church of England always stood in close relationship with the government of Virginia.[39] The county was early divided into parishes,[40] and the parish vestry, chosen from among the members,[41] acted as an arm of local government for the presentment and punishment of offenders against decency, sobriety or morality, and for the achievement of religious and charitable ends.[42] For the latter purpose they were empowered to levy a special tax and their agents, the churchwardens, acted as administrators.[43] The church also recorded christenings, weddings, and burials in the parish register and reported the data to the county court annually.[44] The first surveyor arrived in the colony in 1621,[45] and by 1655 the county court was permitted to select one for each county.[46] In 1646 commissioners (forerunners of the present commissioners of the revenue) were appointed to take lists of tithables,[47] and in 1647 collectors of the tax (temporarily relieving the sheriff of this part of his duties)[48] were appointed. These appointments recurred intermittently thereafter until the American Revolution.[49] The county court had long been required to make provision for roads and bridges, but in 1658 a statute called for the regular appointment of surveyors of highways.[50]

After the Restoration in 1660 there was a rather marked reaction against the democratic spirit of the Commonwealth, but little or no change in the actual structure of local government.[51] The only significant addition was the elaborate system of warehousing and inspection for tobacco and other commodities. There had been frequent enactments for this purpose,[52] but that of 1730 first set up a practical plan. The Governor and the county court shared authority in the erection of warehouses and the appointment of inspectors, and all tobacco exported was subject to rigid examination as to

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37. Ibid., I, p. 246; ibid., II, pp. 325, 419; W. W. Hening, The Virginia Justice . . ., Richmond, 1825, pp. 205, 209.
38. Hening, Statutes, I, pp. 129-130, 363-368, 371-372, et passim.
39. Bruce, Institutional History, I, pp. 37, 42, et passim.
40. Ibid., I, pp. 55-61; Hening, Statutes, I, pp. 228, 229, 237, 249, 400, 478.
41. Ibid., I, p. 291; Bruce, Institutional History, I, pp. 62-72.
42. Ibid., I, pp. 73-75, 81-91, 98-100; Colonial Records of Virginia, pp. 26-28; Hening, Statutes, I, pp. 160-161, et passim.
43. Bruce, Institutional History, I, pp. 74-78, 81-93, 98, 104-105.
44. Hening, Statutes, I, pp. 155, 158, 180, 182-183, 433.
45. Records of the Virginia Company, III, pp. 477, 486.
46. Hening, Statutes, I, p. 404.
47. Ibid., I, pp. 305-306.
48. Ibid., I, p. 342.
49. Ibid., II, p. 19; ibid., VII, pp. 78, 80, 641; Bruce, Institutional History, II, pp. 551-552.
50. Hening, Statutes, I, p. 436.
51. Bruce, Institutional History, I, pp. 263-264; Hening, Statutes, I, pp. 543-551; ibid., II, pp. 41-148.
52. Colonial Records of Virginia, pp. 23-24; Records of the Virginia Company, III, pp. 228-229; Hening, Statutes, I, pp. 152, 165, 190, 204, 211; ibid., III, p. 436.

quality and packing.[53] Thus the pattern of local institutions, established in the seventeenth century, passed through the period of the Revolution almost unaltered.

In 1777 three important agencies came into being - the High Court of Chancery, with the former equity jurisdiction of the General Court,[54] the commissioner of the tax (commissioner of the revenue),[55] and the assessors.[56] In 1785 the board of overseers of the poor took the place of the parish vestry as a welfare agency,[57] the church having lost all temporal power and much of its property in the disestablishment following the Revolution.[58] The District Superior Courts of Law, formed in 1788, received most of the common law jurisdiction formerly assigned to the General Court.[59] These courts, like the High Court of Chancery and the District Superior Courts of Chancery later established,[60] were not found in every county, but only at the central courthouse in each district. They are considered here because they were directly antecedent to the later circuit courts, and exercised the same authority in relation to the counties within their respective districts.[61] In 1800 the first regular appointments by statute of prosecutors (commonwealth attorneys) for the local courts took place,[62] although there is ample evidence of the existence of similar functionaries during the Colonial Period.[63]

The first attempt at the inauguration of a free school system came in 1796,[64] but it was not until 1818 that any effective action was taken on a state-wide scale. A board of school commissioners was appointed to effect the establishment[65] and in 1829 the counties were laid off in school districts.[66]

After the constitutional convention of 1829-30, the electoral districts were reapportioned and the freehold requirements reduced.[67] The first regular election officials were appointed at this time, relieving the sheriff of most of his duties in that line.[68] In the same year, 1831, the former District Superior Courts of Chancery and the circuit superior courts of law (the District

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53. Ibid., IV, pp. 247-271; ibid., V, p. 10; ibid., VII, p. 387.
54. Ibid., IX, p. 389.
55. Ibid., IX, pp. 351-352, 363-364.
56. Ibid., IX, pp. 352-355, 549; ibid., X, pp. 252, 501-503.
57. Ibid., XII, pp. 27-29, 273-274.
58. William Meade, Old Churches, Ministers and Families of Virginia, Philadelphia [ca. 1938], I, pp. 16-17 (as to disestablishment).
59. Hening, Statutes, XII, pp. 730-763.
60. Samuel Shepherd, compiler and editor, The Statutes at Large of Virginia . . . (1792-1808), 3 vols., Richmond, 1835-36 [hereinafter cited as Shepherd, Statutes], II, pp. 320-322.
61. Hening, Statutes, XII, p. 730; see Circuit Court, pp. 74-75.
62. Shepherd, Statutes, II, p. 215.
63. Hening, Statutes, VI, pp. 52, 122; Bruce, Institutional History, I, pp. 570-572.
64. Shepherd, Statutes, II, pp. 3-5.
65. Acts 1817-18, pp. 11-12.
66. Acts 1828-29, pp. 13-14.
67. Constitution of Virginia, 1830 [hereinafter cited as Const. 1830], art. iii, in The Code of Virginia (1849), Richmond, 1849 [hereinafter cited as Code 1849].
68. Acts 1830-31, pp. 19-22, 33; Acts 1833-34, p. 59.

Superior Courts of Law having been converted in 1809 into circuit courts meeting semiannually in every county[69]) were combined to form the circuit superior courts of law and chancery.[70]

Before 1851, no officer of state or local government except the burgesses or assemblymen had been elected by popular vote, but after the constitutional revision effective that year, all officers of importance were elected and the freehold restriction was entirely removed. This resulted in free white male suffrage.[71] The attacks on the county court during the convention[72] resulted in the requirement that a presiding judge be present at all sessions.[73]

Although there was scarcely a county which did not feel the effects of the war, there were few changes in the form of local institutions until after 1869, when a new constitution was drafted for the readmission of Virginia into the Union.[74] This constitution embodied a number of innovations which had been suggested at previous revisions, but hitherto rejected by the conservative convention members. The county court was thereafter to be headed by one judge, in some cases appointed for two counties jointly, and the justices of the peace were to retain only their petty authority.[75] The court at this time lost most of its administrative authority to the newly created board of supervisors, the principal agency in the experimental township organization.[76] The counties were divided into townships somewhat upon the New England plan, and one supervisor, one township clerk (also ex-officio the treasurer), one assessor (replacing the commissioner of the revenue), one collector (who performed the sheriff's former tax-collecting function), one commissioner of the roads, one or more overseers of roads, one overseer of the poor, three justices, three school trustees, and three constables were elected for each.[77] The supervisor, commissioner of roads, and assessor of each township constituted a township board in their respective divisions,[78] while the supervisors of the local units met together as the county board of supervisors, attended by the county clerk.[79] This officer, as well as the sheriff and the county treasurer, was elected by the voters of the county.[80]

The details of the township system were abolished by an amendment in 1875,[81]

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69. Shepherd, Statutes, III, pp. 355-360.
70. Acts 1830-31, pp. 42-76.
71. Constitution of Virginia, 1851 [hereinafter cited as Const. 1851], arts. III, V, VI, in The Code of Virginia . . . 1860, Richmond, 1860 [hereinafter cited as Code 1860].
72. "Debates of June 5, 1851" in Virginia Reform Convention [Proceedings and Debates], Supplement to the [Richmond Newspapers], no. 60.
73. Const. 1851, art. VI, sec. 27.
74. Third Edition of the Code of Virginia . . ., Richmond, 1873 [hereinafter cited as Code 1873], pp. 24-30.
75. Constitution of Virginia, 1869 [hereinafter cited as Const. 1869], art. VI, sec. 13, in Code 1873.
76. Ibid., art. VII, sec. 2; Acts 1869-70, pp. 270-273.
77. Const. 1869, art. VII, secs. 2-4.
78. Acts 1869-70, pp. 274-275.
79. Ibid., pp. 269-274.
80. Const. 1869, art. VII, sec. 1.
81. Acts 1872-73, pp. 274-277; Acts 1874, pp. 95-98, 208-212; Acts 1874-75, p. 56.

but the geographical and electoral divisions persisted as magisterial districts,[82] and the board of supervisors and the county treasurer continued to exist, the latter having added to his duties those formerly required of the township collectors.[83] The commissioner of the revenue resumed his former status,[84] and the supervision of roads fell once more in the province of the county court.[85]

The new constitution adopted in 1902 omitted reference to the county court. It was abolished soon after, and all its former duties and powers were shifted to the circuit court.[86] In the majority of counties the authority to contract for and maintain roads and bridges had already passed, in whole or in part, into the hands of the board of supervisors or agencies under their control - a change which occurred in Powhatan County in 1884.[87] The twentieth century has been marked by two interesting tendencies - the shifting of many of the former powers of local government to newly established offices and departments of the State government, and the increase in the county of functions and activities usually associated with town or city governments. The State Department of Highways[88] in 1932 took in the secondary roads, so that that year marks the end of the board of supervisors' activities in the construction and maintenance of roads and bridges, and the dissolution of county road agencies in general.[89] The substitution of a single trial justice for the justices of the peace in minor civil and criminal jurisdiction, permissive and in effect in certain counties since 1912,[90] became mandatory in 1934 in all counties.[91] The jurisdiction of the special justice appointed under an act of 1922 to hear juvenile and domestic relations cases[92] was transferred to the new court at that time.[93] In 1938 the Virginia Public Assistance Act[94] provided for an elaborate system of aid to the needy. The Department of Public Welfare acts in close liaison with the local welfare boards and the county superintendents of public welfare.[95] The board of supervisors of Powhatan County, which had previously exercised direct supervision over welfare expenditures, appointed a superintendent in 1937. The local welfare agencies,[96] like the county agricultural agent (appointed since 1914 to conduct agricultural extension work and education),[97] act in close cooperation with various Federal agencies for work-relief and crop-control. From time to time the board of supervisors has been granted rather

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82. Constitution of Virginia, 1869 (as amended 1874), art. VII, sec. 2, in The Code of Virginia . . ., Richmond, 1887 [hereinafter cited as Code 1887].
83. Ibid., art. VII, secs. 1, 2; Acts 1878-79, pp. 320-323; Code 1887, secs. 602-605.
84. Acts 1874-75, pp. 216-218.
85. Ibid., pp. 177-178; Code 1887, secs. 945-954.
86. Acts 1902-3-4, p. 626.
87. Acts 1883-84, p. 313; see County Road Board, pp. 165-166.
88. The State Highway Commission, from 1922 to 1932, had gradually taken over the maintenance of the primary road system.
89. Acts 1932, pp. 872-880.
90. Acts 1912, pp. 685-686.
91. Acts 1934, pp. 466-474.
92. Acts 1922, pp. 835-839.
93. Acts 1934, p. 473.
94. Acts 1938, pp. 638-669.
95. See footnote 94.
96. Acts 1938, pp. 642-670.
97. Acts 1914, pp. 710-712; see County Agricultural Agent, pp. 171-172.

extensive powers of the sort formerly associated with chartered towns or cities. Among these may be mentioned the authority to establish and maintain sewerage systems,[98] to enact local legislation in accord with the constitution and general laws,[99] and to set up zoning ordinances for the regulation of industry and construction within the county.[1]

Since the constitutional amendments of 1928, it has been within the power of the General Assembly to establish new forms of government alternative to the board of supervisors plan,[2] and this has been done, but Powhatan County maintains its former system, as do the majority of Virginia counties.

Functional Development of County Government

General Administration

When Powhatan County was created, the county court was its principal administrative agency and its duties and powers were well defined and established by law as well as long custom. It was the only local judicial authority of more than petty jurisdiction, and its clerk covered the entire range of recordation and registration. Its members acted as sheriff and coroner by turns and the court appointed the constables. Thus, it also held the reins of law enforcement.[3] Furthermore, it appointed commissioners to list the tithables (persons subject to the capitation tax),[4] apportioned the county levy, supervised its collection, and disbursed it.[5] In the field of public health the court was at various times required to act, and it cooperated extensively with the local welfare agencies - first the parish vestry, and later the overseers of the poor.[6] Appointees of the court supervised the construction and maintenance of roads and bridges;[7] the court licensed ferries[8] and, in many instances, exercised a regulatory function over such matters as agriculture, standards of measurement, quality, and price.[9]

These extensive powers of the court were not substantially curtailed until 1870, when all except its judicial, appointive, and licensing authority was transferred to the newly created board of supervisors.[10] Today the board does not have the all-inclusive administrative scope of the former court, for many of its powers have been preempted by recently established agencies of the State government. The most important function of the board at present is the administration of finance (setting up budgets, laying the levy, and supervising disbursements), but it also has general authority over county buildings and other

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98. Acts 1914, p. 714; Acts 1924, p. 640.
99. Acts 1918, pp. 461-462; Acts 1926, p. 665.
1. Acts 1938, pp. 777-778.
2. Constitution of Virginia, 1902 (as amended 1928) in Acts 1928 [hereinafter cited as Const. 1902 (as amended 1928)] art. VII, sec. 110.
3. See County Court, pp. 94-99.
4. See Commissioner of the Revenue, pp. 123-124.
5. See County Court, p. 96.
6. Hening, Statutes, I, pp. 316, 450; see Parish Vestry, pp. 161-162 and Local Board of Public Welfare, pp. 155-156.
7. See County Road Board, pp. 165-166.
8. Hening, Statutes, III, p. 469; ibid., IV, pp. 45, 92-94, 113, 170.
9. See County Court, p. 96.
10. See Board of Supervisors, pp. 51-54.

property, may pass local zoning ordinances, and provide for the construction of sewerage systems.[11]

County Court (1619-24?) - 1870
Board of Supervisors 1870--

Registration of Title to Property

Throughout the history of Powhatan County the county clerk has been the principal recording agent[12] and, as he was ex-officio the clerk of the county court[13] and generally also of the superior or circuit court,[14] he was virtually the only one. To him from the earliest times have come all manner of instruments to be proved, acknowledged, and recorded, and since 1904 he has been authorized to act independently in the probate of wills and the appointment of personal representatives.[15] The county surveyor records exact boundaries and returns plats of his surveys for record.[16] The law in Virginia has long provided that conveyances or reservations of title must be recorded to be effective against certain third parties, and in every county the clerk keeps several systems of books for the various classes - deeds, liens, wills and other writings.[17]

County Clerk (1619-24?)--

Judiciary

Civil jurisdiction within the county from the beginning of the county until 1809 resided exclusively in the county court and its individual justices, the latter having petty jurisdiction only.[18] In that year the circuit superior court of law was established in the county, with jurisdiction in cases above $100 in value brought by original process or appeal.[19] The authority of the county court was not limited as to civil causes for some years before the Revolution.[20] In 1785 a distinction between quarterly and monthly terms was set up, and the quarterly sessions were not restricted as to maximum value.[21] The same situation continued after 1831,[22] when the superior court of law was replaced by the circuit superior court of law and chancery,[23] nor was there any important alteration until 1870, when a single judge replaced the justices on the bench of the court, the jurisdiction remaining much the same.[24] During the same period the

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11. See above, pp. 21-22.
12. See County Clerk, pp. 57-58.
13. See County Court, p. 95.
14. See Circuit Court, p. 76.
15. See above, p. 21, and Circuit Court, pp. 78-79.
16. See County Clerk, p. 59, and County Surveyor, pp. 168-170.
17. See County Clerk, pp. 58-59.
18. See County Court, pp. 94, 97-98, and Justice of the Peace, pp. 111-112.
19. Shepherd, Statutes, III, pp. 355-360.
20. Hening, Statutes, V, pp. 489-491; see County Court, pp. 97-98.
21. Hening, Statutes, XII, pp. 32-36, 467-474; The Revised Code of the Laws of Virginia . . ., Richmond, 1819 [hereinafter cited as Code 1819], I, pp. 244-261.
22. Code 1849, pp. 615-616.
23. See Circuit Court, pp. 74-75.
24. Const. 1869, art. VI, sec. 13; Acts 1869-70, p. 35.

jurisdiction of the justices increased from $5 to $20 and in certain cases to $50.[25] In 1904 the county court passed out of existence, and all of its jurisdiction was transferred to the circuit court,[26] which is today the principal judicial authority. The justices of Powhatan County in 1934 lost their petty civil jurisdiction, except as to issuing warrants, to the trial justice who was appointed in that year and continues to exercise that jurisdiction today.[27] This newly appointed officer now has exclusive jurisdiction in civil cases up to $200, and concurrent jurisdiction with the circuit court in civil cases from $200 to $1,000.[28]

From 1777 until the circuit superior courts of law became part of the pattern of local government, the county had no regular court with criminal jurisdiction extending to the loss of life or member.[29] Misdemeanors and petty offenses were tried by the justices of the peace, and more serious crimes by the county court,[30] while the latter might constitute itself a court of oyer and terminer with power of life and death, only for the trial of slaves accused of felonies.[31] The superior court was the first to exercise the power of life and death in the county,[32] and the present circuit court succeeded to it.[33] The county court never gained this power with regard to free persons, although the courts of oyer and terminer continued to function.[34] The jurisdiction over misdemeanors formerly residing in the justices of the peace has, since 1934, belonged to the trial justice.[35]

Equity jurisdiction in general was subject to the same limitations and was controlled by the same agencies as common law, except that the monthly sessions of the county court held rank in this respect equally with the quarterly terms.[36] There was until 1831 no superior court with equity jurisdiction within Powhatan County, but from that time to 1873 the circuit court had concurrent powers with the local court.[37] In 1873, the county court lost the majority of its chancery authority to the circuit court,[38] and what remained of it went the same way in 1904.[39] The trial justice today performs the same function as the justices of the peace formerly did, but with increased jurisdiction as to amount.[40]

Probate authority, which was first bestowed upon the county court in

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25. Code 1873, p. 1003.
26. Acts 1902-3-4, p. 626.
27. Acts 1930, pp. 447-450, 783; Acts 1934, pp. 466-471; Code 1936, sec. 4987(f).
28. Ibid., sec. 4987(f).
29. Except those particular counties in which district courts of law were held.
30. Hening, Statutes, V, pp. 491, 495; A Collection of . . . Acts of the General Assembly of Virginia . . ., Richmond, 1803 [hereinafter cited as Code 1803], p. 84.
31. Hening, Statutes, VIII, p. 138; Code 1803, p. 190.
32. Shepherd, Statutes, III, pp. 355-360.
33. Acts 1830-31, pp. 42-76.
34. Code 1849, p. 787; Code 1860, p. 847.
35. See footnote 27.
36. See footnote 21.
37. Acts 1830-31, pp. 47-48.
38. Acts 1872-73, pp. 382-384.
39. Acts 1902-3-4, p. 626.
40. See footnote 27 (established in 1934 in all counties where such courts had not already been set up).

1645,[41] continued to be exercised by that agency until its termination in 1904,[42] and from 1777 to 1809 there was no other local court of probate in Powhatan County. Thereafter the circuit superior court of law (later the modern circuit court) shared in this jurisdiction,[43] and the Constitution of 1902, from which was omitted any reference to the county court, conferred similar powers upon the clerk of the circuit court.[44] The circuit court in term and its clerk in term or in vacation may now officiate in the probate of wills and the appointment and regulation of personal representatives, but the actions of the clerk are subject to appeal to the court, and the administration may at any time be transferred to the jurisdiction of the court on protest from any person concerned.[45]

Authority over juvenile and domestic relations cases had long been exercised in a general way by both county[46] and circuit courts,[47] but it was not until 1922 that a special justice of the peace was chosen to head a juvenile and domestic relations court in each county.[48] This authority was joined to the position of trial justice when that agency was established in Powhatan County in 1934.[49]

In the seventeenth century, the county courts had been authorized to grant denization, a limited form of naturalization (conferring none of the rights of citizenship save that to take and hold property by purchase or devise, but not by descent), upon 4 years' residence and the taking of oaths of fidelity and allegiance.[50] In 1705 the Governor was empowered to naturalize aliens who took before him the various oaths prescribed by Parliament.[51] This act, as its preamble states, was for the encouragement of settlement. Somewhat later (1738) it was extended, for the benefit of certain frontier areas, to allow the Governor to grant the same privileges upon certificate from the county court that the proper oaths had been taken.[52] At some time thereafter these provisions must have been voided by the royal veto, for one of the grievances recited in the preamble to the "Constitution, or Form of Government" adopted June 29, 1776, is the King's endeavor "to prevent the population of our country, and, for that purpose, obstructing the laws for the naturalization of foreigners."[53] After the Revolution, the law was greatly liberalized. Only two years' residence and an oath of intention to remain in the State were required, which oath, given before any court of record and evidenced by a certificate of that court, conferred all the rights of citizenship,[54] except that of holding office,

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41. Hening, Statutes, I, pp. 302-303.
42. Code 1887, sec. 2533; Acts 1902-3-4, p. 626.
43. Shepherd, Statutes, III, p. 361; Acts 1830-31, p. 48.
44. Constitution of Virginia, 1902 [hereinafter cited as Const. 1902], art. VI, sec. 101, in Acts 1902-3-4.
45. Acts 1902-3-4, p. 386; Code 1936, secs. 5249, 5962(a).
46. Hening, Statutes, I, pp. 157, 182, 269; Code 1803, pp. 181-182.
47. Code 1887, sec. 2261; Code 1936, secs. 1905-1930, 1954-1961.
48. Acts 1922, pp. 835-839.
49. See footnote 27.
50. John Bouvier, Bouvier's Law Dictionary, Francis Rawle, revisor, Boston, 1897; Levy et al. vs. McCarter, 31 U. S. 102, (1832) note; Jackson vs. Sanders, 2 Leigh (29 Va.) 109 (1830); Code 1819, I, p. 357.
51. Hening, Statutes, III, pp. 434-435.
52. Ibid., V, pp. 58, 79-80.
53. Ibid., IX, p. 112.
54. Ibid., X, pp. 129-130.

which was subject to certain further restrictions.[55] The Constitution gave Congress the power to establish uniform naturalization laws, which was enacted in 1790.[56] Since that date, naturalization jurisdiction has been exercised by State courts, without specific State legislation upon the subject.[57] Under the Federal Statute of 1790, "any common law court of record",[58] or by the later act (1795) a "supreme, superior, district or circuit court of some one of the states"[59] may do so. This would seem to exclude the county courts unless the county court was construed as a "district court", but their right to conduct naturalization proceedings has been affirmed.[60] Thus it appears that the General Court, the District Superior Courts of Law, the county courts, the circuit superior courts of law, and the circuit superior courts of law and chancery may properly have naturalized aliens. The current act grants such authority to "all courts of record in any State or Territory having a seal, a clerk, and jurisdiction in actions at law or equity, or law and equity, in which the amount in controversy is unlimited."[61]

Appellate and Original Jurisdiction
- General Court 1619-1777 (chancery)
  1619-1788 (common law)
- High Court of Chancery 1777-1801
- District Courts of Chancery 1801-31
- District Courts of Law 1788-1809
- Circuit Courts of Law 1809-31
- Circuit Courts 1831--

Original Jurisdiction
- County Court (1619-24?) - 1873
  1873-1904 (common law only)

Petty Jurisdiction
- Justices of the Peace (1619-24?) - 1934
- Juvenile and Domestic Relations Court 1922-34
- Trial Justice Court 1934--

Law Enforcement

Most of the officials of county government in the eighteenth and nineteenth centuries were nominated conservators of the peace, but the principal functionaries in that line were the sheriff, constables, coroner, and justices of the peace.[62] These officers continue to exercise the same authority, but only the

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55. Ibid., XI, pp. 322-323; ibid., XII, pp. 261-265.
56. Constitution of the United States, art. I, sec. 8; The Statutes at Large of the United States (1789-1873), Boston, 1845-73, I, p. 103.
57. 3 C. J. S. 842-843; Holmgren vs. U. S., 217 U. S. 509 (1910); in re Clarke, 152 A. 92 (Pennsylvania, 1930); in re Fordiani, 120 A. 338 (Connecticut, 1923).
58. Statutes at Large of the United States, I, p. 103.
59. Ibid., I, p. 414.
60. Commonwealth vs. Towles, 5 Leigh (32 Va.) 743 (1835).
61. The Statutes at Large of the United States, vols. XVIII--, Washington, 1873--, XXXIV, p. 596.
62. Hening, Virginia Justice, pp. 202, 417-418; Code of Virginia . . ., Richmond, 1918 [hereinafter cited as Code 1919], sec. 4789.

sheriff has any great importance in this respect today.[63] In the days when slave insurrection was much feared, mounted militia patrols rode the roads night and day for the apprehension of wandering Negroes and the prevention of unlawful assemblies.[64] This arrangement of course lapsed after 1865.[65]

The coroner has always presided over inquests, and until recently was empowered to call upon the sheriff or constable to bring together a coroner's jury.[66] He returns reports of his findings to the court (formerly the county court, now to the circuit court).[67]

The grand jury, convening semiannually or oftener in the circuit court (county court until 1904), is the source of indictments; it presents offenders on its own initiative or upon the information of any county official, as well as the testimony of witnesses.[68] The attorney for the commonwealth may also direct the presentment of a lawbreaker before court or grand jury.[69] Prosecutions for felony must be by indictment.[70] Before 1785, the parish vestry also presented offenders against decency, sobriety, or morality, as part of its general supervisory authority in matters of religion, charity and morals.[71]

Although the coroner is still charged with the duty of directing the pursuit of persons implicated in homicide,[72] he seldom functions directly, and the constables and sheriff, especially the latter, are the chief local agents in the apprehension of criminals, as they have been since the seventeenth century.[73]

The sheriff or his deputy acts as jailer and has custody of prisoners.[74] He served in this capacity long before the establishment of the county.[75]

Prosecution of criminals in the Colonial period was carried on generally by attorneys for the Crown.[76] The only two references to these officials in the extant statutes are so ambiguous that it is uncertain whether the position was held regularly or only by special and temporary appointment.[77] Soon after the Revolution regular attorneys for the Commonwealth were appointed to prosecute lawbreakers and to represent the Commonwealth in the courts.[78] The office and its duties remain much the same today.[79]

The execution of minor sentences imposed by any of the local courts has

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63. Ibid., secs. 1539, 2144, 4864.
64. Code 1803, pp. 287-288, 406; Code 1860, pp. 491-492, 794-795.
65. Acts 1865-66, pp. 84-85, repealing c. 98 of Code 1860.
66. Hening, Virginia Justice, pp. 209-212; Code 1919, secs. 4806, 4809; Acts 1926, p. 461.
67. Code 1803, p. 125; Code 1919, sec. 4812.
68. Hening, Statutes, I, pp. 304, 463; Code 1919, secs. 4851-4864.
69. Ibid., sec. 4864.
70. Ibid., secs. 4865, 4866.
71. Hening, Statutes, I, pp. 126, 240-241, 309-310; ibid., IV, p. 244.
72. Code 1919, sec. 4813.
73. Ibid., secs. 2819, 4882, 6055.
74. Ibid., sec. 2868.
75. Hening, Virginia Justice, pp. 393-396; see Sheriff, pp. 117-118.
76. Bruce, Institutional History, I, pp. 570-572.
77. Hening, Statutes, VI, pp. 52, 122.
78. Shepherd, Statutes, II, p. 215.
79. Code 1919, secs. 4864, 4969, 6217, et passim.

usually been entrusted to the sheriff.[80] Capital punishment is now unknown in the counties, executions being generally by the electric chair in the State penitentiary at Richmond.[81]

Sheriff 1634--
Constable (1619-43?)--
Coroner (1619-74?)--

Finance

Although the preparation of an actual budget is a comparatively new idea, the county court in its apportionment of the county levy annually had to estimate the amounts needed for various purposes, on the basis of the accounts of expenditures for the preceding year,[82] and the parish vestry was similarly guided as to its special levy for church and charitable uses.[83] Today these agencies - the board of supervisors,[84] school board (through the division superintendent),[85] and local board of welfare[86] - which expend large sums annually are required by law to prepare closely estimated budgets of their anticipated needs and disbursements. The budgets of the two latter agencies are submitted to the board of supervisors, and are considered by that body in the laying of the general and school levies.[87] Since the levy is thus laid and appropriated on a budgetary basis, and the board is forbidden to issue warrants amounting to more than the county tax for that year and the surplus if any from preceding years, every county officer is under indirect budgetary control, and must account with the board or the court for his receipts and disbursements.[88] Only the three named, however, prepare formal budgets based on their accounts for the preceding year and their estimates of the amount likely to be needed in the succeeding year.

All taxable real estate (other than the exempt property of the State and counties: religious, charitable, and educational institutions), taxable tangible personal property (except that owned as above), including that of public service corporations other than steam railroads, and the capital of merchants, are segregated for local taxation only.[89] Intangible personal property, stocks, bonds, income, income or increase of estates in trust, insurance, rolling stock of railroads operating within the State, and numerous other similar subjects are segregated for State taxation.[90] After consideration of the treasurer's reports of receipts and disbursements, local tax levies are set by the board of supervisors at regular annual meetings, according to their own and the school and welfare budgets.[91] The rate of taxation, determined at that time by a comparison of the necessary revenue with the assessed valuation of land and personal

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80. Hening, Virginia Justice, pp. 285-289.
81. Acts 1908, pp. 684-685; Code 1919, sec. 4941.
82. Code 1849, p. 277.
83. Bruce, Institutional History, I, p. 92, et passim; see also published vestry books of Virginia parishes before 1785.
84. Code 1919, sec. 2768.
85. Ibid., sec. 646; Acts 1928, p. 1204.
86. Acts 1938, p. 644.
87. Code 1919, sec. 2721; Acts 1938, p. 644.
88. Acts 1914, p. 87; Code 1919, sec. 2726.
89. "Tax Code" 1936, sec. 7 (appendix to Code 1936).
90. Ibid., secs. 8, 50, 72, 90.
91. Code 1919, secs. 646, 2720, 2721; Acts 1928, p. 1204; Acts 1938, p. 644.

property shown on the tax books for the preceding year, is certified to the commissioner of the revenue and his books for the following year are made out accordingly.[92] The land-tax books have their origin in the reassessment land books made out by the assessors in the years of periodical reassessment,[93] but they are recopied annually by the commissioner,[94] who incorporates in them all transfers of title, partitions, devises, corrections (certified by other agencies), increases or reductions in value, and other changes occurring between reassessments.[95] The commissioner thus functions in a sense as assessor, there being no officers permanently appointed for that purpose. The local courts long had jurisdiction as to the review and correction of erroneous assessments,[96] and in 1915 a special agency, the local board of review, was created, with concurrent powers.[97] The local board of review was abolished in 1922, and replaced in 1924 by the local board of equalization, having similar jurisdiction concurrent with that of the circuit court.[98] It was to function, however, only in the year following a quinquennial reassessment.[99] The land-tax books prepared and corrected as above, and the personal property tax books made up from the sworn returns of the taxpayers to interrogatories submitted by the commissioner, are made in quadruplicate.[1] The original remains with the commissioner, and copies go to the State, to the county clerk, and to the county treasurer.[2] The treasurer, as soon as he receives the tax books, commences to collect the State and local revenues.[3] He is required to give a ticket, or receipt, in due form, and usually makes use of a triplicate book, one slip serving as notice, one as receipt, and the last as a record of his office.[4] He continues his collections until the following December (usually commencing in the spring). His collections of local levies remain in his hands, the treasurer being principal disbursing officer as well as collector, but the State revenue is paid into designated State depositories and accounted for by him to the State Comptroller and Treasurer monthly or oftener if required.[5] The treasurer also returns several lists of various classes of taxes which he has been unable to collect.[6] Taxes embraced in these lists (which must be approved by the board of supervisors and the circuit court) are receivable during the year following, but at the end of that time are placed in the hands of the sheriff or especially appointed collectors, to be distrained for or otherwise collected.[7] The clerk was formerly the collecting and distributing agent for delinquent taxes, which were certified to him by the

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92. Code 1919, secs. 2279, 2300, 2337, 2720, 2770.
93. Ibid., secs. 2244, 2247, 2251, 2271.
94. Ibid., secs. 2299, 2305, 2306.
95. Ibid., secs. 2274-2278, 2281-2288, 2292, 2294-2297.
96. Acts 1840-41, p. 13; Code 1849, p. 194; Acts 1902-3-4, pp. 613-614; Code 1919, secs. 2385-2391.
97. Acts 1915, pp. 94-98; Acts 1916, pp. 415-422.
98. Acts 1922, p. 514; Acts 1924, pp. 574-577.
99. Ibid., p. 574.
1. Code 1919, secs. 2299, 2300, 2342.
2. Ibid., sec. 2342.
3. Ibid., sec. 2410.
4. Ibid., sec. 2408.
5. Ibid., secs. 2410, 2412; Acts 1922, p. 832.
6. Ibid., sec. 2414.
7. Acts 1934, pp. 761-762; Acts 1936, pp. 1065-1066; "Tax Code" 1936, secs. 393-395.

treasurer, but this is now largely the latter's duty.[8] The treasurer also manages the sale of lands for taxes, posts a list of delinquents for notice, and sells the tracts or parts thereof at public auction.[9] In case a sufficient sum is not bid, the land is "sold to the Commonwealth" (bid in by the treasurer).[10] At any time within 2 years after such sale, the original owner may redeem his property by paying (to the purchaser, or to the clerk if the purchaser cannot be found, or to the Commonwealth) the arrears of taxes and taxes due since the sale, with interest and penalties thereon.[11] The sums arising from the redemption of lands are remitted to State fiscal agencies in the same manner as other revenues collected by the clerk.[12]

License taxes on businesses and individuals are assessed by the commissioner of the revenue (at rates fixed by law) upon the value or volume of business, or at a flat annual rate, according to the nature of the privilege involved.[13] The assessment bill, presented to the treasurer, paid to him, and bearing his receipt upon its face, constitutes a license to pursue the specified occupation.[14] Sums arising from license taxes are accounted for under separate heads monthly, but otherwise in the same manner as other forms of revenue.[15]

A special tax upon dogs, assessed by the commissioner and collected by the treasurer, is the source of a fund for the reimbursement of farmers whose stock has been damaged by dogs.[16] This fund is administered by the board of supervisors, and any unexpended balance (formerly devoted to road or school expenses at will[17]) now reverts to the general fund.[18] The State Literary Fund, derived from escheats, forfeitures, confiscations, fines, and penalties, was created in 1810[19] and the income from it has since been added to that arising from special taxes (including part of the capitation tax) for the support of public free schools through the State.[20] The amount and extent of State aid varies, but in certain instances grants from the fund must be matched by like amounts from local revenues.[21] Donations of property are vested in and managed by the school board, and the profits managed and accounted for by the board in the interests of the school system.[22] The State Board of Public Welfare is authorized to cooperate with the Federal Social Security Board and other agencies and to receive grants from them, which are distributed through the local welfare agencies. The State and Federal funds are matched in certain proportions by local appropriations.[23]

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8. Code 1919, sec. 2419; "Tax Code" 1936, secs. 393, 394.
9. Code 1919, secs. 2461, 2462.
10. Ibid., secs. 2489, 2490.
11. Ibid., secs. 2475-2477, 2491.
12. Ibid., secs. 2491, 2492.
13. Ibid., sec. 2366.
14. Ibid., sec. 2360; "Tax Code" 1936, sec. 129.
15. Code 1919, secs. 2372, 2381.
16. Ibid., secs. 2316, 2318-2322.
17. Ibid., sec. 2318.
18. Code 1936, sec. 3305(81).
19. Acts 1809-10, p. 15; Acts 1810-11, pp. 9-10.
20. Code 1919, secs. 738, 739.
21. Ibid., sec. 707.
22. Ibid., secs. 648, 671.
23. Acts 1938, pp. 641, 649, 655, 664-667.

Claims and accounts against the county for services, supplies and materials furnished, bounties for the destruction of vermin, and other causes, must be presented to the board of supervisors for examination and settlement. Those allowed by the board are then paid, by warrants drawn upon the treasurer, out of the respective funds.[24] Claims for allowances by the circuit court are handled by the clerk of the court, but the board must levy the amounts needed.[25] No more warrants may be issued than will equal in amount the county tax levied for the current year, except when there is a surplus from preceding ones; and there appears to be no provision for deferred payment or time warrants, except that warrants if presented before the collection of sufficient revenue may not be paid until the levy is in. No interest is paid on such warrants.[26] Warrants are paid by the treasurer, in the order of their presentation, to the amount of the fund upon which they are drawn.[27] Canceled paid warrants are returned annually or oftener by the treasurer to the agency which issued them, to be credited to him in his settlement of accounts.[28]

The accounts of county officers may be examined at any time by agents of the Auditor of Public Accounts, formerly the State Accountant.[29] The board of supervisors, also, at their July meeting are required to audit the accounts of the county and settle with the county treasurer, sheriff, and superintendent of the poor or any other officer having an account with the county.[30] In any county which alone constitutes a judicial circuit, the judge of the circuit court may upon petition appoint one or more certified public accountants to make an audit of the accounts of any agency.[31]

Bond issues for county purposes may be made by the board of supervisors, with the approval of the judge of the circuit court and of the people of the county, as expressed by their ballots in a special election for or against the bond issue.[32] The board is further required to include in the annual levy a sum sufficient to pay interest on the bonds so issued, and to create a sinking fund for the payment of the principal.[33] Such bonds might formerly be issued for road construction,[34] and those for school uses issued by the local school board with the approval of the supervisors and the voters, may be purchased from the proceeds of the Literary Fund by the State.[35] The board of supervisors may retire outstanding bonds and issue new bonds therefor.[36]

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24. Code 1919, secs. 2724, 2729, 2759.
25. Ibid., sec. 2758.
26. Ibid., secs. 2724, 2782.
27. Ibid., secs. 2781, 2782.
28. Ibid., sec. 728; Acts 1928, p. 1221; Acts 1932, pp. 831-835; Acts 1936, p. 513 (apparently now by custom only, the return being no longer required by law).
29. Acts 1914, p. 202; Code 1919, sec. 565; Acts 1936, pp. 83-84.
30. Code 1919, sec. 2719.
31. Acts 1914, p. 87; Code 1919, sec. 2756.
32. Ibid., secs. 2735-2740.
33. Ibid., sec. 2741.
34. Ibid., secs. 2110-2119.
35. Ibid., secs. 614, 765-773.
36. Ibid., sec. 2735.

Governmental Organization and Records System (First entry, p. 55)

Assessment
- Commissioner of the Revenue 1777--
- Assessors (periodically) 1777-82, 1817--

Review of Assessments
- Commissioners of Revenue 1777-82
- (no assessments) 1782-1817
- Board of Principal Assessors 1817-41
- County Court 1841-1903
- Circuit Court 1903--
- Local Board of Review 1915-22
- Local Board of Equalization 1924--

Levy
- County Court (1619-45?) - 1870
- Parish Vestry (parish levies) (1619-32?) - 1785
- Board of Supervisors 1870--

Collections
- Collectors (variously appointed) (1619-33?)
- Sheriff (1634-43?) - 1647
- Special Collectors and Sheriff 1647-(59?)
- Sheriff 1660-1872
- Treasurer 1872--

Supervision of Deposits
- County Finance Board 1932--

Elections

Since the constitutional amendments of 1928, any citizen of the United States, 21 years of age or over, who has been a resident of the State 1 year, of the county, city, or town 6 months, and of the precinct 30 days, is qualified to vote in Virginia if he has been registered and has paid his poll tax as required by law.[37] The registrars appointed to each precinct by the county electoral board sit at least 2 days in each year for the registration of new voters and the correction of the former lists.[38] It is their duty to refuse to register idiots, lunatics, or other defectives, as well as persons convicted of crime and those guilty of participation in a duel, requiring a formal oath as to eligibility from each applicant.[39] The registration books, being of a permanent nature, are required to be revised or "purged" periodically. This must be done at least once every 6 years, and the registrar posts a list of names which, from his own information or the motion of three qualified voters of his district, appear to be proper for removal from the books, and may after a hearing strike them out.[40]

Every person qualified to vote is eligible to any office of the State, or of any county wherein he resides, with various exceptions established in the

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37. Const. 1902 (as amended 1928), art. II, sec. 18.
38. Ibid., art. II, sec. 25; Code 1919, secs. 86, 98.
39. Const. 1902 (as amended 1928), art. II, sec. 23; Code 1919, secs. 82, 93, 99.
40. Ibid., secs. 107, 108.

constitution or by law.[41] Any person intending to become a candidate in any election must file his notice of candidacy with the Secretary of the Commonwealth if it is a State or National election, or with the county clerk in local elections, and it is the duty of those officials respectively to notify the secretary of each county electoral board concerned.[42] The electoral board proceeds immediately to have the proper ballots printed by a sworn printer and sealed in bundles until election day.[43]

General elections are to be held on the Tuesday after the first Monday in November in the counties and cities, while special elections held in pursuance of a special law or to supply vacancies in any office may be held at such time as the law designates or the officer authorized to hold the election may prescribe in the writ of election which he must send to the sheriff of the respective county to be posted.[44] The same officers who function in the general elections are required to attend to the special, under the same regulations and penalties.[45] Since the majority of State and local officers are elected for a 4-year term, general elections are seldom held oftener, but special elections for the settlement of local questions (such as local option on liquor sales and bond issues) may be held at any time.[46]

It is the duty of the electoral board to provide in each voting precinct one or more booths or compartments, so constructed as to conceal the voter from observation, and to supply a desk or writing table, pen, and ink in each.[47] The constitution also provides that voting machines may be used, subject to regulation by law,[48] but the counties have rarely availed themselves of this privilege.

It is to be noted that the sheriff was the only regular election official in the counties until 1831. At that time, in line with the increase in the electorate by the reduction of the freehold requirement at the late constitutional revision, five freeholders were to be appointed by the county court to superintend the polls in each election district, and three commissioners chosen to meet with the county clerk, sheriff, and commissioner of the revenue for the examination of the poll books.[49] In 1851 the duties of these election officials were greatly augmented by the removal of freehold requirements and the extension of the electoral principle to virtually all State and local offices,[50] and after 1869 the agencies for the conduct of elections had assumed somewhat their present form.[51] Today the circuit court appoints for each

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41. Const. 1902 (as amended 1928), art. II, sec. 32.
42. Code 1919, sec. 154.
43. Ibid., secs. 155, 156.
44. Ibid., secs. 140, 141.
45. Ibid., sec. 197.
46. Const. 1902 (as amended 1928), art. IV, secs. 41, 42; ibid., art. V, secs. 69, 77, 80, 81; ibid., art. VII, sec. 110; Code 1919, secs. 36, 131, 312, 613, 740, 765-773, 2739, et passim.
47. Ibid., sec. 160.
48. Const. 1902 (as amended 1928), art. II, sec. 37.
49. Hening, Statutes, I, pp. 300, 411-412; ibid., VII, p. 524; Code 1819, I, p. 152; Acts 1830-31, pp. 19-22, 33; Acts 1833-34, p. 59.
50. Const. 1851, art. III, sec. 1; ibid., art. V, secs. 2, 8, 11, 14; ibid., art. VI, secs. 6, 10, 27, 30; Acts 1857-58, p. 18.
51. Acts 1869-70, pp. 55-57, 82-89; Acts 1870-71, pp. 371-372; Acts 1871-72, p. 244.

county an electoral board of three members, which appoints the other election officials - one registrar, three judges, and two clerks of election - for each election district within the county.[52] Of the judges, five are designated commissioners of election for the final canvass (see below), and with the county clerk ex-officio as its clerk, constitute the board of commissioners of election.[53] For the preservation of order at the place of election, any constable of the district may be directed to attend, or one or more persons, appointed by the judges of election in writing, may be clothed with the powers of a constable in this respect.[54] No person save the officials and the person voting is ordinarily allowed within 40 feet of the voting-booth, and it is unlawful for crowds to congregate within 100 feet of the voting-place.[55] This is in decided contrast to the elections of ante-bellum days, for it was not until 1870 that voting by ballot was introduced in Virginia by constitutional amendment, viva voce elections having been the rule since the seventeenth century.[56] Since 1916 absentee voting has been permitted in cases of necessity. Notice of intention must be given to the registrar in advance, and a ballot, sent by registered mail, marked, certified, witnessed by some official, must be returned in the same manner to the registrar, who submits it to the judges of election, the greatest precautions being taken to prevent fraud or collusion at any point.[57]

At the opening of the polls the judges of election open the ballot box, turn it upside down in the presence of the people to make certain it is empty, and relock it. The box remains thereafter in plain view and is not reopened until the end of the day.[58] Each voter places his marked and folded ballot in the hand of a judge, who calls out the voter's name. If there is no challenge, the name is checked on the poll book and the ballot deposited unopened in the box.[59] At the closing of the polls, the canvass commences in the presence of at least four persons representing the political parties concerned.[60] Fraudulent or imperfect ballots are cast out, and the remainder counted by the judges, credited to the respective candidates in the poll books by the clerk, and strung or bundled and sealed.[61] Ballots and poll books are then directed to the county clerk, who meets with the commissioners of election the second day after election for the final canvass. The sealed returns are then opened and checked, and an abstract of votes prepared to be sent to the Secretary of the Commonwealth. The clerk sends a certificate of election to the person receiving a majority of votes for any local office.[62]

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52. Const. 1902 (as amended 1928), art. II, sec. 31; Code 1919, secs. 86-88, 148, 149, 158.
53. Ibid., sec. 182.
54. Ibid., sec. 193.
55. Ibid., sec. 167.
56. Hening, Statutes, I, pp. 300, 333-334, 411, 475; Const. 1851, art. III, sec. 4; Const. 1869, art. III, sec. 2.
57. Acts 1916, pp. 633-634; Code 1919, secs. 202-220.
58. Ibid., secs. 172, 173.
59. Ibid., secs. 173-175.
60. Ibid., secs. 177, 178.
61. Ibid., secs. 178-180.
62. Ibid., secs. 180-186.

Sheriff (1634-45?) - 1831
Sheriff (nominal power) 1831--
Election Officials (county court appointees) 1831-84
County Electoral Board (General Assembly appointees) 1884-1902
County Electoral Board (circuit court appointees) 1902--

Education

Free schools had been established by private donation in Virginia as early as the seventeenth century,[63] but no effective steps to this end were taken by the State government until 1818, when a board of school commissioners was set up in each county to provide for the education of indigent children.[64] In 1846 the existing system was altered by the addition of a county superintendent, who took over the former duties of the clerk and treasurer of the board of school commissioners, and two alternative plans were offered for choice by the electors in each county, for the establishment of tax-supported public free schools in place of the older schools for indigent children, which depended upon appropriations from the Literary Fund.[65] This optional character in local educational affairs continued until 1869, when the new constitution provided for a uniform system of tax-supported free schools in each county.[66] Since that time, although standards have been steadily heightened and the agencies involved often reorganized, the plan and intent as regards primary education have remained basically the same. A comparison of the current powers and duties of local educational agencies with those then laid down will disclose a remarkable similarity.[67]

The State government, especially since the creation of the Literary Fund in 1810,[68] has exercised an increasing influence in the management of the county schools. Under the Constitution of 1851, the proceeds of the capitation tax were devoted to the support of free schools,[69] and after 1869 the State contributed more and more money to the same end, in proportion to the growth of the system.[70] A great deal of legislation is concerned with education, indicating the importance attached to the subject by the Assembly, and the State Board of Education exercises close supervision over the local systems, requiring numerous statistical abstracts and reports.[71]

The school trustees who compose the local school boards are chosen today, as they have been since 1877, by the school trustee electoral board.[72] The

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63. Hening, Statutes, I, p. 252.
64. Acts 1817-18, pp. 11-14.
65. Acts 1845-46, pp. 29-33.
66. Const. 1869, art. VIII, secs. 2, 3; Acts 1869-70, p. 408; Acts 1871-72, p. 81.
67. See School Trustee Electoral Board, pp. 144-146; County School Board, pp. 146-149; Division Superintendent of Schools, pp. 150-153.
68. Acts 1809-10, p. 15; Acts 1810-11, pp. 9-10.
69. Acts 1852-53, p. 43.
70. See appropriations bills of successive General Assemblies.
71. Code 1919, secs. 596-670, et passim.
72. See School Trustee Electoral Board, pp. 145, 146; County School Board, p. 148.

County School Board 1877--
Division Superintendent of
Schools 1928--

Welfare

During the early years of the county, the relief of the poor was under the supervision of the county court, the parish vestry cooperating.[82] In 1785 overseers of the poor were instituted, replacing the parish vestry.[83] A superintendent of the poor was elected in 1870 to cooperate with the overseers in relief work,[84] but from 1875 to the abolition of the county court, this court appointed him, as did the circuit court in Powhatan until 1910, when, the office becoming vacant, no appointment was made.[85] His chief duty was to superintend the poorhouse.

Welfare work in the county today is controlled by the superintendent of public welfare and the local board of welfare. Under a system of intense centralization, this board has had since 1938 the authority to appoint the county superintendent of public welfare from a list of eligibles submitted by the State Board of public Welfare. The local board is appointed by the circuit court[86] and, with the establishment of this agency, the office of overseer of the poor was abolished in 1938.[87]

Since 1937, Powhatan has had a superintendent of public welfare appointed by the board of supervisors under the former law, but the appointment is now in the hands of the local board of welfare.[88]

Parish Vestry (1619-43?) - 1785
Overseers of the Poor 1785-1938
County Court (1619-46?) - 1870
Superintendent of the Poor 1870-1910
Superintendent of Public Welfare 1937--
Local Board of Welfare 1938--

Public Health

Measures for the promotion of public health in the county were under the control of the county court[89] and later the board of supervisors,[90] which administered such provisions until 1900. In that year the local board of health was created to take over its duties.[91]

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82. Hening, Statutes, I, pp. 266-267, 433; ibid., VI, pp. 30-32, 475-478; Bruce, Institutional History, I, pp. 87-88.
83. Hening, Statutes, XII, pp. 27-29, 273-274, 574, 713.
84. Const. 1869, art. VII, sec. 1; Acts 1869-70, p. 79.
85. Acts 1874-75, pp. 133, 355; Const. 1902, art. VII, sec. 110; Acts 1902-3-4, p. 506.
86. Acts 1938, pp. 643-645.
87. Ibid., p. 214.
88. Ibid., pp. 642-646.
89. Hening, Statutes, I, p. 316; ibid., II, p. 109; Acts 1831-32, p. 25.
90. Code 1887, secs. 1719, 1733.
91. Acts 1899-1900, p. 1250.

Governmental Organization and Records System (First entry, p. 55)

County Court 1639-1870
Board of Supervisors 1870-1900
Local Board of Health 1900--

Public Works

Roads were originally in the province of the county court,[92] which supervised their construction and maintenance and appointed surveyors as its agents.[93] The county court remained the controlling factor until 1884 except for temporary management by township officers for the period between 1870 and 1875.[94] The board of supervisors was given indirect control over roads in Powhatan in 1884, when a road board was created to supervise construction and maintenance. The board of supervisors continued to levy the road tax until 1932 when all the county road agencies were abolished.[95] Since 1932 the county road system has been under control of the State.[96]

The function of the county surveyor since the early days of the colony has been to plot and record the boundaries of lands.[97]

Roads
- County Court 1652-1869
- Township Board 1870-75
- County Court 1875-84
- Board of Supervisors 1884-1932
  - County Road Board 1884-90, 1914-32
- State Department of Highways 1932--

Surveys
- County Surveyor (1621-55?)--

Miscellaneous

From 1730 until well into the nineteenth century, there was a regular system of tobacco warehousing and inspection, for the improvement of standards of quality. The inspector, since 1876 known as sampler, has now become a State officer.[98]

Under the control of the Extension Division of the Virginia Agricultural and Mechanical College and Polytechnic Institute, the county agent supervises the agricultural activities of the county. The Smith-Lever Act of 1914 provided for the extension division activities.[99] Powhatan County has had a county agent since 1914. The home demonstration agent, appointed at the same date, conducts demonstrations of approved homemaking methods.[1]

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92. Hening, Statutes, I, p. 199.
93. Ibid., I, p. 436; ibid., II, p. 103.
94. Const. 1869, art. VII, sec. 4; Acts 1869-70, pp. 596-609; Acts 1874-75, pp. 177, 180-181, 186.
95. Acts 1883-84, p. 313; Acts 1884, p. 98; Acts 1932, pp. 872-880; see County Road Board, pp. 165-166.
96. Acts 1932, pp. 872-880.
97. Bruce, Institutional History, I, p. 387; Code 1919, secs. 2480, 2842.
98. Hening, Statutes, IV, p. 261; Acts 1876-77, pp. 314-318; Code 1936, secs. 1348, 1350, 1364.
99. Statutes at Large of the United States, XXXVIII (1913-15), pt. 1, pp. 372-374.
1. Acts 1914, pp. 710-712; see Home Demonstration Agent, pp. 175-176.

Governmental Organization and Records System (First entry, p. 55)

At the time of Powhatan's foundation, local military affairs were handled by the county lieutenant, who was answerable to the Governor as commander in chief, and who, in turn, controlled the minor officers of the county militia units, which were made up of all the free white males fit for duty.[2] This arrangement was altered when, in 1792, Virginia adopted the Federal statute providing for a uniform militia, and a closer-knit state-wide organization of regiments, brigades, and divisions was adopted.[3] The Constitution of 1869 abolished compulsory military service,[4] and the volunteer militia provided for thereafter was never organized upon a county basis.

Records System

Perhaps the outstanding feature of the records system of Virginia is the successful attempt to reduce all official records to permanent bound volumes, which then have the same force and effect as the originals from which they were copied.[5] Judgments, decrees, orders - in fact all essential parts of a court proceeding - are entered in the order books,[6] the original case papers then becoming of little importance. Lists of delinquent land,[7] returns of tax sales,[8] and other matters pertaining to the collection of taxes by summary proceedings,[9] are copied by the clerk into sets of books, even though the originals may be preserved.

Since 1828 the index to a record has been an integral part of some of the records,[10] and the clerks have, since the same date, been required to prepare general indexes "to all deed books, miscellaneous liens, will books, judgment dockets and court order books" in their offices.[11] However, the indexing of the order book is within the discretion of the court.[12]

This index is required to be "a modern, family name, or ledgerized alphabetical key-table general index."[13] The judge of the circuit court may, if his attention is directed to the need of an improved system of indexing of these books, appoint a committee to investigate the situation and may direct that they contract for a modern system.[14]

Record and index books and materials are required to be of a uniformly high quality; the books are well bound with an extra canvass cover over all. Photostats, if used, must be on the best quality paper.[15]

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2. Hening, Statutes, I, p. 277; ibid., VI, p. 531; Bruce, Institutional History, II, p. 18.
3. Statutes at Large of the United States, I, pp. 271-274; Hening, Statutes, XIII, pp. 340-356; Shepherd, Statutes, I, pp. 203-207.
4. Const. 1869, art. IX, secs. 1, 2.
5. Code 1919, sec. 6197.
6. Code 1936, sec. 5962(a).
7. "Tax Code" 1936, sec. 390.
8. Code 1936, secs. 2469, 2489.
9. Ibid., secs. 2469, 2489, 2491, 2495, 2497.
10. Acts 1828-29, p. 29.
11. Ibid., p. 29; Acts 1876-77, pp. 220-221; Code 1919, sec. 3394.
12. Acts 1936, p. 83.
13. Code 1936, sec. 3394.
14. Acts 1916, p. 394; Code 1936, secs. 3395-3398.
15. Acts 1934, pp. 174-175; Code 1936, sec. 3399.

Great care is taken to assure the accuracy and permanence of the records. It is a crime for a clerk fraudulently to destroy any records or make a false entry, or for the clerk or any person to remove, erase, or change the records fraudulently, or for any person to remove any records from the county,[16] except on court order for rebinding.[17] If any records have become illegible, they may be corrected from any writings which were in the books.[18] Further to assure accurate records, the clerk is required to verify each record within 30 days and in the margin, note the date of verification.[19]

Of growing popularity is the use of loose-leaf binders. These have the double advantage of preserving originals in convenient, permanent books, and eliminating the possibility of errors made in copying. Most effective use of this system is found in the law and chancery dockets. A cause is first entered on a prepared loose-leaf page in the pending docket; this loose-leaf form is transferred successively to the current, then to the ended docket, superseding the rule book formerly kept by the clerk.[20]

A further use of the loose-leaf form is the record book of insane, epileptic, inebriate, and feeble-minded persons wherein are placed the forms used by the commission which examines persons thought to be subjects for State corrective institutions. The records of those adjudged insane, epileptic, inebriate, or feeble-minded, as returned by the commission, may be placed in a loose-leaf book.[21] The land books, and possibly other books of which more than one copy is required, are generally made up on loose sheets and then sewn together.

Provision has been made for preserving records of any date prior to and including 1800. Public records may be deposited with the State Library at the request of any custodian of such records; or upon a court order issued at the request of the State Librarian when records are not properly cared for (except deed books and will books);[22] or upon a court order issued at the request of the State Librarian in reference to records under the jurisdiction of the courts, regardless of the care taken of the records. The State Librarian has one positive and one negative photostatic copy made of such as are necessary for public convenience, retains the negatives, binds and returns to the custodian the positive photostat. The originals also are returned unless the court order authorized their retention.[23] The State Librarian is required to certify, on the last page of the photostatic copies, that they are true and correct copies of the contents of the books, "and such photostatic copy, or extracts or copies of any matter therein contained, duly certified by the lawful custodian thereof, are . . . made primary evidence to the same effect as the original records, in any courts, or otherwise, in the Commonwealth of Virginia."[24]

Prior to the revision of 1919, there was no uniformity in the titles or

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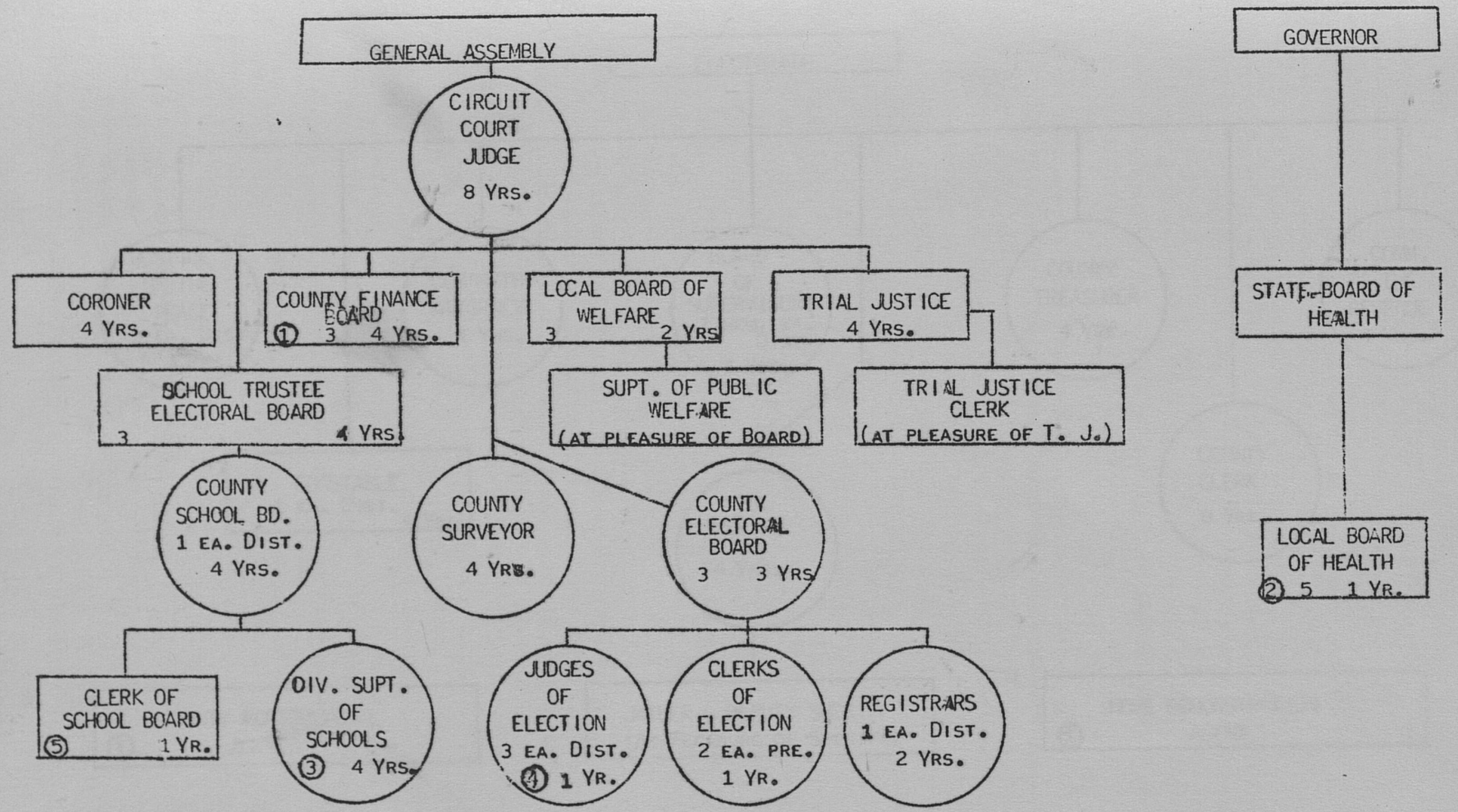
16. Ibid., secs. 3387, 4516-4518.
17. Ibid., secs. 5979-5982.
18. Ibid., sec. 6201.
19. Ibid., sec. 3401.
20. Acts 1923, pp. 97-98; Code 1936, secs. 6245, 6461-6464; (not used in Powhatan).
21. Acts 1936, p. 51; Code 1936, sec. 1019.
22. Acts 1936, p. 110; Code 1936, sec. 354.
23. See footnote 22.
24. Acts 1936, pp. 110-111; Code 1936, sec. 355.

CHART OF GOVERNMENT - - - POWHATAN COUNTY, 1939



① One member appointed. Treasurer and Chairman of Board of Supervisors are ex-officio members.

② Composed of three appointees (one Doctor), the County Clerk, and the Chairman of the Board of Supervisors.

③ By boards of Goochland and Powhatan from a list submitted by the State Board of Education.

④ Five Judges of Election are appointed Commissioners of Election.

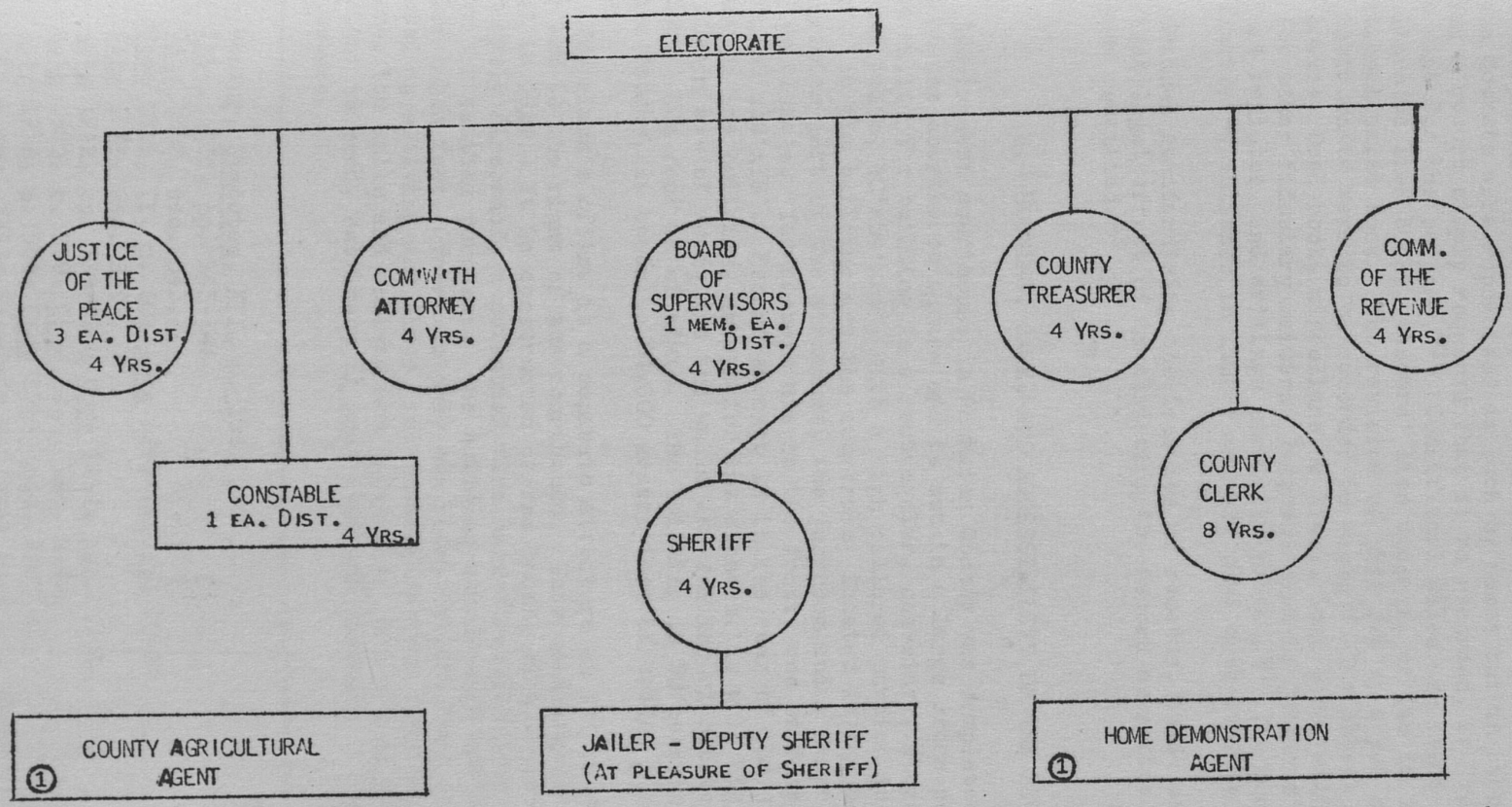
⑤ Upon recommendation of Division Superintendent of Schools.

○ Constitutional Office or Body.

▭ Statutory Office or Body.

There are three Districts in Powhatan County, and six precincts.

CHART OF GOVERNMENT - - - POWHATAN COUNTY, 1939



(1) APPOINTED BY THE VIRGINIA POLYTECHNIC INSTITUTE WITH AGREEMENT OF THE BOARD OF SUPERVISORS, TO SERVE AT PLEASURE OF THE DIRECTOR OF THE EXTENSION DIVISION.

CONSTITUTIONAL OFFICE OR BODY.

STATUTORY OFFICE OR BODY.

THERE ARE THREE DISTRICTS IN POWHATAN COUNTY.

types of books in which miscellaneous instruments or papers were recorded, with a few exceptions. Deed book,[25] will book,[26] delinquent land book,[27] and the various dockets were recognized as such by name; but in other cases the law requiring a record simply required that it be recorded, or "recorded in a book to be kept for the purpose."[28] Conditional sales are found in the deed books, miscellaneous lien books, vendors' lien dockets, or (as is the case today) the conditional sales book. The revision of 1919 set up a set of books, specifying what instruments were to be recorded in each.[29] The latest amendment specifies nine books: Deed book, miscellaneous liens, land book, will book, an optional book for other fiduciary matters, judgment docket, justices' execution book, marriage register, and writings partially proved.[30] The conditional sales book was finally established in 1920[31] and the plat book legally validated in 1918.[32]

Besides standardizing the location of records, these statutes have the important legal effect of invalidating the record as notice unless recorded in the book specified.[33]

3. HOUSING, CARE, AND ACCESSIBILITY OF THE RECORDS

The present courthouse in Powhatan County was completed in 1817. It faces west on the courthouse square and is set in a large green surrounded by a low stone wall. The building is a rectangular, one-story, stuccoed brick structure painted white, 40'x54'x25', with a high pillared portico in classic style in front. In the building are the courtroom, located in the center and occupying the greater part of the structure, the juryroom and a judge's room in the rear, and two closets. The closets are in the front, one on each side of a large porch, 30'x10'x18'. Record storage is in the rear of the juryroom. The interior of the building, except for the closets, is well lighted and ventilated. The floors are of wood, and the walls and ceiling of plaster, all in good condition. The roof is of slate. The building is 50 percent fireproof. Owned by the county, it occupies 54,000 square feet of space.

The clerk's office is a separate structure on the courthouse green, situated near and to the right of the courthouse. This quadrangular building was also built in 1817. It is constructed of red brick, with a slate roof. Although it is largely fireproof, a potential fire hazard results from the use of a coal stove for heating purposes. The building measures 28'x39'x12', comprising 13,104 cubic feet. There is only one room, but this has considerable space devoted to shelving and files, and houses numerous records. The floor is of cement, the walls and ceiling are plastered. All are in good condition. Ventilation is good, but there is some dust and dampness. The building is owned by the county.

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25. Hening, Statutes, XII, p. 156.
26. Ibid., XII, pp. 145-146.
27. Code 1887, sec. 645.
28. Code 1819, II, p. 60; Acts 1883-84, pp. 27-28.
29. Code 1919, sec. 3393.
30. Acts 1932, pp. 333-334; Code 1936, sec. 3393.
31. Acts 1920, p. 399; Code 1936, sec. 5189.
32. Acts 1918, p. 504; Code 1936, sec. 3393(a).
33. Ibid., sec. 3393; People's National Bank vs. Merchants and Farmers Bank, 152 Va. 520, 147 S. E. 220 (1929).

Housing, Care, and Aceessibility of the Records (First entry, p. 55)

There is also a seperate building housing the commonwealth attorney's office. The building, facing the courthouse, is located some forty yards from the latter on the opposite side of the byroad linking the town with United States Route 60. It is a rectangular wooden structure, constructed in 1885. It measures 17'x32'x12' and contains 6,528 cubic feet of space. The building is in no degree fireproof and is heated by a stove. It is owned by R. R. Jones, the present holder of the office. It contains two rooms, the offices of the commonwealth attorney in the rear and that of his secretary in the front.

The county jail, situated on the courthouse green to the rear of the courthouse, was built in 1817 and is a two-story, red brick structure. The building, which is fireproof, is 50'x30'x20', and has 30,000 cubic feet of space. Here again a potential fire hazard exists from the use of coal stoves. The first floor contains the jail proper; on the second floor are located the welfare office, the agricultural agent's office, and a storage room. Ventilation on the second floor is good, with no dust, soot, or dampness. The floor is of cement, the walls and ceiling of plaster. This building is also owned by the county.

The commissioner of the revenue has his office in the basement of his home on the outskirts of the town. This office consists of one room. The floor and ceiling are wooden and the walls are brick. All are in good condition. There is fair ventilation.

The treasurer's office is located in a 54-year-old wooden building, formerly a depot on a narrow-gauge railroad, the Farmville and Powhatan, later called the Tidewater and Western. The building, about a hundred yards from the courthouse on the opposite side of the main street, is owned by the treasurer, H. W. Goode. Its dimensions are 18'x18'x12', and it has 3,888 cubic feet of space. The one-room office has a large safe in one corner. The structure is not fireproof, and heating is by a coal stove, but 75 percent of the records are in the safe. The building is of wood throughout, and well ventilated. Construction materials are in fair condition.

The county school board and the superintendent of schools have a joint office on the northeast side of the basement of the Powhatan High School, about a quarter of a mile north of the courthouse on the main street. The school building has two stories, and is of fireproof construction, built of brick, steel, and cement. Although the building as a whole is heated by steam, the office has no radiator and the coal stove is a possible fire danger. The building is new, finished in 1931, and is owned by the county. The basement office has cement floor and walls, with a wallboard ceiling. All are in good condition. Ventilation is normal.

The home demonstration agent's office is located in still another rectangular building on the courthouse square. The building, not fireproof, is heated by a wood stove. It is of wooden construction, built in 1888. It measures 36'x18'x12' and contains 7,776 cubic feet of space. Ventilation is fair. The office has wooden floors, and plastered ceiling and walls, all in good condition.

The board of supervisors has no regular office; 5 percent of its records are kept in the clerk's office and 95 percent in the juryroom of the courthouse.

The office of the circuit court clerk is 26'x37'x10' in its greatest di-

mensions, and has fair lighting from seven windows, three being 3'x7' in size and the other four 3'x5'. There is one door, 3'x7'. Records are filed in metal wall-shelves on the north and south walls and in the center of the room. The shelving in the center of the office is equipped with rollers. Shelf space totals 434 linear feet, with an equal length of bound volumes. Unbound materials comprise 294 linear feet. File boxes are 15" in depth. There is some room for new shelving, which is needed. There is also need for more space. Another room, half the size of the present office, could be used. Accommodations for users are inadequate. There are a few tables and chairs, and the top of the center shelving is used as a work table, but the furnishing of stools for workers would be beneficial. The electric lights are good. Fifty-eight percent of the county clerk's records are kept in these offices; 42 percent are stored in the juryroom of the courthouse; 63 percent of the records of the circuit court are stored here, and 37 percent in the juryroom; 29 percent of the records of the former county court are in the possession of the clerk; 71 percent are in the juryroom.

The commonwealth attorney's office, 16'x16'x9', is located in the rear of the building owned by him. There are three doors, all 3'x7'; and two windows, each 3'x6½'. This officer is not required to keep any records, although he does so for his own personal use.

The office of the secretary to the commonwealth attorney, adjoining his office, measures 16'x16'x9'. It is lighted by two windows, 4'x6' and has one outside entrance, 3'x7'. The wooden floor and the plastered walls and ceiling are in fair condition. The room is fairly well ventilated and lighted. The room is not crowded and no additional space is needed. The electric lighting is good.

The judge of the trial justice court has no office in Powhatan. All his records are kept in the clerk's office.

The justices of the peace maintain no separate offices. A book of current records, one-fourth of the available total, is kept by G. C. Olmstead, one of the justices. Another one-fourth is to be found in the possession of J. T. Crump, a former justice; and the remaining 50 percent is located in the juryroom of the courthouse.

The sheriff has no office of his own, although he has a desk in the front part of his garage directly across the main street from the courthouse. One current record kept by the sheriff is to be found in his possession.

The jailer has no office. Records of this officer are kept at his home.

The constable has no office. There is one record of his, kept in the juryroom of the courthouse.

The coroner possesses neither office nor records.

The office of the commissioner of the revenue measures 12'x15'x7'. One window 3½'x3½' is the only opening for light, but this is sufficient. Two doors, one 2½'x5½' and the other 3'x6½' open into the room. There are 20 linear feet of shelving in a wooden bookcase with glass doors located in the rear of the room. Only 2 linear feet of bound volumes are to be found in this office. The file boxes are of a depth of 25". Accommodations for users are adequate. There

are some chairs, a table, and a couch. The electric lighting is good, and sufficient room for expansion exists, with or without new shelving, although another room of the same size is necessary for the proper housing of old material. Ninety p e rcent of the officer's records are in this room, the other 10 percent in the juryroom.

The assessors, since they function only periodically, have no office space and keep no records.

The local board of equalization has no office, but has some records, all kept in the circuit court clerk's office.

The county treasurer's office is 17'x17'x12'. Lighting is furnished by seven windows, five measuring 2½'x6', and two 2'x5'. There are two doors, one 2'x10' and the other 6'x10'. Twenty linear feet of shelving are placed in one corner of the room, and under a wire caging separating the desk space from a vestibule. There are 15 linear feet of bound volumes and an equal length of unbound materials. File boxes are 20" deep. The room is crowded, although accommodations for users are ample, with chairs, a table, and a desk in the office. About one-third more space, costing about $1,000, is needed. The electric lighting is good. Sixty percent of the treasurer's records are kept here; 39½ percent are stored in the juryroom; one-half of 1 percent are in the clerk's office.

The county finance board has no office but the records are filed in the circuit court clerk's office.

The county electoral board has no office. Its records are scattered: 82 percent are kept in the clerk's office; 15 percent are in the juryroom of the courthouse; 3 percent are held by the secretary of the board.

The school trustee electoral board has no office. Its records are kept in the office of the division superintendent of schools.

The joint office of the division superintendent of schools and the county school board in the basement of the high school consists of two rooms - the office proper and a so-called bookroom in the rear, wired off from the balance of the office space. The former room measures 12'x12½'x9', the latter 12'x5½'x9'. There are altogether three doors, two 3'x7' and one 2'x6', and the front office possesses a window, 3½'x7'. In the bookroom are 183½ linear feet of wooden shelving, lining walls on the side and in the rear. There are 35½ linear feet of bound volumes, and 27 linear feet of unbound materials. In addition, 95 linear feet of miscellaneous matter have been placed in the office. File boxes are 24" deep. The rooms are well lighted by daylight, by electricity if necessary. Accommodations for users are hardly ample for present use. Very little room for expansion exists and approximately double the present amount of space is needed for office room and proper housing of records. All of the records of the two agencies are kept in these rooms.

The welfare office, on the second floor of the jail building, measures 10'x18'x8', has one door, 3'x7' and is lighted by one window, 3'x5'. The room has no shelving and no bound volumes. There are, however, 10 linear feet of unbound materials, placed in file boxes 24" deep. Two linear feet of miscellaneous matter complete the list of materials kept in the office.

Housing, Care, and Accessibility of the Records (First entry, p. 55)

There is sufficient room for expansion, and accommodations for users are satisfactory. No additional space is needed. Eighty-three percent of the agency's records are kept here; 17 percent are stored in the juryroom. The room is well lighted by day, and the electric lights are good.

No records exist for the now-defunct office of superintendent of the poor. The records of the parish vestry, also defunct, are kept in the circuit court clerk's office; those of the local board of health in the home of the secretary of the board. Those of the road board are also in the clerk's office. The county surveyor has no office and keeps no records.

The county agricultural agent's office is located next to the welfare office on the second floor of the jail. It is an L-shaped room, 20'x24'x8' at its greatest dimensions, and has one door, 2½'x6½' and two windows, 3'x5'. Fifty linear feet of wood shelving line the north and west walls. There are 5 linear feet of bound volumes and 30 linear feet of unbound materials, the latter for the most part in file boxes 24" deep. Five linear feet of miscellaneous materials complete the list of papers kept in the office. All of the agent's records are here. Chairs and tables are furnished for users, and accommodations in this respect are ample. Ordinary lighting is only fair, and the electric lighting, which is good, is desirable even by day. There is enough room for expansion with or without new shelving.

The home demonstration agent's office measures 17'x17'x9'. It has two doors, each 3'x7', and two windows, each 3'x6'. The room possesses 65 linear feet of wood shelving placed against the north, west, and east walls. While there are no bound volumes, unbound materials (pamphlets, instruction leaflets, and other printed material) total 15 linear feet. File boxes 24" in depth. Lighting by electricity is good, but the room is well lighted by day. Accommodations for users are satisfactory. Space is also adequate. All of the agency's records are located in the county agent's office.

The courtroom of the courthouse is 30'x37½x'x18'. It is lighted by eight windows, 3'x8', and has three doors, two 3'x7' and one 6'x7'. No records are kept here. The room is used for sessions of the circuit and trial justice courts.

Numerous agencies have their records stored in the juryroom in the rear of the courthouse. The room measures 16'x18'x11'. It possesses two windows 3'x6' and two doors 3'x7'. One hundred and ninety-seven linear feet of wooden shelving, containing records of many of the county agencies, line the east (rear) wall. There are 92 linear feet of bound, and 105 feet of unbound materials. Shelves are 10" deep. There is room for expansion, and space at present is sufficient. Accommodations for users are ample, chairs and a table being furnished. A possible fire hazard exists because of heating by wood stove. The room is well lighted, and the electric lighting arrangements are also good.

The closets in the front of the courthouse are of the same size, 5'x10'x6'. Each has one door, 3'x7', and they are poorly lighted by small 1½'x3½' windows, one in each room. They are dusty, sooty, and poorly ventilated. Little use, however, is made of them. From the closet on the left of the porch, a stairway leads to a balcony.

(First entry, p. 55)

4. ABBREVIATIONS, SYMBOLS, AND EXPLANATORY NOTES

Abbreviations

A.	Atlantic Reporter
alph.	alphabetical (ly)
anon.	anonymous
arr.	arranged or arrangement
art (s).	article (s)
aver.	average
bd.	board
bldg.	building
c.	chapter (s)
ca.	approximately
C. C.	County Courthouse
chron.	chronologically
C. J.	Corpus Juris
C. J. S.	Corpus Juris Secundum
clk.	county clerk
co.	county or company
co. agt.	county agricultural agent
comm. rev.	commissioner of the revenue
dist.	district
div.	division
ea.	each
ed.	edition or editor (s)
et al.	and other (s)
et passim	and here and there following
ff.	following
hdr.	handdrawn
hdw.	handwritten
ibid.	the same reference
i. e.	that is
j. p.	justice of the peace
no (s).	number (s)
off.	office
op. cit.	work cited
p (p).	page (s)
passim	here and there
pre.	precinct
pt.	part
ptd.	printed
rm.	room
sch.	school
S. E.	South Eastern Reporter
sec (s).	section (s)
ser.	series
suppl.	supplement
supra	above or before
supt.	superintendent
t. j.	trial justice

treas.	treasurer
U. S.	United States Reporter
va.	vault
Va.	Virginia Reports
Vi.	Virginia State Library
vol (s).	volume (s)
vs.	versus (against)
wel.	welfare
yr (s).	year (s)

Symbols

x	by, in dimensions
--	placed after a date indicates records are current

Explanatory Notes

Titles of records are shown in the inventory proper exactly as they appear on the volumes and file boxes. The most recent title of a series is used as the title of the entry, and variations appear chronologically. Assigned titles appear in capital letters within parentheses; explanatory titles appear with initial capitals within the parentheses. Lettered or numbered labeling of records is designated in parentheses in the first line following the quantity; for example, 10 vols. (1-10), or 10 vols. (A-J). Where entries show missing dates, records covering these years could not be found. Where no reason for the discontinuance of a record is given in the essay, and where no cross-reference appears, the reason for such discontinuance could not be ascertained.

Records have been arranged under the agencies to which they are sent or which are directed to keep them, so far as is consistent with the main use and purpose of the record.

The symbol for inches has been omitted after the measurements. Dimensions for volumes and bundles are always given in the sequence of height, width, thickness; for file boxes, cases, and other containers in the sequence of height, width, depth. Dimensions of buildings and offices are given in sequence of width, depth, height.

Title line cross-references are used to complete series for gaps, see entry 23. They are also used in all artificial entries - records which must be shown separately under their own proper office or section heading even though they are kept in records appearing elsewhere in the inventory, see entry 266. In both instances, the description of the master entry shows the title and entry numbers of the record from which the cross-reference is made. Separate third paragraph cross-references from entry to entry are used to show prior and subsequent records, and original and copies of records, see entries 16 and 18 or 13, 15, and 139. If there are entries related in subject matter to other entries or to subject headings, cross-references are used under the subject headings as follows: Elections, see also entries 255-261.

On maps and plat records, the names of the author, engraver, and publisher, and information on scale have been omitted only where the data was not available.

Abbreviations, Symbols, and Explanatory Notes (First entry, p. 55)

The locations given for the records are the locations at the time the survey was made. These are subject to change as records are often moved. Material in the juryroom is considered as being in storage. The Powhatan County records now in the archives division of the Virginia State Library have been included in this inventory only to fill gaps appearing in the county depository.

The physical condition of records is assumed to be good unless otherwise indicated in the individual entries.

In some cases, records shown as being legally required do not appear in the inventory. Such ommissions reflect the record situation and are not the result of an inadequate survey.

The dates of the Hening and Shepherd series of references are as follows:

Hening I.	1619-1660
II.	1660-1682
III.	1682-1710
IV.	1711-1736
V.	1738-1748
VI.	1748-1755
VII.	1756-1763
VIII.	1764-1773
IX.	1775-1778
X.	1779-1781
XI.	1782-1784
XII.	1785-1788
XIII.	1789-1792
Shepherd I.	1792-1795
II.	1796-1802
III.	1803-1808

(First entry, p. 55)

I. BOARD OF SUPERVISORS

The Constitution of 1869, under which Virginia reentered the Union, included certain reforms in the administration of county government in the State.[1] For minor administrative purposes, each county was to be divided into not less than three compactly and conveniently bounded townships.[2] From these townships the officers of the county were elected.[3] Those powers of administration formerly concentrated in the county court were transferred, almost in toto, to a board composed of the supervisors of the townships. In Powhatan there were three: Macon, Spencer and Hugenot.[4] The township plan, however, proved impracticable and was abandoned in 1875 although certain features were retained.[5] The board of supervisors, its members now relieved of their duties as township officers,[6] but with authority otherwise unimpaired, continued to serve as the principal administrative organ of the county. The townships were perpetuated, as originally laid out, only as magisterial districts for convenience in the division of elective power, tax collections, and other general functions.[7]

To be eligible for election as supervisor, the candidate must have resided at least a year within the county and 30 days in his district, and he must give up any other office (with a few exceptions) held at the time.[8] One supervisor for each magisterial district is elected by the voters of the respective districts.[9] The term of office of the individual supervisors, originally 1 year, was extended to 2 years at the end of the township period, and to 4 by the constitutional revision of 1902.[10] Upon election the supervisor must qualify before the circuit court by taking the oaths of office and giving security for the faithful performance of his duties in the penalty of not less than $1,000 nor more than $2,500.[11] Members of the board were originally compensated for their services on a per diem and mileage basis, at the rate of $2 a day for actual attendance and 5 cents per mile traveled in going to and returning from meetings, not more than 10 meeting days in a year being provided for. Today the total amount allowed as compensation for the entire membership of the board of supervisors is fixed by the circuit court judge of the county. The amount is dependent upon the size of the county. In Powhatan it cannot exceed $1,200, divided equally among the several

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1. Proceedings and Debates of the Virginia State Convention of 1829-30; Richmond, 1830, pp. 626-630; Virginia Reform Convention [Proceedings and Debates, issued as] Supplement to the [Richmond Newspapers] (Jan. 6, - July 3, 1851), Richmond, 1851, no. 60, "Debates of June 5, 1851."
2. Const. 1869, art. VII, sec. 2; Acts 1869-70, pp. 37-39.
3. Ibid., pp. 269-271, 633.
4. Const. 1869 (as amended 1874), art. VII, sec. 2; Acts 1874-75, p. 56
5. The supervisors acted, 1870-75, as heads of the township board of supervisors, which consisted of the officers of the township, and stood in the same relationship to the townships as the board of supervisors did to the county; Acts 1869-70, pp. 274-279.
6. Acts 1874-75, pp. 56-58.
7. Code 1936, secs. 2702, 2703.
8. Ibid., sec. 127.
9. Const. 1869 (as amended 1874), art. VII, sec. 2; Acts 1874-75, p. 134; Const. 1902, art. VII, sec. 112; Acts 1902-3-4, p. 506; see footnote 8.
10. Acts 1869-70, p. 269; Acts 1874-75, pp. 354-355; Code 1887, secs. 177, 812-814; Code 1936, secs. 279, 2696-2698.

members of the board.[11] In addition, each member is allowed traveling expenses of 5 cents per mile, for not more than 24 meetings a year.[12] If a supervisor fails to give oath and bond as required before the first day of his term, the office is declared vacant[13] and filled, like vacancies for other causes, by a circuit court appointee. This power of appointment was inherited from the former county court in 1903. Those appointed must qualify and give bond exactly as if elected.[14] Removal from the district, or acceptance of certain other positions, automatically vacates the office;[15] while on complaint of incompetency or gross neglect proved before the circuit court, the incumbent may be ejected by court order.[16]

The county clerk, ex-officio the clerk of the board since its foundation, exceeds even the chairman chosen by the board in functional importance, for in his custody are all the papers of the board, and all official reports, lists, and correspondence.[17] Being already amply bonded, the clerk is required to give no additional security for the performance of his duties as clerk of the board. His compensation, above that allowed him for other services, was in 1870 limited to $25 annually, while today it may not exceed $150.[18] He may appoint a deputy, but must, of course, assume responsibility for the deputy's actions in office.[19]

The board is constituted a quasi-corporate body which may sue or be sued in the name of "The Board of Supervisors of Powhatan County". It has no powers other than those conferred upon it by statute.[20] The attorney for the commonwealth acts as its legal representative in cases involving allowances and claims.[21]

In particular cases, the board has discretionary powers. For example, in the event of a judgment against a treasurer or ex-treasurer of the county, the collection of which judgment seems doubtful, the supervisors, with the advice of the commonwealth attorney, are empowered to make such equitable settlement without regard to strict legal rules as may seem appropriate. This is subject always to the approval of the judge of the circuit court.[22]

The board's principal duties have been of a financial nature. The reports and accounts of treasurer, sheriff, clerk, superintendent of the poor, and all other officers concerned in the receipt or disbursement of county funds are

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11. Acts 1869-70, p. 273; Code 1919, sec. 2769; Acts 1936-37, pp. 42-43; Code 1936, sec. 2769(a).
12. See footnote 11.
13. Acts 1869-70, p. 269; Acts 1874-75, pp. 354-355; Code 1887, secs. 177, 812-814; Code 1936, secs. 279, 2696-2698.
14. Acts 1869-70, p. 287; Acts 1902-3-4, pp. 619, 626; Code 1936, sec. 139.
15. Acts 1874-75, p. 135; Acts 1878-79, p. 303; Acts 1889-90, p. 111; Code 1936, secs. 2702, 2704.
16. Acts 1874-75, p. 135; Code 1936, sec. 2705.
17. Acts 1869-70, p. 274.
18. Ibid., p. 274; Code 1919, sec. 2773; Acts 1936, p. 566; Code 1936, sec. 2772(a).
19. Acts 1869-70, p. 273; Code 1936, sec. 2701.
20. Acts 1869-70, p. 269; Code 1936, sec. 2710; Supervisors vs. Powell, 95 Va. 635, 29 S. E. 682 (1898).
21. Acts 1878-79, p. 302; Code 1936, sec. 2759.
22. Acts 1902-3-4, p. 235; Code 1936, sec. 2737.

audited, examined, and settled;[23] claims and accounts against the county are examined and allowed or disallowed; warrants are issued on the treasurer for their payment; the valuation of property is regulated and equalized;[24] and, from a complete annual statement of receipts and disbursements compiled and published by the board, the county levy for the succeeding year is estimated and apportioned among the districts for collection.[25] The board is now required to prepare and publish a budget containing a complete and itemized plan of all proposed expenditures, and of estimated revenues and borrowings of the locality for the fiscal and appropriation year.[26]

Since the board at present has control of the corporate property of the county, it provides for the construction and repair, rental and insurance of public buildings.[27] And, although a general election is required for the assumption of new obligations by the county, the board may take in and reissue at the same or a lower rate of interest such county bonds as are already current, setting such time for their redemption as seems desirable, within a 50-year limit.[28]

Since 1932 the board has been entirely relieved of what was formerly (from 1884) one of its most important activities - namely, the supervision of the construction and maintenance of county roads, an authority already greatly reduced when the State assumed control of the primary road system in 1928. This is now limited to a purely advisory power exercised at annual conferences with engineers of the State Highway Department. Its former duty of levying and distributing a special tax fund for roads and bridges has been restricted to collections for the retirement of outstanding road bonds or other indebtedness for similar purposes.[29]

The board of supervisors had certain nominative powers in connection with its road duties. It recommended road surveyors to the county court for appointment. In the same fashion, it also recommended a person to be superintendent of the poor. After 1903 recommendations were made to the circuit court.[30] Compensation for these officers was fixed by the board. It also makes the annual allowances for the commonwealth attorney, clerk, and sheriff of the county. Later an annual salary was provided for the sheriff, payable out of the county treasury.[31]

Many of the original powers of the board are now exercised by various departments of the State government, and are at present invoked by the board, if at all, only in cooperation with those bureaus and departments. Notable

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23. Acts 1869-70, p. 270; Code 1936, sec. 2716.
24. Acts 1869-70, pp. 270-271; Code 1936, secs. 2724, 2759.
25. Acts 1869-70, p. 270; Acts 1878-79, pp. 304-305; Code 1919, secs. 2720, 2768; Acts 1927, pp. 125-127; "Tax Code" 1936, sec. 288; Code 1936, sec. 2577-1.
26. Acts 1926, pp. 902-903; Acts 1928, pp. 582-583.
27. Acts 1869-70, p. 270; Code 1936, secs. 2723, 2725, 2738.
28. Acts 1902-3-4, p. 136; Code 1936, sec. 2735.
29. Acts 1883-84, p. 464; Acts 1904, pp. 120-122; Acts 1932, pp. 872-874.
30. Acts 1874-75, p. 355; Acts 1878-79, p. 299; Acts 1883-84, p. 12; Acts 1885-86, p. 47; Acts 1902-3-4, p. 855.
31. Acts 1878-79, p. 347; Acts 1883-84, p. 460; Acts 1910, p. 323; Acts 1920, p. 216.

among those is the authority in connection with roads, now wholly transferred to the State Highway Department, while others include the powers to adopt quarantine or other regulations to prevent the spread of disease;[32] to compel the inoculation or vaccination of persons or cattle threatened by disease;[33] to provide against the pollution of water supplies;[34] formerly to limit or prohibit the destruction of game, fish, and wild fowl;[35] to provide for the poor of the county by establishing farms or houses for their accommodation and appointing overseers, superintendents, doctors, and nurses to care for and supervise them;[36] and finally, to adopt such general measures as seem likely to secure and promote the health, safety, and welfare of the people of the county.[37] While most of these powers are still granted to the board, they are in general applied in cooperation with State and Federal agencies - principally, the agricultural, welfare, health, and conservation agencies.

The board, since it levies and apportions the tax for schools as well as for other purposes, maintains considerable authority over the school system. Since 1920 this power has been augmented to permit the board to advance or withhold additional sums from its general funds.[38] It has recently acquired control over zoning within the county, regulating, through ordinance within the limits of the statute, the places and areas to be devoted to residence, agriculture, forestry, or industry, and the sizes of buildings acceptable within each zone.[39] The board pays bounties on the scalps of hawks, crows, foxes and other pests;[40] and levies and administers a special fund, derived from the dog license tax, for indemnifying persons whose stock or poultry has been damaged or destroyed by dogs.[41]

The county clerk, as recorder and custodian of the board, keeps files of original petitions, resolutions, sealed bids for office supplies and construction of county buildings, vouchers, warrants to be canceled and other such papers laid before the board for its action;[42] a series of bound volumes in which are entered an abstract of the proceedings at each meeting - names of members present, orders, motions and resolutions;[43] files of original claims and bills against the county for services and supplies relating to roads and to the county as a whole, of original claims allowed for salaries and other county expenses, and of original statements by road commissioners for compensation due;[44] stubs

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32. Code 1887, sec. 1734; Code 1936, secs. 1533, 2743.
33. Acts 1881-82, p. 169; Code 1936, sec. 2743.
34. Ibid., sec. 2743.
35. Acts 1902-3-4, p. 333; Code 1919, secs. 2743, 3356; (repealed) Acts 1930, p. 664.
36. Acts 1878-79, pp. 307, 331; Code 1887, sec. 870; Code 1936, secs. 2795, 2796, 2800.
37. Ibid., sec. 2743.
38. Acts 1871-72, p. 444; Acts 1915, pp. 725-726; Acts 1920, p. 74.
39. Acts 1938, pp. 777-778.
40. Acts 1885-86, p. 469; Code 1936, sec. 2729.
41. Acts 1901-2, pp. 401-402; Code 1919, secs. 2318, 2319; Acts 1930, p. 664; Code 1936, secs. 2323(a)-2323(j).
42. Acts 1869-70, pp. 272, 274; Acts 1934, p. 550; Code 1936, secs. 2766, 2770(a), 2771.
43. Acts 1869-70, p. 274; Acts 1934, p. 550; Code 1936, sec. 2770(a).
44. Acts 1869-70, pp. 272, 274; Acts 1934, p. 550; Code 1936, sec. 2766.

of warrants issued by order of the board for payment of claims, bills, salaries and other expenses (usually kept in separate books according to main subjects, "roads" and "general"), and canceled warrants of the board;[45] and the county treasurer's bimonthly statements[46] and annual reports of receipts and disbursements to board of supervisors.[47]

Proceedings

1. MINUTES OF MEETINGS OF BOARD OF SUPERVISORS, 1904-5, 1911-13. 1 file box, 1 bundle.

Original papers of the board of supervisors, including petitions, resolutions, sealed bids for office supplies and construction of county buildings, vouchers, warrants to be canceled, reports of county officers, expenditures and reports of road and school funds. Arr. chron. No index. Hdw. and typed. File box 10½x5x14; bundle 9½x4x1. File box, 1904-5, clk. off.; bundle, 1911-13, storage.

For record, see entry 2.

2. SUPERVISOR'S RECORDS, POWHATAN COUNTY, 1870--. 7 vols. (1-7). Title varies: Supervisor's Book, 1870-81.

Record of proceedings of board of supervisors at regular and special meetings showing date of meeting, names of members present, orders, motions, resolutions, and action taken in relation to appointment, election, salaries, and financial reports of county officers, tax levies, county expenses for courthouse and jail, appropriations for special needs, claims, allowances, bounties, roads, welfare, health, budgets, and other matters concerning the county. Arr. chron. by date of meeting. No index. 1870-1920 hdw.; 1920-- typed. Aver. 400 pp. 11x11x2. Clk. off.

For original papers, see entry 1.

Financial

Claims

3. ACCOUNTS OF THE COUNTY TO BE PRESENTED TO THE BOARD OF SUPERVISORS, 1904-19. 3 bundles. Title varies: Papers, Records and Accounts before the Board of Supervisors, 1913.

Original claims against the county presented to the board of supervisors for payment for services or supplies showing date, payee, purpose, and amount due. Arr. chron. No index. Hdw. and typed. Aver. 9x4x3. Storage.

4. ROAD ACCOUNTS TO BE PRESENTED TO THE BOARD OF SUPERVISORS, 1909-12. 2 bundles.

Original claims against the county presented to the board of supervisors for payment for road services and supplies showing date, payee, purpose, and amount due. Arr. chron. No index. Hdw. Aver. 9x4x1. Storage.

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45. Acts 1869-70, p. 274; Code 1919, sec. 2772; Acts 1932, p. 472; Code 1936, sec. 2724.
46. Acts 1869-70, pp. 259, 272, 274; Code 1919, sec. 2780; (repealed) Acts 1922, p. 599.
47. Acts 1869-70, pp. 259, 272, 274; "Tax Code" 1936, sec. 359; Code 1936, secs. 2766, 2770(a).

Board of Supervisors - Financial (5-11)

For county court road records, see entries 201-203; for road board records, see entry 295.

5. SUPERVISORS' RECORDS (Claims Allowed), 1889, 1913, 1916, 1937--. 2 bundles, 1 file box. Title varies: Supervisor's Allowances, 1889, 1913; Disbursements Approved by Board of Supervisors, 1916.
Original claims allowed by board of supervisors for salaries and other county expenses, canceled checks, and bills sent to the clerk of the board of supervisors. Arr. chron. No index. Hdw. and typed. Bundles aver. 9½x4x2; file box 10½x5x14. Bundles, 1889, 1913, 1916, storage; file box, 1937--, clk. off.

6. COMMISSIONER OF ROAD SETTLEMENTS, 1888. 1 bundle.
Original statements by road commissioners for compensation due showing date commissioner served and labor performed. Arr. chron. No index. Hdw. 9½x4x3. Storage.
For county court records, see entries 201-203; for road board records, see entry 295.

Warrants (See also entries 240, 265)

7. (WARRANT STUBS), 1877-1903, 1906, 1908, 1911, 1913, 1917, 1920-23, 1925-28. 176 vols.
Stubs of warrants issued against dog, public assistance, and general funds for repairs and upkeep of clerk's office and jail, health measures, bounties, poor, and salaries of county officers showing warrant number, payee, amount, purpose, fund, date issued. Arr. chron. by date issued. No index. Hdw. on ptd. forms. Aver. 125 pp. 5½x4x2. Storage.

8. (ROAD WARRANT STUBS), 1914-25. 6 vols.
Stubs of warrants issued against road fund showing warrant number, payee, amount, purpose, date issued. Arr. chron. by date issued. No index. Hdw. on ptd. forms. Aver. 50 pp. 4½x3x½. Storage.
For county court records, see entries 201-203; for road board records, see entry 295.

9. BOARD OF SUPERVISORS (Canceled Warrants), 1878, 1881--. 42 file boxes (1-34, 34, 35; six not labeled), 1 bundle. Title varies: Board of Supervisors and School Board, 1882-1911; Board of Supervisors, Vouchers, 1915, 1935.
Canceled warrants of board of supervisors returned to clerk of the board by the county treasurer for filing showing warrant number, date issued, payee, purpose, amount, date paid. Also contains (Canceled School Warrants), 1882-1911, entry 266. Arr. chron. No index. Hdw. on ptd. forms. File box 10½x5x14; bundle 10x4x4. File boxes, 1878, 1881--, clk. off.; bundle, 1915, storage.

Reports

10. TREASURER'S BI-MONTHLY REPORTS, 1908-11. 2 bundles.
County treasurer's bimonthly statements to the board of supervisors of his receipts and disbursements and a list of all warrants paid by him during the 2 months. Arr. chron. No index. Hdw. on ptd. forms. Aver. 9x3½x2½. Storage.

11. TREASURER'S RECORD, POWHATAN, 1871-72. 1 vol.
Record of treasurer's annual reports of receipts and disbursements to board of supervisors showing source of revenue or nature of expenditure, total, balance,

County Clerk (Next entry 12, p. 62)

oath and signature of treasurer, and clerk's attestation. Arr. chron. No index. Hdw. 400 pp. 16x11x1. Storage.

II. COUNTY CLERK

The county court clerk has been one of the most important officers in Powhatan. From early colonial days he has been chosen from among the best families and his position has been considered one of dignity. By the time Powhatan was established in 1777, the duties of the clerk were already well defined. Because of the nature of the work, recordation of almost every proceeding in judicial and administrative matters, he has maintained a constant activity in the affairs of the county.[1]

One clerk for each county was at first appointed by the Governor or Secretary of the Colony,[2] but after 1776 the appointment was by the county court.[3] In 1852 the office became, and still remains, an elective one.[4] The term of office was at the pleasure of the appointing officer until the Revolution,[5] and during good behavior thereafter[6] until 1831, when the clerk might serve 7 years at a time, and was eligible for reappointment thereafter.[7] In 1851 the constitution provided for his election for a term of 6 years; the tenure was reduced to 4 years in 1870,[8] restored to 6 in 1875, and raised to 8, the present figure, in 1903.[9] The clerk must execute the oaths required of all officers of the State, and give bond in the penalty of not less than $3,000 for the faithful performance of all duties imposed upon him by law.[10]

The clerk today, as in the past, is compensated by the fees he receives, which are specified by statute, but he is subject to more supervision in this respect than ever before. The amount he may retain is limited to a sum proportioned by a fixed rule to the population of his county.[11]

For any breach of the obligations of his office, the clerk is or has been subject to various penalties, besides the risk of being sued on his bond. These penalties range from $50 to $500, or to a year's jail sentence, which, for instance, might be his punishment for issuing a marriage license contrary to law.[12] He may also, for various offenses or other good reason, be removed from office by the court for which he serves as clerk.[13] Vacancies in the of-

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1. Bruce, Institutional History, I, pp. 588-601; N. Y. Bureau of Municipal Research, County Government in Virginia, p. 16.
2. Hening, Statutes, I, p. 305; Bruce, Institutional History, I, pp. 588-589.
3. Const. 1776, art. XV.
4. Const. 1851, art. VI, sec. 30; Acts 1852, p. 64; Const. 1902 (as amended 1928), art. VII, secs. 110, 112.
5. See footnote 2.
6. Const. 1776, art. XV.
7. Acts 1830-31, p. 78.
8. See footnote 4; Const. 1869, art. VII, sec. 1; Acts 1869-70, p. 79.
9. Acts 1874-75, p. 133; Const. 1902, art. VII, secs. 110, 112.
10. Code 1919, secs. 269-273; Acts 1924, pp. 684-685.
11. Acts 1920, p. 827.
12. Acts 1852-53, p. 42; Code 1860, p. 803; Acts 1865-66, p. 4.
13. Acts 1926, p. 464.

fice are filled by appointment of the court, and the appointee qualifies as usual.[14]

The duties and powers of the clerk, being principally in the line of recordation, will be discussed more fully in the paragraphs below. Aside from his acting as recorder of the county, the clerk is ex-officio the clerk of the circuit court,[15] as he was of the county court until its abolition,[16] is clerk of the board of supervisors, and acts or has in the past acted as clerk of numerous other local boards and agencies.[17] His duties in these positions are discussed under the head of the agency for which he served, and need not be detailed here. His principal importance has always been as a recorder of title to real and personal property, and of claims thereto, as will be seen from the following pages, but he has also served as registrar of vital statistics,[18] sells hunting licenses,[19] supervises the transfer[20] and redemption[21] of lands sold for taxes, and in all respects acts as recorder to the county. His office is a depository for the safekeeping of many records and papers not directly related to his functions, and it appears that many duties fall to his lot merely because he is the most convenient official.

As principal recording agent of the county, the clerk has been and is still required to keep an enormous mass of records, some by virtue of his close connection with the local courts, and some merely because he is the most accessible official person. First in importance are the records of title to property. Original deeds are submitted to the clerk to be recorded, and in Powhatan he keeps a file of deeds so submitted, but for one reason or another unrecorded, as well as the more usual collection of original instruments which have been recorded, but allowed to remain in the courthouse by persons entitled to claim under them, to whom they would ordinarily be issued out.[22] For a time, a temporary index upon which every instrument delivered to the clerk was immediately entered was required to be kept,[23] but this record was made optional in 1916, and is now discontinued.[24] Deeds have always been recorded by copying into the deed books, which originally included all sorts of instruments,[25] and have since 1828 been required to be indexed in a general index, by names of grantor and grantee.[26] These indexes must of course be renewed and recopied periodically, as new names are added, so that here, as in most

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14. Code 1887, secs. 177, 812-814; Code 1919, sec. 279.
15. Const. 1902, art. VII, secs. 110, 112.
16. Code 1887, sec. 93.
17. Acts 1869-70, p. 273; Code 1936, sec. 2770(a); see County Electoral Board, p. 142; County Finance Board, p. 141.
18. Acts 1852-53, pp. 40-43; Code 1887, sec. 2237; Acts 1897-98, p. 1024; Acts 1912, p. 440.
19. Acts 1916, p. 262; Code 1936, sec. 3305(29).
20. Acts 1830-31, pp. 63, 65; Acts 1893-94, p. 737; Acts 1910, pp. 364-365; Code 1919, sec. 2482.
21. Acts 1840-41, p. 28; Code 1887, sec. 664; Code 1919, secs. 2476, 2491.
22. Code 1849, p. 514; Code 1919, sec. 3392.
23. Acts 1901-2, p. 304.
24. Acts 1916, p. 394 (now permissive rather than mandatory); (omitted) Code 1919; (reenacted) Acts 1920, p. 106; Code 1936, sec. 3394.
25. Hening, Statutes, I, pp. 248-249; Code 1919, sec. 5194.
26. Acts 1828-29, p. 29; Acts 1876-77, pp. 220-221.

courthouses, there are discontinued sets as well as those in current use. Plats or drafts of surveys, often recorded with the instrument for which the survey is made, may be recorded in a separate plat book if adequate cross-reference is made between instrument and plat.[27]

Comparatively recently, the custom has arisen of recording deeds of release in a series of volumes separate from strictly conveyance deeds. For about 4 years, deeds of trust were also recorded in a separate book, and certain lengthy instruments are likewise in separate books. This arrangement is validated by an act of 1890, allowing more than one set of books to be kept contemporaneously for the recordation of similar instruments, if the convenience of the office demanded.[28]

Contracts of conditional sale, in which title to personal property is reserved pending the performance of certain conditions stated in the contract, are recorded in a special series of volumes.[29] Other encumbrances of all sorts (except crop and judgment liens) are entered in the "Miscellaneous Liens" series introduced by the revisors of the Code of 1919,[30] while crop liens appear in the crop lien docket,[31] and liens arising as a result of judgments (rendered in the local courts or certified to the clerk from courts in other counties) are abstracted in the judgment lien docket, with which is now combined an execution record for systematizing the satisfaction of the judgments.[32] These lien records are indexed individually, except the books of miscellaneous liens, which are included in the supplementary deed index (entry 18). The original abstracts of judgment on which entries in the lien record are based are filed by the clerk.[33]

The clerk has a number of duties in connection with taxation, and formerly had more. He receives from the assessors a copy of the reassessment land book in the years of assessment,[34] and from the commissioner of revenue a copy of the county land book annually.[35] The treasurer sends lists or reports of lands delinquent for the nonpayment of taxes, and lands improperly placed or assessed,[36] and the clerk records this information in his delinquent land

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27. Hening, Statutes, I, p. 125; ibid., XI, pp. 354-356; Acts 1852, p. 71; Acts 1918, p. 504; Code 1919, secs. 422, 439, 443; Code 1936, sec. 3393(a)
28. Acts 1889-90, p. 128; Code 1919, sec. 3392.
29. Hening, Statutes, I, pp. 248-249; Acts 1883-84, p. 27 (railroad property only); Acts 1893-94, pp. 422-423 (all personal property); Acts 1920, p. 399; Code 1936, secs. 3393, 5189.
30. Hening, Statutes, I, p. 248; ibid., XII, p. 162; Code 1919, sec. 3393; Code 1936, secs. 3393, 5188.
31. Acts 1891-92, p. 782; Code 1919, sec. 6452; Acts 1920, pp. 339-340; Acts 1930, pp. 779-780; Code 1936, sec. 6452.
32. Acts 1842-43, p. 51; Code 1849, p. 709; Acts 1916, p. 122 (execution book combined with judgment lien docket); Code 1936, secs. 3393, 6470.
33. See footnote 32 (apparently filed only as part of the clerk's duty to preserve writings in general).
34. Acts 1869-70, p. 337; Code 1873, p. 278; Code 1887, sec. 443; Code 1919, sec. 2247.
35. Hening, Statutes, IX, pp. 550-551; Acts 1840-41, pp. 17-18; Acts 1874-75, pp. 233-234; Code 1919, sec. 2342; "Tax Code" 1936, secs. 255, 318.
36. Acts 1831-32, p. 61; Acts 1840-41, p. 26; Acts 1872-73, p. 378; "Tax Code" 1936, secs. 387-390.

(Next entry 12, p. 62)

book.[37] The clerk formerly received all payments of arrears of taxes,[38] issued receipts for such payments,[39] and kept a stub or copy as his own record.[40] The clerk was required to report delinquent lands to the Auditor,[41] and received and recorded the treasurer's reports of his sales of lands for taxes, whether sold to individuals or bought in by the treasurer in the name of the Commonwealth (when no bid is made sufficient to defray the arrears of taxes).[42] To the clerk also come applications to purchase lands thus sold to the Commonwealth.[43] At the same time that he sends the land book, the commissioner transmits to the clerk a copy of the county personal property book.[44]

The clerk is also agent for the sale of hunting and fishing licenses, preserving stubs and unused licenses for return to the State Conservation Commission, and keeping a record of sales,[45] of which a report is sent periodically to the commission.[46]

Under an act of 1853, the commissioner of the revenue reported births and deaths to the clerk, who abstracted such information in a register, and indexed it.[47] This function was repealed in 1898 and replaced in 1912 by the action of local registrars appointed under the State Board of Health, Bureau of Vital Statistics. The registrars for a time deposited duplicates of their records with the clerk, but have not been required to do so since 1918.[48] Since long before the foundation of the county, the clerk has issued and recorded marriage licenses. He was at one time required to take a bond of persons applying for licenses, on the condition that no legal impediment to the marriage existed.[49] The original license is returned with the minister's

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37. Hening, Statutes, XII, p. 251; Acts 1883-84, p. 744; Code 1919, secs. 2428, 2489; "Tax Code" 1936, sec. 390.
38. Code 1887, sec. 608 (lists of delinquent taxes and the corresponding tickets preserved in the clerk's office); Code 1919, sec. 2417; Acts 1928, pp. 216-217 (repealed; clerk no longer collects delinquent taxes). The clerk is not directed to retain a stub or copy, but usually did so as a matter of convenience.
39. Acts 1908, p. 33 (any officer collecting any tax must deliver a receipt); Code 1919, sec. 2408; Acts 1928, p. 208.
40. See footnote 38.
41. Code 1887, sec. 637; Code 1919, sec. 2460.
42. Acts 1840-41, pp. 27-28; Code 1849, pp. 200-202; Acts 1872-73, p. 378 (treasurer reports sales, instead of sheriff as formerly); Acts 1885-86, p. 280 (special record book first required); Code 1919, secs. 2465, 2489.
43. Acts 1897-98, pp. 343-344; Code 1919, sec. 2495.
44. Hening, Statutes, IX, p. 349; ibid., XI, p. 113; Code 1849, pp. 187-188; Acts 1869-70, pp. 282-283; Code 1919, sec. 2342; "Tax Code" 1936, sec. 317.
45. Acts 1916, p. 262; Code 1919, sec. 3332; Code 1936, sec. 3305(29).
46. Acts 1899-1900, pp. 707-710 (licenses for use of nets, fish traps, and other such devices, issued, reported and accounted for by commissioner of the revenue, 1900-16; became clerk's duty only after 1916); see footnote 45.
47. Acts 1852-53, pp. 40-43; Code 1887, sec. 2237; Acts 1897-98, p. 1024.
48. Ibid., p. 1024; Acts 1912, p. 440; Acts 1918, p. 111.
49. Hening, Statutes, II, pp. 28, 55; ibid., VI, p. 82; Code 1819, I, p. 398; repealed by omission from Code 1849 (apparently continued by custom in this county).

certificate that the ceremony has been performed (earlier, only a list of names of contracting parties, with dates and other information, was returned annually by the minister) to be filed by the clerk. The clerk abstracts and indexes the information so obtained upon his register of marriages.[50] There is also in the office a register compiled from original marriage bonds by members of the Virginia State Library staff, and an index to this volume.

The clerk is or has been the keeper of numerous registers, including a record of certificates for the practice of medicine,[51] of names of persons convicted of felonies,[52] of estrays (lost property or strayed animals taken up in the county) for the purpose of publication, to find the true owner or, failing that, to award ownership to the finder,[53] and of free Negroes and mulattoes allowed to reside in the county on certificate of the county court.[54]

The clerk preserves in his office a single muster roll (of Powhatan Troop, Company E, Fourth Virginia Cavalry, Confederate States of America) with related letters, clippings, and souvenir material, probably made up under an act of 1898, requiring the clerk, upon petition of "three reputable soldiers", to advertise the hearing of the petition and, if no valid objection arose, to record the muster roll of any military unit raised in whole or in part within the county for service in the War Between the States, filed with the petition.[55]

The clerk receives and records in a book kept for the purpose the sheriff's sworn return that he has posted the lists of qualified voters as required by law,[56] and accepts from candidates notices of their intention to run for office, notifying the electoral board so that the necessary ballots may be printed.[57]

The clerk is required to make out bills for fees due him on account of his services, and no fee may be collected unless the bill is produced.[58] Among the other miscellaneous volumes in his office are a manuscript form book compiled by a former clerk for his own guidance, and a series of memorandum books, in which any attorney or other person may enter a request for the issue of process, the copying of a record, or any other service which may properly be demanded of the clerk.[59] Also filed with him were prescriptions and affidavits for ardent spirits, required during the first years of prohibition (Virginia having enacted state-wide liquor laws some years in advance of

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50. Hening, Statutes, XI, p. 505; Code 1919, secs. 5075, 5076.
51. Acts 1883-84, p. 81; Code 1936, sec. 1612.
52. Acts 1869-70, p. 546; Code 1936, sec. 4737.
53. Hening, Statutes, VIII, p. 355; Code 1849, p. 449; Code 1919, sec. 3565.
54. Shepherd, Statutes, II, pp. 417-418; (repealed) Acts 1865-66, p. 84.
55. Acts 1897-98, pp. 290-291 (material other than muster roll not provided for by statute).
56. Acts 1904, p. 131; Code 1936, sec. 109.
57. Acts 1893-94, p. 862; Acts 1902-3-4, p. 927; Code 1936, sec. 154.
58. Acts 1879-80, p. 210; Code 1887, sec. 3515; Code 1919, sec. 3495.
59. Neither of these entries is covered by any statute. For examples of typical memoranda, see "Memoranda" in Alexander H. Sands, Practical Forms, First and Second Series, Richmond, 1872.

national prohibition), but not mandatory thereafter, the Federal supervision being considered adequate.[60]

Deeds
(See also entry 139)

12. UNRECORDED DEEDS, 1913, 1924, 1937--. 1 file box.
Original deeds deposited with the county clerk but not recorded showing names of grantor and grantee, date of instrument, terms of agreement, description of property, signature of grantor, names of witnesses or date of acknowledgment and signature of officer taking acknowledgment, signature of clerk. Arr. chron. No index. Hdw. and typed. 10½x5x14. Clk. off.

13. DEEDS, 1904--. 15 file boxes (1-8; seven not labeled). Title varies: Deeds Recorded, 1904-30. 1777-1903 in (Miscellaneous Papers) County Court, entry 164.
Original instruments recorded but not withdrawn by parties entitled thereto including indentures, deeds, plats, and powers of attorney, showing date of instrument, kind of instrument, names of grantor and grantee, terms of agreement, description of property, signatures and seals of parties to instrument and witnesses or officer taking acknowledgment, signature of clerk. Arr. chron. No index. Hdw. and typed. 10½x5x14. Clk. off.
For record of instruments, see entry 15.

14. DAILY INDEX OF RECEIPT OF DEEDS FOR RECORDATION (Reception Record), 1902-21. 3 vols. (one not labeled; 2, 3).
Daily record of deeds and other instruments filed for recordation to make instrument effective as notice immediately upon reception by county clerk showing date received (year, month, day, hour), names of grantor and grantee, kind of instrument. Arr. alph. by surnames of grantor and grantee and chron. thereunder by date of reception. No index. Hdw. on ptd. forms. Aver. 250 pp. 9x11½x16. Storage.

15. DEED BOOK, 1777--. 54 vols. (1-20, 20, 21-50, 50A, 51, 52).
Record of instruments, including deeds and plats, agreements, leases, contracts, and powers of attorney, showing dates of filing and recording, kind of instrument, names of grantor and grantee, terms of agreement, consideration, description of property, date of instrument, names of witnesses or date of acknowledgment and name of person taking acknowledgment, clerk's attestation. Also contains Trust Deeds, 1777-1903, 1909--, entry 23; Release Deed Book, 1777-1883, entry 28; Will Books, 1795-1800, entry 120. Arr. chron. by date of recordation. 1777-1800, 1814-79, 1882-- indexed alph. by surnames of grantor and grantee and chron. thereunder; 1801-13, 1880-81, 1935 (Virginia Electric and Power Company vol.) not indexed; also separate index, entries 16-21. 1777-1911 hdw.; 1911-- typed. Aver. 550 pp. 18x12x3. Clk. off.
For original instruments, see entry 13; for other records of plats, see entry 22.

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60. Acts 1916, pp. 219, 242; Code 1919, secs. 4591, 4592, 4654; Acts 1920, p. 594 (prescriptions and affidavits need not be filed with clerk, if executed in accord with Federal law).

County Clerk - Deeds (16-22)

16. INDEX TO DEEDS, GRANTORS, 1777-1920. 3 vols. (labeled by inclusive letters of alphabet).
Grantor index to record of deeds, entry 15, and record of releases, entry 28, showing names of grantor and grantee, kind of instrument, volume and page of record, date of record. Arr. alph. by surname of grantor and chron. thereunder. Hdw. on ptd. forms. Aver. 400 pp. 18x14x2½. Clk. off.
For subsequent records, see entry 18.

17. INDEX TO DEEDS, GRANTEES, 1777-1920. 3 vols. (labeled by inclusive letters of alphabet).
Grantee index of record of deeds, entry 15, and record of releases, entry 28, showing names of grantee and grantor, kind of instrument, volume and page of record, date of record. Arr. alph. by surname of grantee and chron. thereunder. Hdw. on ptd. forms. Aver. 400 pp. 18x14x2½. Clk. off.
For subsequent records, see entry 18.

18. SUPPLEMENTARY GENERAL INDEX TO DEEDS, ETC., 1921--. 3 vols. (two not labeled; 2).
Grantor and grantee index to record of deeds, entry 15, record of releases, entry 28, and record of miscellaneous liens, entry 30, showing names of grantor and grantee, kind of instrument, volume and page of record, date of record. Arr. alph. by surnames of grantor and grantee and chron. thereunder. Hdw. on ptd. forms. Aver. 400 pp. 18x14x2½. Clk. off.
For prior records, see entries 16, 17.

19. GENERAL INDEX DEEDS, 1777-1872. 1 vol.
Grantor and grantee index to record of deeds, entry 15, showing names of grantor and grantee, kind of instrument, volume and page of record, date of record. Arr. alph. by surnames of grantor and grantee and chron. thereunder. Hdw. on ptd. forms. 500 pp. 18x12x26. Storage.

20. DIRECT INDEX TO DEEDS, 1779-1900. 2 vols.
Grantor index to record of deeds, entry 15, showing names of grantor and grantee, kind of instrument, volume of record, date of record. Arr. alph. by surname of grantor and chron. thereunder. Hdw. on ptd. forms. Aver. 600 pp. 18x12x3. Storage.

21. REVERSE INDEX TO DEEDS, 1845-88. 1 vol.
Grantee index to record of deeds, entry 15, showing names of grantee and grantor, kind of instrument, volume and page of record, date of record. Arr. alph. by surname of grantee and chron. thereunder. Hdw. on ptd. forms. 544 pp. 18x12x3. Storage.

22. PLATS, POWHATAN COUNTY, 1886--. 4 vols. (1-4).
Plats of lots and subdivisions showing boundaries, houses, trees, rivers, roads, directions for all rivers and roads, number of lots, acreage of each, name of surveyor, date of survey, declination, and scale. Arr. chron. by date of survey. Indexed alph. by surname of landowner and chron. thereunder. Blueprints and hdr. Aver. 120 pp. 19x13x1. Clk. off.
For other record of plats, see entry 15.

County Clerk - Liens (23-29)

Real Property

23. TRUST DEEDS, 1904-8. 1 vol. (1). 1777-1903, 1909-- in Deed Book, entry 15.
Record of deeds of trust on land constituting notice to prospective purchasers or creditors showing date of instrument, name of grantor, creditor, and trustee, amount of debt secured, terms of payment, legal description of property, names of witnesses or date of acknowledgment and name of person taking acknowledgment, date of recording, clerk's attestation. Arr. chron. Indexed alph. by surnames of grantor and grantee and chron. thereunder. Hdw. 600 pp. 18x12x3. Clk. off.

24. REFUNDING AND IMPROVEMENT MORTGAGE, CHESAPEAKE & OHIO RAILWAY COMPANY TO GUARANTY TRUST COMPANY OF NEW YORK AND HERBERT FITZPATRICK, TRUSTEE, 1928. 1 vol.
Original mortgage to secure improvement and refunding bonds of the Chesapeake and Ohio Railway Company. No arr. No index. Ptd. 175 pp. 10½x8x½. Storage.

25. THE CHESAPEAKE AND OHIO RAILWAY CO. (Company) TO UNITED STATES MORTGAGE AND TRUST CO. (Company) AND WILLIAM H. WHITE, 1909, 1910. 2 vols.
Original mortgage or deed of trust by Chesapeake and Ohio Railway Company to United States Mortgage and Trust Company and William H. White, trustee, providing for issue not to exceed $125,000,000 first mortgage lien. No arr. No index. Ptd. Aver. 140 pp. 10½x8x½. Storage.

26. WITH VA. (Virginia) CERTIFICATE OF RECORD, DATED APRIL, 18, 1906. SOUTHERN RAILWAY COMPANY TO THE STANDARD TRUST COMPANY OF N. Y. (New York) AS TRUSTEE DEVELOPMENT AND GENERAL MORTGAGE, 1906. 1 vol.
Original mortgage on property owned by the Southern Railroad Company to secure a development and general bond issue. No arr. No index. Ptd. 167 pp. 10½x8x½. Storage.

27. FIRST CONSOLIDATED MORTGAGE DEED, SOUTHERN R. R. (Railroad) CO. (Company) TO GENERAL TRUST COMPANY OF N. Y. (New York), TRUSTEES, 1894. 1 vol.
Original first mortgage deed of trust on property owned by the Southern Railroad Company to secure a bond issue. No arr. No index. Ptd. 183 pp. 12x9½x½. Storage.

28. RELEASE DEED BOOK, 1884--. 3 vols. (1-3). Title varies: Record of Releases, 1884-1911. 1777-1883 in Deed Book, entry 15.
Record of deeds of release to trust deeds and powers of attorney kept separately as a matter of convenience showing names of grantors, grantees, and trustees, amount paid, date of payment, names of witnesses, date of acknowledgment and name of person taking acknowledgment, date of recording, clerk's attestation. Arr. chron. by date of recording. Indexed alph. by surnames of grantor and grantee and chron. thereunder; also separate index, entries 16-18. 1884-1919 hdw.; 1919-- typed. Aver. 400 pp. 18x12x2½. Clk. off.

Personal Property

29. CONDITIONAL SALES BOOK, 1892--. 2 vols. (1, 2). Title varies: Reservations of Titles to Personalty and Conditional Sale Docket, 1892-1934.
Record of contracts of sale in which there is reservation of title conditional

upon the fulfilment of certain obligations of the vendee for public records of contracts and to give notice to prospective purchasers or creditors showing names of vendor and vendee, date of contract, amount due, date and amount of payments, brief description of property, terms of reservation, names of witnesses or date of acknowledgment and name of officer taking acknowledgment, date of docketing, date satisfied. Arr. chron. by date of docketing. Indexed alph. by surnames of vendor and vendee and chron. thereunder. Hdw. on ptd. forms. Aver. 400 pp. 17½x12x3. Clk. off.

30. MISCELLANEOUS LIENS, 1920--. 1 vol. (1).
Record of liens affecting personalty and realty, including, at various times, all liens on personalty, crop liens, renewal crop mortgages, leases and bailments of personalty, and all other liens not specifically directed to be recorded elsewhere, and powers of attorney pertaining thereto, showing names of lienor and lienee, subject of lien, description of property, amount due, names of witnesses or date of acknowledgment and name of officer taking acknowledgment, date of recording, clerk's attestation. Arr. chron. by date of recording. For index, 1921--, see entry 18. Typed. 400 pp. 18x12x2. Clk. off.

31. CROP LIEN DOCKET, 1897--. 1 vol.
Record of agreements concerning loans or advances secured by liens on growing crops showing date of lien, kind of crop, location of land on which crop is seeded, names of lienor and lienee, date of docketing, amount of lien, date and amount of credits, date discharged or paid. Arr. chron. by date of docketing. Indexed alph. by surnames of lienor and lienee and chron. thereunder. Hdw. on ptd. forms. 120 pp. 18x12x2. Clk. off.

Judgment Liens

32. JUDGMENT LIEN DOCKET AND EXECUTION BOOK, 1843--. 4 vols. (1, 1; two not labeled). Title varies: Judgment Docket, 1843-84; Judgment Lien Docket, 1884-1922; Judgment Lien Docket and Execution Book Criminal Only, 1922-26.
Record of abstracts of judgments constituting liens on property and proceedings in execution thereon to systematize the satisfaction of judgments for money or property and to provide a public record of the liens showing names of attorneys, names of creditor and debtor, date of judgment, court in which rendered, date docketed (day and hour), amount of judgment and date from which it bears interest or the alternative value of any specific property recovered, amount of cost recovered, notation of homestead exemption, amount and dates of credits, date of execution, nature of execution, person to whom execution directed, additional cost incident to issuing and docketing execution, return date of execution, nature of return, date of payment or discharge, and person by whom payment made. Arr. chron. by date of docketing. Indexed alph. by surnames of plaintiff and defendant. 1843-84 hdw. on hdr. forms; 1884-- hdw. on ptd. forms. Aver. 214 pp. 17x11½x2. Clk. off.
For prior execution docket, see entry 112.

33. EXTRACTS OF JUDGMENTS AND DECREES ENTERED ON LIEN DOCKET, 1872-81. 1 bundle.
Original extracts of judgments which have been entered on the judgment lien docket and execution book showing names of creditor and debtor, date of judgment, and amount of judgment. Arr. chron. No index. Hdw. 8½x3x2. Storage.

Taxation

Real Property

34. (REASSESSMENT OF LANDS), 1920. In Land Book, entry 35.
Record of assessment of the fair market value of tracts of land, buildings, improvements and machinery, including timber trees standing on land if owned by owner of land, but not including those timber trees if not owned by owner of land, showing name of person assessed, place of residence, nature of estate (held in fee or for life), name of the tract and description of the land, distance and bearing from courthouse, number of acres in each tract, fair market value of land per acre, value of land including timber trees, fair market value of buildings, fair market value of machinery and other fixtures attached to buildings, total value, remarks.

35. LAND BOOK, 1783-1812, 1814-23, 1826-49, 1852--. 32 vols.
County clerk's copy of land book, including lands, lots, standing timber, buildings and improvements assessed for taxes showing name of owner, post office address, legal description, number of acres in each tract, value of the land per acre (including the value of standing timber, if the owner of the land owns the same), value of land or lot and timber owned by the same person or value of land or lot exclusive of trees not owned by the owner of land or lot, value of buildings and improvements, value of standing timber owned by other than the owners of the land or lot, total value of land or lot and trees owned by the owners of the land or lot, county and district levies, remarks. Also contains (Reassessment of Lands), 1920, entry 34. 1783-1812, 1814-23, 1826-49 arr. chron. and alph. thereunder by surname of landowner; 1852-90 arr. by district, chron. thereunder, and alph. thereunder by surname of landowner; 1891-- arr. chron., thereunder by district, thereunder by race, and alph. thereunder by surname of landowner. No index. 1783-1812, 1814-23, 1826-45 hdw. on hdr. forms; 1846-49, 1852-- hdw. on ptd. forms. Aver. 200 pp. 21x17x3. Clk. off.
For commissioner of revenue's copy, see entry 220; for treasurer's copy, see entry 242.

36. POWHATAN COUNTY DELINQUENT LAND RETURNS, 1876, 1884-94, 1896-99, 1902-20, 1927, 1928. 29 bundles.
Original lists of lands delinquent, and land improperly assessed, sent to the county clerk by the county treasurer showing name of person assessed, location and legal description of land, number of acres, amount delinquent not including penalty, date delinquent, penalty, amount of interest and costs, total collections, amount uncollected not including penalty. Arr. chron. by date delinquent. No index. Hdw. on ptd. forms. Aver. 9x4x1. Clk. off.

37. DELINQUENT LANDS, 1885-1918, 1928-34. 1 vol., 1 file box. No title, 1885-1918.
Original lists of delinquent land sent by the county treasurer to the county clerk from which the latter compiles the record of delinquent land showing year delinquent, number of line and page on commissioner's book, name and address of delinquent, estate held (in fee or for life), quantity of land, description and local situation, distance and bearing from courthouse, amount of State taxes due for the support of government, free schools, pensions, and amount of penalty, amount of local levies due for roads, free schools, and amount of penalty, why returned delinquent. Arr. chron. and thereunder by district. No index. Hdw. on ptd. forms. Vol. 152 pp. 12x9½x1; file box 10½x5x14. Vol., 1885-1918, storage; file box, 1928-34, clk. off.

For subsequent lists, see entry 243; for record of delinquent land, see entry 38.

38. DELINQUENT LANDS FOR NONPAYMENT OF TAXES, 1885-86, 1923--. 4 vols. Title varies: Delinquent Lands, 1885-86; Delinquent Land Book, 1923-34.
County clerk's record of real estate delinquent for the nonpayment of taxes assessed showing name of person charged with taxes, quantity of land charged, legal description of land, amount of State taxes and county levies delinquent, year delinquent, amount of penalty, total of all taxes and penalties, date and amount of payments, remarks. Arr. alph. by surname of party charged with taxes and chron. thereunder by year delinquent. No index. Hdw. on ptd. forms. Aver. 150 pp. 20x16x1½. 1 vol., 1885-86, storage; 3 vols., 1923--, clk. off.
For lists of delinquent land, see entries 37, 243.

39. (STUBS OF RECEIPTS FOR PAYMENT OF DELINQUENT LAND TAXES), 1884-87. 1 vol.
Stubs of receipts issued by county clerk upon payment of delinquent land taxes showing date, name of person paying tax, amount paid. Arr. chron. No index. Hdw. on ptd. forms. 200 pp. 12x7x1½. Storage.
For subsequent records, see entry 230.

40. TAX RECEIPTS & MISCELLANEOUS PAPERS, 1872-82. 1 bundle.
Carbon copies of receipts issued on the payment of delinquent taxes and correspondence of the county clerk pertaining thereto. Arr. chron. No index. Hdw. on ptd. forms. 9½x4x3½. Storage.
For subsequent records, see entry 230.

41. STATEMENTS OF DELINQUENT TAXES, 1894-98. 1 bundle.
Copies of statements made by the county clerk to the State Auditor of Public Accounts of lands delinquent showing name of delinquent, amount delinquent, and year delinquent. Arr. chron. No index. Hdw. on ptd. forms. 10x4x3. Storage.

42. DELINQUENT LAND SALES, 1886-1928, 1933--. 4 vols. and 1 duplicate vol. Title varies: Delq't. (Delinquent) Land Purh. (Purchased) By Comm'h. (Commonwealth), 1886-1911; Delinquent Land Sales, Sold to Commonwealth, 1912-28.
County clerk's record of delinquent lands sold for the nonpayment of taxes and purchased by the Commonwealth showing district, year delinquent, name of person charged with taxes, description of land, number of acres, amount of county levies, date of sale. Arr. alph. by surname of party charged with tax and chron. thereunder by date of sale. No index. Hdw. on ptd. forms. Aver. 350 pp. 15x12x2½. Clk. off.
For original lists of land sales, see entry 137.

43. LIST OF REAL ESTATE PURCHASED BY INDIVIDUALS, 1886--. 1 vol.
County clerk's record of real estate sold to individuals for the nonpayment of taxes showing name of person charged with taxes, quantity of land charged, description of land, amount of State taxes due with interest and expenses of sale, amount of county taxes due with interest and commissions, quantity of land sold, name of purchaser, amount paid, date of sale, remarks. Arr. alph. by surname of person charged with taxes and chron. thereunder by date of sale. No index. Hdw. on ptd. forms. 150 pp. 17x13x2. Clk. off.

44. APPLICATIONS TO PURCHASE DELINQUENT LANDS, 1898-99. 18 bundles (labeled by inclusive letters of alphabet).
Original applications of individuals to the county clerk to purchase delinquent land sold to the Commonwealth showing name of applicant, number of acres, district, county, description of land, date of application filed, years taxes delinquent, name of person charged with taxes, agreement to pay for land including delinquent taxes, signature of clerk. Arr. alph. by surname of applicant. No index. Hdw. on ptd. forms. Aver. 9½x4½x2. Storage.

Personal Property

45. PERSONAL PROPERTY BOOK, 1785, 1804, 1823, 1825, 1851-63, 1865-1927, 1933--. 86 vols. Title varies: Powhatan, 1861-63.
County clerk's copy of the record of assessments on personal property for taxation showing name of property owner, post office address, State capitation tax, intangible personal property for State taxation only (bonds, notes, other evidences of debt, demands, and claims, money, moneyed capital coming into competition with the business of national banks, capital not otherwise taxed), total state taxes and penalties, county capitation levy (if any), tangible personal property, machinery and tools and merchants' capital, total county and district levies. 4 vols., 1785, 1804, 1823, 1825 arr. alph. by surname of property owner; 38 vols., 1851-62, 1865-90 arr. by districts and alph. thereunder by surname of property owner; 1 vol., 1861-63 arr. alph. by counties and alph. thereunder by surname of property owner; 43 vols., 1891-1927, 1933-- arr. by race, thereunder by district, and alph. thereunder by surname of property owner. No index. Hdw. on ptd. forms. Aver. 120 pp. 23x17x1. 79 vols., 1785, 1804, 1823, 1825, 1851-62, 1865-1927, storage; 1 vol., 1861-63, Vi., archives stack-rm.; 6 vols., 1933--, clk. off.
For commissioner of revenue's copy, see entry 22; for treasurer's copy, see entry 244.

Conservation

46. HUNTING AND FISHING COUNTY RESIDENT (License Stubs), 1938--. 5 vols.
Stubs of hunting and fishing licenses, which authorized residents of the county to hunt and fish in Powhatan County, showing name, address, age, color, description (hair, eyes, and height) of licensee, date issued, number of license. Arr. chron. by date issued. No index. Hdw. on ptd. forms. Aver. 25 pp. 7½x7x½. Clk. off.

47. HUNTING AND FISHING STATE RESIDENT (License Stubs), 1938--. 2 vols.
Stubs of hunting and fishing licenses issued, which authorized residents of the State to hunt and fish in any county in the State, showing name, address, age, color, description (hair, eyes, and height) of licensee, date issued, number of license. Arr. chron. by date issued. No index. Hdw. on ptd. forms. Aver. 25 pp. 7½x7x½. Clk. off.

48. HUNTING AND FISHING, STATE NONRESIDENT (License Stubs), 1938--. 1 vol.
Stubs of hunting and fishing licenses issued, which authorized nonresidents of the State to hunt and fish in any county of the State, showing name, address, age, color, description (hair, eyes, and height) of licensee, date issued, number of license. Arr. chron. by date issued. No index. Hdw. on ptd. forms. 25 pp. 7½x7x½. Clk. off.

49. FISHING ONLY, STATE RESIDENT (License Stubs), 1938--. 1 vol. Stubs of fishing licenses issued, which authorized the residents of the State to fish in any county in the State, showing name, address, age, color, description (hair, eyes, and height) of licensee, date issued, number of license. Arr. chron. by date issued. No index. Hdw. on ptd. forms. 25 pp. 7½x7x½. Clk. off.

50. FISHING ONLY, NONRESIDENT (License Stubs), 1938--. 1 vol. Stubs of fishing licenses issued, which authorized nonresidents of the State to fish in the county, showing name, address, age, color, description (hair, eyes, and height) of licensee, date issued, number of license. Arr. chron. by date issued. No index. Hdw. on ptd. forms. 25 pp. 7½x7x½. Clk. off.

51. FISHING ONLY, NONRESIDENT 2 DAY (License Stubs), 1938--. 1 vol. Stubs of fishing licenses issued, which authorized nonresidents of the State to fish for 2 days in the county, showing name, address, age, color, description (hair, eyes, and height) of licensee, date issued, number of license. Arr. chron. by date issued. No index. Hdw. on ptd. forms. 25 pp. 7½x7x½. Clk. off.

52. NETTING ONLY, RESIDENTS OF STATE (License Stubs), 1938--. 1 vol. Stubs of netting licenses issued, which authorized residents of the State to net in any county in the State, showing name, address, age, color, description (hair, eyes, and height) of licensee, date issued, number of license. Arr. chron. by date issued. No index. Hdw. on ptd. forms. 25 pp. 7½x7x½. Clk. off.

53. HUNTING ONLY, STATE RESIDENT (License Stubs), 1938--. 1 vol. Stubs of hunting licenses issued, which authorized residents of the State to hunt in any county in the State, showing name, address, age, color, description (hair, eyes, and height) of licensee, date issued, number of license. Arr. chron. by date issued. No index. Hdw. on ptd. forms. 25 pp. 7½x7x½. Clk. off.

54. HUNTING ONLY, NONRESIDENT 2 DAY (License Stubs), 1938--. 1 vol. Stubs for hunting licenses issued, which authorized nonresidents of the State to hunt for 2 days in the county, showing name, address, age, color, description (hair, eyes, and height) of licensee, date issued, number of license. Arr. chron. by date issued. No index. Hdw. on ptd. forms. 25 pp. 7½x7x½. Clk. off.

55. TRAPPING ONLY, COUNTY RESIDENT (License Stubs), 1938--. 2 vols. Stubs of trapping licenses issued, which authorized residents of the county to trap in Powhatan County, showing name, address, age, color, description (hair, eyes, and height) of licensee, date issued, number of license. Arr. chron. by date issued. No index. Hdw. on ptd. forms. Aver. 25 pp. 7½x7x½. Clk. off.

56. RECORD OF LICENSES AND PERMITS SOLD, 1928--. 2 vols. Title varies: Clerk's Record, Hunting, Trapping, and Fishing License and Button Record, 1928-34.

Record of sales of hunting, fishing, and trapping licenses kept by the county clerk for accounting with the Virginia Conservation Commission showing date license issued, name, address, age, and race of licensee, serial number of license, type of license (resident county, resident State, nonresident State

fishing, 1 day fishing, resident county, resident State, nonresident State trapping), gross amount received. Arr. chron. by date issued and alph. thereunder by surname of licensee. No index. Hdw. on ptd. forms. Aver. 100 pp. 13x12½x1. Clk. off.

57. LICENSE AND PERMIT SALES REPORT, 1900--. 1 file box.
County clerk's copy of reports sent to the Virginia Conservation Commission on hunting and fishing licenses issued showing kind of license or permit, amount due State for net sales, number of unsold licenses or permits, amount of fees due clerk, net amount due clerk. No arr. No index. Hdw. on ptd. forms. 10½x5x14. Clk. off.

Vital Statistics

Births

58. BUREAU OF VITAL STATISTICS - RECORDS OF BIRTHS, 1911-18. 2 bundles.
Title varies: Certificates of Births and Deaths, 1911-13.
Official copies of birth certificates filed by the registrar of vital statistics with the county clerk as a permanent record showing name of county, district, town, city, state; registration number, full name of child, number in order of birth if twin or triplet, whether parents married, date of birth (month, day, year); father's full name, address, color, age at last birthday, birthplace, occupation; (same information in column opposite for mother); number of children born to mother including present birth, number of children of this mother now living including present birth. Attached certificate of attending physician or midwife shows whether born alive or stillborn, hour of birth, signature and address of attending physician or midwife, date filed, and signature of registrar. Also contains Bureau of Vital Statistics - Record of Deaths, 1911, entry 62. Arr. chron. No index. Hdw. on ptd. forms. Aver. 8½x7x7½. Clk. off.

59. REPORTS OF BIRTHS AND DEATHS, 1869-78. 1 bundle.
Commissioner of revenue's report to county clerk of births and deaths showing name of district, date, name of child or decedent. Arr. chron. No index. Hdw. 9x4x4. Storage.

60. REGISTER OF BIRTHS, 1853-70, 1891. 6 vols.
County clerk's record of births showing date of birth, name of child if named, color, sex, whether born dead or alive, place of birth, father's name in full if child is born in wedlock, father's occupation and residence, mother's name in full, number at birth, deformity or any circumstance of interest, sources of information (name of person giving information of birth, relation of informant to person born, whether of kindred and its degree, head of a family, friend, neighbor, doctor, or midwife). Arr. chron. by date of birth. For index, 1853-55, see entry 61. Hdw. on ptd. forms. Aver. 63 pp. 20x14x½. Clk. off.

61. INDEX TO REGISTER OF BIRTHS, MARRIAGES AND DEATHS, 1853-55. 1 vol.
Index to record of births, entry 60, to record of deaths, entry 63, and to record of marriages, entry 68. Index to record of births shows names of freeborn children, names of parents of freeborn children when children have no names, names of slaveholders when children born to slaves, date of birth, page of record. Index to record of deaths shows name of decedent or owner of deceased slave, date of death, page of record. Index to record of marriages shows names of contracting parties, page of record. Index to births arr. alph. by surnames of children or slaveholders and chron. thereunder by date of birth.

County Clerk - Vital Statistics (62-66)

Index to deaths arr. alph. by surnames of decedents or slaveholders and chron. thereunder by date of death. Index to marriages arr. alph. by surnames of contracting parties and chron. thereunder by date of marriage. Hdw. on ptd. forms. 200 pp. 20x14½x1½. Clk. off.

Deaths

62. BUREAU OF VITAL STATISTICS - RECORD OF DEATHS, 1912-18. 1 bundle.
1911 in Bureau of Vital Statistics - Record of Births, entry 58.
Official copies of death certificates filed by the registrar of vital statistics with the county clerk as a permanent record showing place of death, full name and residence of decedent; personal and statistical particulars - sex, race, marital status, date of birth, age, and occupation of decedent; name and birthplace of parents; name and address of informant; signature of registrar and date of registration. Attached medical certificate of death shows date and cause of death, duration of disease, signature of physician and date; length of residence at place of death, where disease contracted, former or usual residence; place of burial or removal, date of burial, name and address of undertaker. Arr. chron. No index. Hdw. on ptd. forms. 8½x7x2½. Clk. off.

63. REGISTER OF DEATHS, 1853-70. 1 vol.
County clerk's record of deaths showing name, race, sex, and marital status of decedent, date, place, and cause of death; name, birthplaces, and occupations of parents; sources of information (name of person giving information of death, designation of informant, whether physician, surgeon, coroner, head of the family, or friend). Arr. chron. by date of death. For index, 1853-55, see entry 61; no index 1856-70. Hdw. on ptd. forms. 250 pp. 20x14½x2. Clk. off.

Marriages

64. POWHATAN MARRIAGE BONDS, 1777-1868, 1871, 1876. 9 file boxes. No title, 1830-50, 1854-56, 1858-68, 1871, 1876.
Original marriage bonds showing names of contracting parties, surety, witnesses, and names of parents. Arr. chron. No index. Hdw. Aver. 11x3x14. 8 file boxes, 1777-1858, Vi. archives stack-rm.; 1 file box, 1830-50, 1854-56, 1858-68, 1871, 1876, clk. off.
For record of marriage bonds, see entry 69.

65. MARRIAGE LICENSES, 1862-1932. 7 file boxes.
Original marriage licenses returned by the minister or other person performing ceremony to the county clerk for recording and safekeeping showing name of husband, name of wife, color, age, birthplace, and residence of husband; age, birthplace, and residence of wife; occupation of husband; names of parents or guardians of wife; names of witnesses to marriage, name of minister performing ceremony, time and place of marriage, name of officer to whom fee was paid. Arr. chron. No index. Hdw. on ptd. forms. 10½x5x14. Clk. off.

66. CERTIFICATES OF MARRIAGES, 1800-1853, 1857-61, 1865-67, 1933--.
2 bundles, 2 file boxes. Title varies: Powhatan Co. (County) Minister Returns, 1800-1853.
Original marriage certificates returned by the minister or other person performing ceremony to the county clerk and filed by the county clerk showing name of wife, address, name of parents, condition before marriage (widow, single, divorced); name of husband, address, name of parents, occupation, condition before marriage; signatures of parties married, clerk, and minister. Arr. chron. No index. Hdw. on ptd. forms. Bundle aver. 9½x5x4; file box aver. 11x6x14. 1 file

box, 1800-1853, Vi., archives stack-rm.; 2 bundles, 1857-61, 1865-67, storage; 1 file box, 1933--, clk. off.

67. REGISTER OF LICENSES & MARRIAGES, 1850-72. 1 vol.
Record of marriage licenses issued by the county clerk and minister's returns of marriage licenses and certificates showing place of marriage, names, race, age, and birthplace of contracting parties, names of parents, occupation of husband, date of return of license, name and denomination of officiating minister. Also contains Marriage Register, 1851-53, entry 68. Arr. chron. by date of minister's returns. Indexed alph. by surname of husband. Hdw. 100 pp. 13x8x1. Vi., archives stack-rm.

68. MARRIAGE REGISTER, 1820-50, 1854--. 3 vols. (two not labeled; 2).
1851-53 in Register of Licenses & Marriages, entry 67.
Record of marriages kept by the county clerk to enforce the requirement that all marriages be licensed and to provide a prompt and permanent record of all marriages showing date license issued, date and place of marriage, names, race, age, birthplace, residence, condition before marriage of contracting parties, names of parents, occupation of husband, name of minister performing ceremony, date of return of license. Arr. chron. by date of marriage. For index, 1854-55, see entry 61. Hdw. on ptd. forms. Aver. 200 pp. 17x12x1½. 1 vol., 1820-50, Vi., archives stack-rm.; 2 vols., 1854--, clk. off.
For prior records, see entry 69.

69. MARRIAGE REGISTER (Compilation From Original Marriage Bonds), 1777-1853. 1 original and 2 photostats.
Record of marriages compiled in Virginia State Library from original marriage bonds, ministers' bonds, and accompanying papers loaned by the county clerk showing date of bond, names of husband and wife, names of parents or guardians, surety, and witnesses. Arr. chron. For index, see entry 70. Hdw. on ptd. forms and photostated. 209 pp. 19x12½x1. Vi., archives stack-rm.
For original marriage bonds, see entry 64; for subsequent records, see entry 68.

70. INDEX TO MARRIAGE REGISTER OF POWHATAN CO. (County), 1777-1853. 1 vol.
Index to compilation of original marriage bonds, entry 69, showing names of contracting parties and page of record. Arr. alph. by surnames of husband and wife and chron. thereunder. Hdw. on ptd. forms. 91 pp. 13x9x1. Vi., archives stack-rm.

Registers

71. MEDICAL REGISTER, CIRCUIT COURT, 1913--. 1 vol.
County clerk's record of licenses to practice medicine, dentistry, and surgery issued by the State Board of Medical Examiners and used to prevent practice by unlicensed persons showing name and residence of licensee, place and date of birth, source of license, number of license, date of license, school of practice, oath and signature of licensee, certificate of clerk, date sworn to and subscribed, clerk's attestation, record of expiration of license. Arr. chron. by date sworn to and subscribed. No index. Hdw. on ptd. forms. 252 pp. 16x11x1½. Clk. off.

72. REGISTER OF CONVICTS, 1872-1919. 1 vol.
Record of persons convicted of felony, constituting prima facie evidence of former conviction in award of heavier sentences to old offenders and in refusal of suffrage to convicts, showing name and aliases, residence, race, description (height, eyes, hair, marks or scars), age, and occupation of felon, offence, court in which convicted, date of conviction and page of record, whether judgment reversed or pardon granted and date thereof. Arr. chron. by date of conviction. No index. Hdw. on ptd. forms. 192 pp. 16x10½x1½. Clk. off.

73. REGISTER OF ESTRAYS, 1777-86, 1793-1814, 1820-65. 2 vols., 2 bundles. Title varies: Powhatan Stray Book Begun July 1777 and Ends 1786, 1777-86; Estrays, 1793-1814.
County clerk's record and lists of strayed or lost property showing kind of property, amount of appraisal, and name of finder. Arr. chron. 1777-86 indexed alph. by surname of finder; 1793-1814, 1820-65 not indexed. Hdw. Vol. aver. 70 pp. 13x5x1; bundles aver. 7x3x2½. Storage.

74. REGISTER OF FREE NEGROES AND MULATTOES, 1820-65. 1 vol.
Record of free Negroes and mulattoes permitted to reside in State from which identification cards required by law were issued, showing name of free Negro or mulatto, date of certificate, by whom emancipated, number of certificate, age at time of granting of certificate, description (height, complexion, marks, or scars). Arr. chron. by date of certificate. Indexed alph. by surname of Negro or mulatto. Hdw. 100 pp. 13x8x1. Storage.

Military

75. RECORD POWHATAN TROOP CO. (Company) E, 4TH REG'T. (Regiment), VA. (Virginia) CAV. (Cavalry), 1861-64. 1 vol.
Military papers pasted in volume by the county clerk for preservation including muster roll, confederate money, newspaper clippings relating to War Between the States, poems, and letters describing officers. No arr. Indexed alph. by surnames of members of regiment. Hdw. and typed. 509 pp. 16x11x2½. Clk. off.

Elections
(See also entries 255-261)

76. SHERIFF'S RETURNS OF VOTERS POSTED, 1904-8. 1 vol.
County clerk's record of sheriff's returns of posting of lists of those having paid capitation taxes showing oath of sheriff, voting place, where posted, date of posting, signature of sheriff, date of oath, date of recording, signature of clerk. Arr. chron. by date of recording. No index. Hdw. on ptd. forms. 100 pp. 14x9x1. Storage.

77. NOTICES OF CANDIDACY, 1895-1901, 1907, 1923, 1926--. 3 bundles, 9 file boxes. Title varies: Applications of Candidates, 1895-1907; Notice of Candidates and Expense Accounts, 1907.
Official notices of candidates for office sent to the county clerk for use of electoral board in having names of candidates included upon printed ballot and expense accounts of such candidates showing name of candidate, office for which candidate, amount of expenses. Arr. chron. No index. Hdw. and typed. Bundles aver. 9x3x1; file box 10½x5x14. Bundles, 1895-1901, 1907, 1923, storage; file boxes, 1926--, clk. off.

Financial

78. MISCELLANEOUS BILLS FROM COUNTY CLERK'S OFFICE, 1900-1910. 2 bundles. Original fee bills of the county clerk showing date, item charged, and amount charged. Arr. chron. No index. Hdw. on ptd. forms. Aver. 9x4x3½. Storage.

Miscellaneous

79. MEMORANDUM BOOK - A. S. MAYO, CLERK'S FORMS, LAW ENTRIES, 1858-84. 2 vols.
Record of forms including deeds, wills, processes, and all other court and recording functions with notes as to procedure copied by clerk to serve as his guide in the performance of his duties. Arr. by subject. No index. Hdw. Aver. 50 pp. 11x7½x1. Storage.

80. MEMO. (Memorandum) LEDGER, 1814-15, 1824-27, 1834-37, 1839-43, 1846-49, 1851-67, 1869-1930. 16 vols. Title varies: Memorandum Book, 1814-15, 1824-27, 1834-37, 1839-43, 1846-49, 1851-67, 1869-1914.
County clerk's memoranda of business of the office, including processes to be issued, instruments to be recorded, witnesses to be summoned, showing date and nature of memorandum. Arr. chron. by date of memorandum. No index. Hdw. Aver. 200 pp. 13x8x1. 15 vols., 1814-15, 1824-27, 1834-37, 1839-43, 1846-49, 1851-67, 1869-1914, storage; 1 vol., 1914-30, clk. off.

81. AFFIDAVITS FOR ARDENT SPIRITS, 1916-17. 1 bundle.
Original affidavits for ardent spirits issued by physicians and returned to the county clerk showing name of physician and patient, quantity of alcohol, kind of liquor, purpose, date prescription filled, name of druggist or firm selling same. Arr. chron. No index. Hdw. on ptd. forms. 6½x5½x4. Storage.

III. CIRCUIT COURT

The inconvenience of having to remove appealed cases from the county courts to the single General Court located at the Capital was recognized as early as 1662. A statute of that year required the Governor accompanied by one of his council, or two councilors alone, to make a circuit of the county courts each August for the determination of appeals.[1] This provision seems to have been unpopular on account of the expense of entertaining the circuit-riding dignitaries. At any rate, it was repealed the next session on account of the "greate charge to the country",[2] and nothing further of this kind (except the establishment of courts of oyer and terminer for emergent cases) was attempted until the American Revolution. Although the old General Court continued in force, one of the first acts of the Virginia Assembly under the Commonwealth was to set up a High Court of Chancery in 1777, with appellate authority over the county court in chancery causes.[3] In 1788 eighteen districts were formed, each supplied with a district court of law staffed by judges from the General Court. To those courts passed most of the remaining jurisdiction of the General Court as to matters of common law.[4] In 1802 the High Court of Chancery was re-

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1. Hening, Statutes, II, pp. 64-66.
2. Ibid., II, p. 179.
3. Ibid., IX, pp. 389-391.
4. Ibid., XII, pp. 730-763.

Circuit Court (Next entry 82, p. 81)

placed by three Superior Courts of Chancery more conveniently situated;[5] and by subsequent division of districts, there were ultimately nine such courts, the same chancellor in some cases sitting in three different districts in rotation. Powhatan fell in the Richmond district.[6] In 1809 the accessibility of justice was still further served by the creation of 12 judicial circuits and the creation of a circuit superior court of law, meeting twice annually, in each county. The circuits were attended by the same judges of the General Court who formerly had held the District Courts of Law.[7] These circuits provided an established framework when, in 1831, the District Superior Courts of Chancery and the circuit superior courts of law were combined and modified to form the circuit superior courts of law and chancery. They followed the same circuits and inherited the records as well as the authority and jurisdiction of the olden Superior Courts.[8] The new court had concurrent jurisdiction with the county court in all cases in chancery and, as a court of law, was empowered to hear and determine homicide cases (an authority denied the county court), felonies, treasons, and misdemeanors. It also took cognizance of cases in which the amount in controversy exceeded $50 or 1,500 pounds of tobacco, whether brought to it by original process or writ of error.[9] Further powers were soon added. In 1838 it was named a court of equity to which cases pending more than 1 year in the county court might be removed on the application of either party;[10] and an act of 1859 affirmed and clarified its right to issue writs of error or supersedeas to any final order issued originally by the county court (with certain minor exceptions), since the intent of the establishing act had been questioned.[11]

To be eligible for appointment as judge of the circuit court, the candidate must have held a judicial station in the United States or have practiced law in this or some other State for 5 years.[12]

The judges of the circuit court, previously selected from the bench of the General Court (to which they were elected by the General Assembly to serve during good behavior),[13] were according to the Constitution of 1851 to be elected by the people for an 8-year term, but since 1869 they have been chosen by the General Assembly.[14] The court, which originally met semiannually, was required in 1873 to meet thrice a year, and since 1903 bimonthly.[15]

One judge for each circuit is chosen by joint vote of the two houses of the General Assembly, for a term of 8 years.[16] He must subscribe the usual oaths for all officers of the State, but no bond is required of him.[17]

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5. Shepherd, Statutes, II, pp. 320-322.
6. Code 1803, p. 426; Code 1849, p. 617, revisors' note.
7. Shepherd, Statutes, III, pp. 355-360.
8. Acts 1830-31, pp. 43-76.
9. Ibid., pp. 42, 46-48.
10. Acts 1838, pp. 61-62.
11. Acts 1848-49, pp. 42-43.
12. Const. 1902 (as amended 1928), art. VI, secs. 91, 96.
13. Const. 1830, art. V, sec. 4; Acts 1830-31, p. 39.
14. Const. 1851, art. VI, sec. 6; Acts 1852, pp. 51-52; Const. 1869, art. VI, sec. 11; Const. 1902, art. VI, sec. 96; Acts 1902-3-4, p. 31.
15. Acts 1830-31, p. 42; Acts 1872-73, p. 383; Acts 1902-3-4, p. 766.
16. Const. 1902 (as amended 1928), art. VI, sec. 96.
17. Code 1919, secs. 269-273, 5978; Acts 1926, p. 318 (antidueling oath repealed); Code 1936, secs. 269, 5978.

Circuit Court (Next entry 82, p. 81)

The judges are compensated by annual salary, formerly varying from circuit to circuit. In 1852, for instance, the range was from $1,500 to $2,300, with added mileage at the rate of 20 cents per mile for necessary travel.[18] The salaries paid at present amount to $4,500 per annum, half of which must be paid by the county (through the State Treasury).[19]

A judge of the circuit court must by law reside within his circuit, and his removal therefrom automatically vacates the office,[20] as does his death, resignation, or failure to qualify or give his oath of office within 30 days after appointment.[21] Vacancies are filled by election by the General Assembly (or the Governor pro tempore in recess of the Assembly), and the appointees qualify as usual.[22] Judges may be removed from office for cause, by a majority concurrent vote of both houses of the Assembly.[23]

The county clerk is ex-officio the clerk of the circuit court, and as such its recording agent.[24] For his election, qualification and duties, see the preceding article.

In 1873 the circuit court assumed exclusive original jurisdiction over presentments and indictments for felonies, cases of contested elections, and over the greater part of those chancery causes formerly heard in the county court. The latter court retained general probate authority in addition to that authority especially granted it by statute; thereafter, its equity jurisdiction was of little consequence.[25]

Upon the abolition of the county court (by ommission from the Constitution of 1902 and by subsequent legislation), the circuit court immediately assumed all of its former powers, duties, and jurisdiction, and received its records and its pending cases for determination.[26] Since 1904 that jurisdiction has remained the same in principle, but from time to time modifications have been made to meet the requirements of modern government. The circuit court has original jurisdiction in civil and criminal cases, except misdemeanors, or civil cases wherein the amount in question does not exceed $200. The latter civil cases, formerly tried before justices of the peace, are now in the province of the trial justice, but the court may hear appeals from these as before.[27] It appoints land assessors,[28] reviews erroneous assessments and directs refunds where necessary,[29] amends the charters of towns within its jurisdiction on

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18. Acts 1852, pp. 23, 25.
19. Const. 1902 (as amended 1928), art. VI, sec. 103; Acts 1938, p. 797.
20. Acts 1902-3-4, p. 609; Const. 1902 (as amended 1928), art. VI, sec. 96.
21. Acts 1852, p. 51; Code 1919, secs. 269-273; Acts 1926, p. 318; Const. 1902 (as amended 1928), art. VI, sec. 96; Code 1936, sec. 269.
22. Acts 1924, p. 310.
23. Const. 1902 (as amended 1928), art. VI, sec. 104.
24. Const. 1902 (as amended 1928), art. VII, secs. 110, 112.
25. Acts 1872-73, pp. 383-384.
26. Acts 1902-3-4, p. 626.
27. Acts 1902-3-4, p. 766; Code 1919, secs. 3102-3106, 5890; Acts 1938, pp. 153-154; Trial Justice, pp. 109-110; Justice of the Peace, pp. 111-113.
28. Acts 1902-3-4, p. 610; Code 1919, sec. 2233; "Tax Code" 1936, sec. 242.
29. Acts 1936, pp. 253-254.

Circuit Court (Next entry 82, p. 81)

petition of a majority of the qualified voters,[30] and acts in all respects as the protector of widows, infants, idiots, and lunatics in fiduciary relationships.[31]

As recorder of the circuit court, the clerk, in the act establishing that agency, was directed to procure and keep two complete sets of books, one for the chancery side of the court, the other for common law.[32] This act was so literally interpreted that in some courts even the fee books are or were divided in this manner, but in subsequent reenactments the requirements were relaxed, so that after 1849 records of processes and executions in chancery and common law cases, for instance, were more often kept together.[33]

Procedure, so far as recordation is concerned, is in general the same for law and chancery. The clerk receives and files the original case papers, (those for each case being kept together),[34] and, when the case has been decided, removes them to the file for ended case records and combines them with transcripts of final orders, judgments, or decrees. The ended files are usually classified as containing chancery, common law, or Commonwealth (principally criminal) case papers.

At the request of the attorney for the plaintiff, process for the appearance of the defendant is issued and note of it entered in the process book, receipt being taken of the officer to whom it is delivered for service. Original, mesne, and final processes are recorded in essentially the same manner. Sometimes the record of processes is entered on the current docket.[35] Upon the appearance of the defendant to answer, the case is entered on the rule book or rule docket[36] and proceeds under the direction of the clerk until maturation; it is then transferred to the court docket,[37] in order of maturation, for hearing in the order listed. In case a trial of issue or argument in the presence of a jury was requested by either party, or considered advisable by the judge, the case was formerly to be placed on a separate "issue docket", a jury impaneled, and the argument heard immediately.[38] The legal requirements for this separate docket being rather hazily expressed, it was kept rather irregularly (in some courts not at all), and is today largely forgotten. In Powhatan County, for a time, another docket for motions only was kept.[39]

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30. Acts 1920, p. 588.
31. Acts 1908, pp. 45-46, 551; Acts 1920, p. 361; Acts 1932, pp. 135, 788-790.
32. Acts 1830-31, pp. 47, 67, 70.
33. Code 1849, pp. 625, 633, 699.
34. Code 1819, I, p. 272; Code 1849, p. 632; Code 1936, sec. 3386.
35. Acts 1830-31, pp. 67, 70; Acts 1923, pp. 97-98; Code 1936, sec. 3403; no chancery process book has been found in Powhatan.
36. Acts 1807-8, p. 8 (records and papers of district superior courts of law delivered to clerks of circuit courts of counties concerned to be proceeded upon; hence the date, 1806); Acts 1830-31, p. 47; Acts 1923, pp. 97-98; Code 1936, sec. 6075.
37. Acts 1830-31, p. 47; Code 1919, sec. 6244; Acts 1923, pp. 97-98; Code 1936, secs. 6243-6245.
38. Code 1819, I, pp. 205, 507; Acts 1825-26, p. 18; Acts 1830-31, p. 50; Code 1936, secs. 6243, 6245-6247.
39. Apparently not required by law; motions were more often kept in the issue docket.

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The clerk also records in brief form the motions, orders, and other proceedings in court in the appropriate minute book, which, when approved and signed by the judge, may be transcribed in better style in the order book, or may itself be preserved as a permanent record.[40] The distinction between "orders" and "minutes" was never clearly drawn. Ideally a complete set of each would appear, but this is rarely the case, especially since the introduction and use of shorthand in court reporting.[41]

In the event of non-appearance on the part of the defendant at rules, after due notice, judgment may be awarded against him by the clerk, in the form of an office (default) judgment, or, if he appear and confess or acknowledge the debt or obligation, a confessed judgment may be entered against him. These judgments are proceeded upon in the same manner as those rendered in court. Any judgment of a court or justice within the State, of which an abstract has been certified to the clerk for docketing, may be handled in similar fashion, and the abstracts are filed by the clerk as part of his general duty in regard to writings delivered to him.[42] Judgments rendered by justices of the peace (especially in criminal cases) were formerly certified to the clerk, who entered them in a special docket, filed the original, and issued the necessary executions, making notes of such issuance in the same book.[43] These executions, like others issued by the clerk, were returned by the serving officer and filed,[44] while a special execution docket was kept for record of executions on judgments of the court.[45]

Records of the attendance and compensation of witnesses were kept in books reserved for that purpose.[46] A docket or list of subpoenas for witnesses was sometimes used,[47] and the attendance, mileage, and other data concerning payment were entered in bound volumes.[48]

Jurisdiction in the probate of wills and the government of fiduciary affairs formerly resided in the county courts, and the circuit court assumed concurrent powers when it was established in the county.[49] At the abolition of the county court, its records and jurisdiction alike fell to the circuit court, which thereafter took its place as a court of probate.[50] Among this

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40. Code 1819, I, p. 237; Acts 1830-31, pp. 47, 70, 75; Code 1887, sec. 3114; Code 1936, sec. 5962.
41. Ibid., sec. 5962 (editors' note).
42. Code 1819, I, pp. 213-214, 507; Acts 1830-31, pp. 50, 75; Acts 1839-40, p. 46; Code 1849, p. 651; Code 1873, p. 1165; Code 1887, sec. 3559; Acts 1897-98, p. 507; Code 1936, secs. 6130, 6131, 6461, 6463, 6470.
43. Code 1819, I, p. 253; ibid., II, pp. 59-60; Code 1849, pp. 228, 597; Code 1936, secs. 2552, 6031.
44. Code 1819, I, pp. 526, 543; Acts 1830-31, p. 50; Code 1849, p. 713; Code 1936, secs. 6480, 6488, 6491.
45. Acts 1830-31, p. 50; Code 1849, p. 633; Code 1887, sec. 3182; Acts 1916, p. 122 (combined with judgment lien docket, see entry 32).
46. Code 1819, I, p. 518; Acts 1830-31, pp. 68-69; Code 1936, sec. 3530.
47. Code 1819, I, p. 518; Acts 1830-31, pp. 68-69; Code 1936, sec. 6217.
48. Code 1819, I, p. 518; Acts 1830-31, pp. 68-69; Code 1936, sec. 3529.
49. Hening, Statutes, I, pp. 302-303; Shepherd, Statutes, III, p. 361; Acts 1830-31, p. 48.
50. Code 1887, sec. 2533; Acts 1902-3-4, pp. 386, 626; Code 1936, secs. 5249, 5962(a).

inherited material are the original wills[51] and reports of appraisers,[52] the will book series in which wills and the accounts of trustees, administrators, and other fiduciaries are recorded,[53] and a general index to the records entered in these books.[54] There is also a separate series containing settlements of accounts of fiduciaries, submitted to the court, approved and ordered recorded,[55] and a number of original account books, probably submitted for the same purpose but never reclaimed by the owners. Since 1904 the clerk of the circuit court has been authorized to act somewhat independently in the probate of wills and the appointment of fiduciaries. He has kept since that date a special book for the entry of his orders concerning probate affairs.[56] There is also a series of records of names and information regarding persons authorized to act as fiduciaries.[57]

The circuit court has long been the place where oaths of office and official bonds were to be taken and recorded, as was the county court before it.[58] Original oaths (on printed forms, signed and witnessed) and bonds were filed, and the bonds recorded in books kept for the purpose.[59] A similar procedure was followed with bonds taken for other purposes, such as those of fiduciaries.[60]

The person acting as clerk of a commission in lunacy is required to return a copy of the proceedings of the commission to the court, there to be recorded by the clerk in a special volume.[61] The treasurer makes a regular report of his sales of lands for arrears of taxes, and these lists are filed by the clerk.[62] The court has under its control money deposited in banks for the benefit of parties to actions at common law or equity. For the safeguard of the administration of such funds, an account is kept in a special book by the clerk.[63]

The circuit court, like the circuit superior court of law, had concurrent jurisdiction with the county court as to the record of deeds and wills, and a book for such records was kept, but until the end of the county court relatively

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51. Hening, Statutes, I, pp. 302-303; Code 1919, sec. 5262.
52. Hening, Statutes, IV, pp. 21-22; Acts 1824-25, pp. 11-12; Code 1936, secs. 3393, 5376.
53. Hening, Statutes, I, pp. 302-303; Code 1936, secs. 3393, 5262.
54. Acts 1830-31, p. 79; Code 1919, sec. 3394.
55. Hening, Statutes, XII, p. 195; Code 1919, sec. 5428; Acts 1922, p. 873; Code 1936, sec. 5428.
56. Acts 1902-3-4, p. 386; Code 1936, secs. 5249, 5962(a).
57. Code 1849, p. 547; Code 1860, p. 600; Acts 1869-70, p. 442; Code 1919, sec. 5401.
58. Hening, Statutes, I, p. 390; ibid., III, p. 514; ibid., X, p. 22; Code 1819, I, pp. 259-260, 533-534; Code 1849, p. 87; Acts 1878-79, p. 318.
59. There is no provision for printed forms for oaths of office, and the record appears in the order book: Code 1887, sec. 812 (first mention of bond books); Code 1936, secs. 2696, 3393.
60. See footnotes 58, 59.
61. Acts 1899-1900, p. 1040; Code 1936, sec. 1019.
62. Acts 1831-32, pp. 63-64; Code 1936, secs. 2465, 2469, 2489 (these reports were made by the sheriff until 1870, when the treasurer superseded him).
63. Acts 1897-98, p. 758; Code 1936, sec. 6310.

few instruments were submitted to the higher court.[64]

The clerk is directed to keep a fee book[65] to serve as evidence in the collection of fees due, but its form is discretionary, and has varied greatly from time to time, often including fees due the clerk for his ex-officio actions. In the accounting for fines and other money due the Commonwealth, uniform systems have been prescribed by the Auditor and Comptroller, under legislative direction. Since 1904, an official form of receipts for fines and costs has been prescribed, the stubs (later, carbon copies) being preserved by the clerk for his accounting with the board of supervisors and the Auditor.[66] Justices of the peace (and the trial justice) have been required to issue similar receipts,[67] and report and account for fines and costs charged or collected, to the clerk.[68] The clerk recorded these fines and costs in special books, and issued executions for their satisfaction if necessary.[69]

The clerk is also required to keep a general account, or series of accounts, of all money collected by him, or which should have been collected for the Commonwealth, including fines, costs, fees, process or writ tax, and, formerly, delinquent taxes (no longer collected by the clerk). The importance of this series of accounts is shown by the fact that it is by statute made a record of the court.[70]

Among the miscellaneous material filed by the clerk are the reports of the Bureau of Insurance to the clerk respecting bonding companies,[71] and applications of persons desiring licenses to sell soft drinks.[72]

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64. Shepherd, Statutes, III, pp. 355-360; Acts 1830-31, pp. 43-76.
65. Hening, Statutes, V, p. 52; Code 1936, sec. 3494.
66. Acts 1904, p. 225; Code 1936, sec. 2546.
67. Acts 1906, p. 314; Acts 1914, pp. 297-298; Code 1919, sec. 2546; Code 1936, sec. 2546.
68. Code 1819, II, pp. 58-59; Acts 1877-78, p. 376; Code 1887, sec. 718; Code 1919, sec. 2550.
69. Code 1819, II, pp. 59-60; Code 1849, p. 228; Code 1919, sec. 2552.
70. Acts 1897-98, pp. 847-848; Acts 1926, pp. 29-30; "Tax Code" 1936, sec. 406 (see entries 148-156; the original single account book series is here divided according to subject, no definite form being prescribed by statute. The accounts of the trial justice are kept by the clerk in Powhatan because the justice and his clerk maintain no office in the county).
71. No statutory reference found. Bonding or guaranty companies may be accepted as sureties on the bonds required of officials, if evidence of the solvency of the company concerned be produced to the court or judge before whom the bond is taken, and these reports may have been introduced as such evidence; Acts 1893-94, pp. 764-765; Acts 1895-96, p. 284; Code 1919, sec. 282.
72. For the regulation of soft drink parlors and the prevention of the retailing of ardent spirits in such places, under the State's prohibition laws; Acts 1916, p. 245; Code 1919, secs. 4664, 4665; (repealed) Acts 1934, pp. 135-136.

Circuit Court - Chancery (82-87)

Chancery

Case Papers

82. PENDING CHANCERY CAUSES, 1903--. 14 file boxes (labeled by inclusive letters of alphabet).

Original papers and correspondence pertaining thereto filed in pending chancery cases concerning wills and administrations, divorce, minors, persons of unsound mind, and other equity matters showing case number, names of plaintiff and defendant, names of attorneys, nature of case, and date filed. Arr. alph. by surname of plaintiff. No index. Hdw. and typed. 10½x5x14. Clk. off.

83. CIRCUIT COURT (Chancery Papers), 1809--. 151 file boxes (1-151), 14 bundles. Title varies: Chancery Causes, 1812, 1827-29, 1832, 1838, 1847-48, 1859-61, 1869, 1875; Chancery Only, Circuit Court, 1929.

Original papers and correspondence pertaining thereto filed in ended chancery cases showing case number, names of plaintiff and defendant, names of attorneys, date filed, date of trial, and disposition of case. Also contains Circuit Court (Common Law) Papers, 1809-1885, entry 92. Arr. chron. No index. Hdw. and typed. File box 10½x5x14; bundle aver. 8½x3½x2. File boxes, 1809--, clk. off.; bundles, 1812, 1827-29, 1832, 1838, 1847-48, 1859-61, 1869, 1875, storage.

84. APPLICATIONS FARMVILLE AND POWHATAN R. R. (Railroad) CO. (Company), 1888. 1 bundle.

Original applications to the circuit court by the Farmville and Powhatan Railroad Company concerning condemnation proceedings and notice to landowners that their property will be condemned. No arr. No index. Hdw. 9x3½x4. Storage.

85. (DEPOSITIONS), 1890. 8 vols.

Sworn testimonies of witnesses in a chancery suit between the Board of Supervisors of Powhatan County and the Farmville and Powhatan Railroad Company concerning condemnation proceedings. No arr. No index. Hdw. Aver. 200 pp. 13x12½x1½. Storage.

Dockets and Proceedings

86. CHANCERY RULE BOOK, CIRCUIT COURT, 1806-1900. 5 vols. (1, 2; three not labeled). Title varies: Chancery Rule Docket, Circuit Court, 1806-88.

Record of proceedings at successive rules upon chancery cases not yet matured for entry in court for the orderly recording of such proceedings and determination of order of appearance upon court docket showing names of attorneys for plaintiff and defendant, names of plaintiff and defendant, dates process issued, date returnable, actions at successive rules. Arr. chron. No index. Hdw. Aver. 160 pp. 18½x12x1. 4 vols., 1806-88, storage; 1 vol., 1888-1900, clk. off.

87. POWHATAN CIRCUIT COURT CHANCERY ISSUE DOCKET, 1832-1901. 5 vols. 1902-23 in Powhatan County Court Chancery Issue Docket, entry 166.

Record of chancery cases set for hearing and notes on disposition of cases showing names of attorneys for plaintiff and defendant, short style of suit, kind of action, proceedings in court. Arr. chron. by term of court. No index.

Circuit Court - Common Law (88-93)

1832-74 hdw.; 1875-1901 hdw. on ptd. forms. Aver. 200 pp. 12x12x1. Storage.
For subsequent records, see entry 88.

88. CURRENT CHANCERY DOCKET, POWHATAN COUNTY, 1924-30. 1 vol.
Record of chancery causes or motions set for hearing before circuit court showing case number, file number, names of plaintiff and defendant, names of attorneys, nature of suit, date docketed, process to commence suit, memorandum of serving of process, proceedings at rules, memorandum of orders and proceedings, clerk's fees against plaintiff and defendant, amount of costs charged plaintiff and defendant (writ tax, attorneys' fees, clerk's fees, sheriff's fees, exhibits, depositions, orders of publication, reports of commissioners in chancery, guardian ad litem, allowance to witnesses, total costs). Arr. chron. by date docketed. Indexed alph. by surname of plaintiff. Hdw. on ptd. forms. 400 pp. 13x10x3. Clk. off.
For prior records, see entry 87.

89. POWHATAN CO. (County) CHANCERY ORDER BOOK, 1831--. 7 vols. (1-7).
Title varies: Circuit Court Chancery Orders, 1831-66; Chancery Orders, 1867-1920.
Record of court proceedings in chancery cases, including history of trial, disposition of each case, and signature of judge, showing names of parties, names of attorneys, summary of case, and orders of court. Arr. chron. by term of court. Indexed alph. by surname of person concerned in orders. 1831-1905 hdw.; 1905-- typed. Aver. 600 pp. 18x12x3. Clk. off.

Common Law

Case Papers

90. MISCELLANEOUS ARREST WARRANTS, 1919-34. 1 bundle.
Original arrest warrants showing name of defendant, date executed, nature of offense, sentence, amount of fine and costs. Arr. chron. No index. Hdw. on ptd. forms. 9½x4x4½. Storage.

91. CRIMINAL WARRANTS TRIED BY JUSTICES, 1876-81. 1 bundle.
Original warrants in misdemeanor cases tried by justices of the peace and returned to circuit court to constitute the record of conviction, the record for new trial or appeal, or to be used as the basis for issuing executions for fines and costs by the clerk under the direction of the court, showing date of warrant, name of accused, offense charged, date warrant executed. Arr. chron. No index. Hdw. on ptd. forms. 8x3x2. Storage.

92. CIRCUIT COURT (Common Law) PAPERS, 1886--. 17 bundles, 2 file boxes.
1809-85 in Circuit Court (Chancery Papers), entry 83.
Original case papers of the circuit court including summons, declarations, motions, affidavits, subpoenas, pleas, executions, and other documents and correspondence pertaining thereto filed in common law cases tried and disposed of in circuit court showing case number, names of plaintiff and defendant, names of attorneys, date of trial, and disposition of case. Arr. chron. No index. Hdw. and typed. Bundle aver. 10x4x3; file box 10½x5x14. Bundles, 1886-1935, storage; file boxes, 1936--, clk. off.

93. COMMONWEALTH VS A. S. MAYO, INDICTMENTS, 1886. 1 buhdle.
Original indictments against A. S. Mayo for perjury and embezzlement which never came to trial as the defendant died while the case was pending. No arr. No index. Hdw. 9x3½x2½. Storage.

Circuit Court - Common Law (94-99)

94. STENOGRAPHER'S TRANSCRIPT, NICHALLS VS RUDD ET ALS AND CONQUEST TIE AND L. (Lumber) COMPANY VS NICHALLS, 1898. 1 vol.
Original stenographer's transcript of the trial of the case of Nichalls vs. Rudd showing questions and answers, names of witnesses, oral motions and statements of attorneys, rulings of the court, and name of stenographer. No arr. No index. Typed. 217 pp. 13x8xl. Storage.

Dockets and Proceedings

95. RECEIVER'S BOOK, 1831-97. 4 vols. (1-3; one not labeled). Title varies: Circuit Court Process Book, 1831-49; Powhatan Circuit Court Process Book, 1849-78.
Record of issuance and service of process in common law cases showing names of plaintiff and defendant, kind of process, date of issuance, return day, date delivered and to whom, date process returned, officer's receipt, and remarks. Arr. chron. by date process issued. No index. 1831-41, 1878-97 hdw.; 1841-78 hdw. on hdr. forms. Aver. 240 pp. 16x12x2. 2 vols., 1831-41, 1878-97, storage; 2 vols., 1841-78, clk. off.

96. COMMON LAW RULE DOCKET, 1820-64, 1867-98. 3 vols. (one not labeled; 2, 3). Title varies: Common Law Rule Docket - Powhatan Superior Court Rule Docket, 1820-43; Circuit Court Common Law Rule Docket, 1843-64.
Record of proceedings at successive rules on common law cases not yet matured for entry in court, for the orderly recording of such proceedings and determination of order of appearance upon court docket, showing names of attorneys for plaintiff and defendant, names of plaintiff and defendant, sheriff's returns, nature of case, proceedings at successive rules. Arr. chron. by term of court. No index. Hdw. on hdr. forms. Aver. 300 pp. 18x12x2. 2 vols., 1820-43, 1867-98, storage; 1 vol., 1843-64, clk. off.

97. POWHATAN CIRCUIT SUPERIOR COURT MOTION DOCKET, 1832-47. 1 vol.
Clerk of the circuit court's docket of motions to be argued before the court, showing names of parties and attorneys, nature and date of motion. Arr. chron. No index. Hdw. 100 pp. 15½x9½xl. Storage.

98. CIRCUIT COURT LAW ISSUE DOCKET, 1816-73, 1875-1901. 6 vols. Title varies: Powhatan Superior Court Issue Docket, 1816-43.
Circuit court clerk's record of cases to be argued, of appeals from lower courts to be tried, and of judgments by default or confession showing names of attorneys for plaintiff and defendant, nature of case, date of last order, proceedings in court. Arr. chron. by term of court. No index. 1816-73 hdw.; 1875-1901 hdw. on ptd. forms. Aver. 100 pp. 14x9xl. 5 vols., 1816-20, 1822-26, 1831-73, 1875-1901, storage; 1 vol., 1821-30, clk. off.

99. POWHATAN CIRCUIT COURT ROUGH DOCKET, 1809-49. 3 vols. Title varies: Powhatan Superior Court Rough Docket, 1809-38.
The clerk of the circuit court's rough docket of cases to be heard at each term of court for the use of the parties, attorneys, and court officers in determining when a case will be heard in court showing term of court, names of parties and attorneys, and nature of the case. Arr. chron. by term of court. No index. Hdw. Aver. 100 pp. 14x9x3/4. Storage.

Circuit Court - Judgments (100-106)

100. POWHATAN COUNTY DOCKET BOOK CRIMINAL AND CIVIL, 1936--. 1 vol.
Record of civil and criminal cases set for hearing at each term of court in which proceedings in court are recorded showing names of plaintiff and defendent or accused, number of case, offense charged, proceedings had at last term, and proceedings had at current term. Arr. chron. No index. Hdw. on ptd. forms. 300 pp. 16x12x1½. Clk. off.

101. CIRCUIT COURT MINUTE BOOK, POWHATAN, 1809-17, 1822-71. 6 vols.
Title varies: Superior Court Minute Book, 1809-17, 1822-39; Circuit Court Minutes, 1840-46.
Original record of proceedings and orders made by clerk in court and signed by the judge from which is compiled the court order book showing term of court, date, name of judge, style of case, motions and orders, signature of judge. Arr. chron. No index. Hdw. Aver. 225 pp. 13x8x1. Clk. off.

102. COMMON LAW ORDERS, POWHATAN CIRCUIT COURT, 1809--. 15 vols. (1-5, 1-10). Title varies: Superior Court Orders, 1809-25; Order Book Superior Court, 1815-31; Circuit Court Common Law Orders, 1831-67; Orders, Common Law, Powhatan Co. (County), 1893-1912.
Record of common law proceedings and orders of circuit court in regular sessions and in vacation including style and disposition of cases, appointment of jury commissioners and list of jurors for each term of court, qualifications of county officers and attorneys, orders for appointment of county officers, and examination of accounts against the Commonwealth. Arr. chron. 1809-15 not indexed; 1815-- indexed alph. by surnames of plaintiff and defendant (or person concerned in order) and chron. thereunder. Hdw. Aver. 525 pp. 13x15x3. Clk. off.

Judgments
(See also entry 32)

103. SUPERIOR COURT OFFICE JUDGMENTS, 1809-31. 2 vols. (1, 2). Title varies: Office Judgments Superior Court, 1809-21.
Record of judgments wherein the defendant failed to appear after due notice showing names of plaintiff and defendant, names of attorneys, kind of suit, amount of judgment, and date of judgment. Arr. chron. Indexed alph. by surnames of plaintiff and defendant and chron. thereunder. Hdw. Aver. 500 pp. 16x10½x3. Clk. off.

104. JUDGMENTS CONFESSED, 1822-71. 1 bundle.
Original judgments rendered on confession of defendant in circuit court clerk's office showing names of parties and attorneys, kind of case, amount of judgment, date, and signature of clerk. Arr. chron. No index. Hdw. 9x6x4. Storage.

105. ABSTRACT OF JUDGMENTS, POWHATAN CO. (County), 1881--. 1 file box (54), 1 bundle.
Original abstracts of judgment and affidavits for orders of publication of abstracts showing names of plaintiff and defendant, issues involved, rulings of court on issue, final judgment, and signature of judge or clerk. Arr. chron. No index. Hdw. and typed. File box 10½x5x14; bundle 9½x3x3. File box, 1881--, Clk. off.; bundle, 1882-1906, storage.

106. JUSTICE'S JUDGMENTS AND EXECUTIONS, 1915-35. 1 file box (53),
Original judgments of the justice of the peace and executions thereon issued by

the clerk of the circuit court showing names of parties, date of judgment, amount of judgment exclusive of costs, amount of interest and costs, date of execution, date delivered, to whom delivered, date returnable. Arr. chron. No index. Hdw. on ptd. forms. 10½x5x14. Clk. off.

107. JUSTICE JUDGMENTS, POWHATAN COUNTY, 1889-1933. 1 vol.
Circuit court clerk's record of judgment disposed of by the justices of the peace showing date of judgment, name of person accused, offense charged, date of conviction, term of imprisonment, amount of fine, statement of costs of prosecution (name of justice and amount of his fees, name of constable and amount of his fees, names of witnesses, number of days attendance, number of miles traveled, amount due witnesses, clerk's fees, total amount of all costs), notations as to payment of execution, date of return on execution, officer's return, return day. Arr. chron. by date of conviction. Indexed alph. by surname of person accused and chron. thereunder. Hdw. on ptd. forms. 125 pp. 18x15x1. Clk. off.

108. JUSTICE JUDGMENT AND EXECUTION BOOK, 1905-17, 1931-33. 2 vols.
Circuit court clerk's record of abstracts of proceedings in issuing executions of judgments of the justices of the peace for fines and costs in criminal cases showing names of plaintiff and defendant, date of judgment, amount of judgment exclusive of cost, amount of interest and costs, date of execution, date delivered, to whom delivered, date returnable. Arr. chron. Indexed alph. by surnames of plaintiff and defendant and chron. thereunder. Hdw. on ptd. forms. Aver. 50 pp. 15x9x1. 1 vol., 1905-17, storage; 1 vol., 1931-33, clk. off.

For justice's individual record, see entry 216; for original executions, see entries 109, 110, 113-116.

Executions
(See also entry 108)

109. DISTRESS WARRANTS, ATTACHMENTS FOR RENT AND EXECUTIONS OF JUSTICES, SATISFIED, 1876-81. 1 bundle.
Original distress warrants issued by justices of the peace, original attachments instituting actions to collect rent in arrears returned to the court by the officer executing them, and original satisfied executions of justices of the peace returned to court, showing name of landlord or plaintiff, date executed, location of premises, amount due, amount collected, name of justice issuing the warrant, attachment or execution, name of officer executing same, date issued. Arr. chron. No index. Hdw. on ptd. forms. 9x3x2. Storage.

110. CIRCUIT COURT EXECUTIONS AND FIFA. FINES, ETC., 1809-99, 1906-19. 18 file boxes (1-6, 41-51, 55), 48 bundles (labeled by inclusive letters of alphabet; two not labeled). Title varies: Superior Court Executions, Powhatan Co. (County), 1809-14, 1816-21, 1823-31; Executions Ec., Circuit Court, Powhatan Co. (County), 1819-97; Old Fifa and C, Powhatan Circuit Court, 1871-99. No title, 1820-36. 1904-6 in Executions, Justices and County Court, entry 182.
Original executions, including fieri facias for fines and costs, showing names of parties and attorneys, date of judgment, kind of execution, date of execution, return day, to whom delivered, amount of debt, amount of costs. Arr. chron. No index. Hdw. on ptd. forms. File box 10½x5x14; bundle aver. 8x4½x3½. File boxes, 1809-97, 1906-19, clk. off.; bundles, 1820-36, 1871-99, storage.

111. SHERIFF'S RETURNS (of Executions), 1909. 1 bundle.
Sheriff's returns of executions to circuit court clerk showing date of execution, name of party, purpose of execution, and signature of sheriff. Arr. chron. No index. Hdw. on ptd. forms. 9x4x1. Storage.

112. EXECUTION DOCKET, CIRCUIT COURT, 1809-1921. 12 vols. (one not labeled; 1-4, 2-8). Title varies: Superior Court Executions, 1809-19; Superior Court Execution Docket June 1819 to May 1826, 1819-26; Superior Court Execution Book, May 1826 to June 1831, 1826-31.
Record of executions issued by circuit court showing name of plaintiff's attorney, names of plaintiff and defendant, date of judgment, amount of judgment, costs, date and nature of execution, to whom delivered, date returnable, date of return. Arr. chron. Indexed alph. by surnames of parties and chron. thereunder. 1809-94 hdw. on hdr. forms; 1893-1921 hdw. on ptd. forms. Aver. 235 pp. 16x10x2. 2 vols., 1809-19, 1831-37, storage; 10 vols., 1819-31, 1837-1921, clk. off.
For subsequent execution docket, see entry 32.

113. EXECUTIONS OF JUSTICE'S UNSATISFIED, 1880, 1882-85, 1910-14. 3 bundles. Title varies: Fifas. of Justices not Satisfied, 1882-85.
Original executions on property returned unsatisfied showing names of attorneys, names of plaintiff and defendant, kind of execution, amount of judgment, amount of interest and costs, date of judgment, return day, to whom delivered, date returned. Arr. chron. No index. Hdw. on ptd. forms. Aver. 9x4x4. Storage.

114. EXECUTIONS OF JUSTICE'S SATISFIED, 1880, 1882-85, 1904-13. 3 bundles. Title varies: Fifas of Justices Satisfied, 1882-85.
Original executions on property returned satisfied showing names of attorneys, names of parties, kind of execution, amount of judgment, amount of interest and costs, date of judgment, return day, to whom delivered, date execution returned, date satisfied. Arr. chron. No index. Hdw. on ptd. forms. Aver. 9x4x2. Storage.

115. JUSTICE'S EXECUTIONS, 1877-1909. 1 file box (52).
Original executions on judgments issued to sheriff or constable and returned to circuit court clerk showing names of attorneys, names of plaintiff and defendant, kind of execution, amount of judgment, amount of interest and costs, date of judgment, return day, to whom delivered, date execution returned, date satisfied. Arr. chron. No index. Hdw. on ptd. forms. 10½x4x14. Clk. off.

116. JUSTICE'S EXECUTION DOCKET, FEB. 1ST 1904, POWHATAN CO. (County), 1904-24. 1 vol. (1).
Record of executions on judgments issued by the justices of the peace showing names of attorneys, names of plaintiff and defendant, kind of execution, date of judgment, amount of judgment and costs, date of execution, to whom delivered, date returnable. Arr. chron. by date of execution. Indexed alph. by surnames of plaintiff and defendant and chron. thereunder. Hdw. on ptd. forms. 502 pp. 16x11x2½. Clk. off.

Witnesses

117. POWHATAN CIRCUIT COURT SUBPOENA DOCKET, 1824-25, 1831-38, 1842-45, 1850-51. 8 vols. Title varies: Powhatan Superior Court Subpoena Docket, 1824-25, 1831-32.
Record of subpoenas issued for witnesses in circuit court cases showing names of plaintiff and defendant, names of witnesses, and notations of amounts due. Arr. chron. No index. Hdw. Aver. 100 pp. 9x7½x1. Storage.

118. WITNESS ATTENDANCE POWHATAN COUNTY, 1809-16, 1828-1922. 6 vols. Title varies: Witness Attendance Superior Court, 1809-16, 1828-36; Powhatan Circuit Court Witness Attendance, 1836-97.
Record of witnesses summoned and appearing before circuit court showing term of court, names of plaintiff and defendant, names of witnesses for plaintiff and defendant, number of days attended, mileage and ferriage, amount of certificate. Arr. chron. 1809-16 indexed alph. by surnames of witnesses; 1828-1922 not indexed. 1809-16, 1828-87 hdw. on hdr. forms; 1882-1922 hdw. on ptd. forms. Aver. 120 pp. 12½x8½x1. 5 vols., 1809-16, 1828-48, 1882-1922, storage; 1 vol., 1843-87, clk.off.

Probate

Wills (See also entry 139)

119. WILLS AND APPRAISEMENTS, 1777-84, 1786-97, 1902--. 3 bundles, 5 file boxes (1-5). Title varies: Wills, 1777-84, 1786-94; Wills, Inventories, and Administration Accounts, Etc., 1793-97; Wills and Appriasements, Fiduciary Accounts Recorded, 1902-32.
Original wills showing date, name of testator, bequests and provisions, signature and seal of testator, signatures of witnesses, date of recording. Also contains Inventories - Appraisements - Settlements, 1793-97, 1902--, entry 122. Arr. chron. No index. File box 10½x5½x14; bundle aver. 9x3½x3. Bundles, 1777-84, 1786-97, storage; file boxes, 1902--, clk. off.
For record of wills, see entry 120.

120. WILL BOOKS, 1777--. 19 vols. (1-19) and 1 duplicate, 1777-1795, 1800-1805. Title varies: Wills, 1815, 1824-31. 1795-1800, hdw. record, in Deed Book, entry 15.
Recorded copies of wills, inventories, and appraisements of estates, and fiduciary accounts probated and settled in the county court and continued in the circuit court at the expiration of the county court. Wills show name of testator, bequests and provisions, signatures of testator and witnesses, date of recording, clerk's attestation. Inventories and appraisements show nane of decedent, itemized list and valuation of estate, names of appraisers, date of recording, clerk's attestation. Ficuciary accounts show names of decedent and fiduciary, itemized accounts of receipts and disbursements, balance of funds handled, date of account, aignature of fiduciary, clerk's attestation. Arr. chron. Indexed alph. by surname of decedent and chron. thereunder; also seperate index, entry 121. 1777-95, 1800-- hdw.; 1777-1805 typed. Aver. 550 pp. 17½x11½x2½. Clk. off.
For original wills, see entry 119.

121. GEN'L (General) INDEX TO WILLS, POWHATAN COUNTY, 1777--. 1 vol.
Index to record of wills, entry 120, showing date, name of testator, volume and page of record. Arr. alph. by surname of testator. Hdw. 400 pp. 18x12x2. Clk. off.

Fiduciary

122. INVENTORIES - APPRAISEMENTS - SETTLEMENTS, 1777-87, 1789-93. 1 bundle. 1793-97, 1902-- in Wills and Appraisements, entry 119.
Original inventories and appraisements, and settlements of estates including accounts of executors and administrators and accounts of sales. Arr. chron. No index. Hdw. 9½x4x4. Storage.

For record of inventories, appraisements, and settlements, see entry 123.

123. FIDUCIARY SETTLEMENT, POWHATAN COUNTY, 1908--. 2 vols. (1, 2). Record of inventories, appraisements, accounts of sale, and settlements of estates showing name of fiduciary, name of decedent, name of appraiser, amount of appraisement, and account of sales. Arr. chron. Indexed alph. by surname of fiduciary and chron. thereunder. 1908-34 hdw.; 1934-- typed. Aver. 454 pp. 18x12x3. Clk. off.

For original inventories, appraisements, and settlements, see entry 122.

124. DAY BOOK OR JOURNAL FOR THE ESTATE OF ROBERT GOODE, 1809-35. 1 vol. Record of the estate of Robert Goode including appraisement, account of sale, and settlement of the estate. Arr. chron. No index. Hdw. 100 pp. 13x8x½. Storage.

125. JOURNAL (Trustee's Account), 1842-57. 3 vols. Record of the account of W. C. Scott, trustee, with the circuit court concerning the estate of G. P. Scruggs, including appraisement, account of sale, and settlement of the estate. Arr. chron. No index. Hdw. Aver. 135 pp. 15½x8x1. Storage.

126. ACCOUNT OF SALES JULY 3, 1897, MOHEMENCO, WILLIAM M. FLANAGAN, TRUSTEE, WILLIAM S. GOODE, AUCTIONEER, JOHN F. SIMPSON, CLERK, 1897. 1 vol. Record of the account of sales conducted by Mr. William M. Flanagan, trustee, and Mr. William S. Goode, auctioneer, showing date of sale, names of purchasers, articles sold, amount for which sold, certificate and oath of person conducting sale. No arr. No index. Hdw. 150 pp. 11x5x1. Storage.

127. CLERK'S FIDUCIARY ORDER BOOK, POWHATAN COUNTY, 1904--. 1 vol. (1). Record of orders and proceedings of the clerk of circuit court in fiduciary matters, wherein he functions in the same manner as the court, including appointment and qualification of fiduciaries, statements that wills and accounts have been admitted to record, notation of admission of wills to probate, list of heirs, inventories, and appraisements. Arr. chron. Indexed alph. by surnames of fiduciary and decedent and chron. thereunder. Hdw. 400 pp. 18x12x2. Clk. off.

128. REGISTER OF FIDUCIARIES, 1850-93. 2 vols. Record of fiduciaries authorized to act in such capacity by the circuit court showing name of every fiduciary, name of the decedent for whom he acts, name of the living person for whom he is guardian or committee, penalty of his bond, names of his sureties, date of the order conferring the authority, date of the order of revocation. Arr. chron. by date of order conferring the authority. 1850 not indexed; 1850-93 indexed alph. by surname of fiduciary and chron. thereunder. Hdw. on ptd. forms. Aver. 150 pp. 14x10½x1½. 1 vol., 1850, clk. off.; 1 vol., 1850-93, storage.

Oaths

(See also entry 190)

129. OATHS OF OFFICE, 1873-1923. 6 bundles. Title varies: Letters, Oaths, Etc., 1873-1916; Bonds and Oaths of County Officers, 1895-1913; Qualifications County Officers, November Election 1903, 1903-4. No title, 1903. Original oaths of office of county officials showing name of officer, date of

oath, signatures of witnesses, signatures and seals of clerk. Also contains Official Bonds, 1895-1910, entry 130; Old Road Petitions, 1903, entry 203. Arr. chron. No index. Hdw. on ptd. forms. Bundle aver. 9x4x2. Storage.

Bonds
(See also entries 191-200)

Official

130. OFFICIAL BONDS, 1777-93, 1825-46, 1911-23. 3 bundles, 1887-94 in Bonds, Circuit Court, entry 132; 1895-1910 in Oaths of Office, entry 129.

Original bonds of county officers showing principals and sureties, office, amount of bond, date of bond, condition of obligation, signatures and seals of principals, sureties, and witnesses. Arr. chron. No index. Hdw. and hdw. on ptd. forms. Aver. 9½x4x4½. Storage.

For record of official bonds, see entry 131.

131. OFFICIAL BOND BOOK, 1924--. 1 vol. 1887-1923 in Bond Book, Circuit Court, entry 133.

Record of county officers' bonds recorded in circuit court showing principals and sureties, office, amount of bond, date of bond, condition of obligation, signatures of principals, sureties, and witnesses, date of recording, clerk's attestation. Arr. chron. Indexed alph. by surname of principal and chron. thereunder. Hdw. on ptd. forms. 255 pp. 14x9½x2½. Clk. off.

For original official bonds, see entry 130.

Fiduciary

132. BONDS, CIRCUIT COURT, 1887-1914. 2 bundles.

Original fiduciary bonds showing names of fiduciary or principals and sureties, capacity in which fiduciary serves and name of person for whom he acts, amount of bond, date of bond, condition of obligation, signatures and seals of principals, sureties, and witnesses. Also contains Official Bonds, 1887-94, entry 130. Arr. chron. No index. Hdw. on ptd. forms. Aver. 8½x3½x5. Storage.

133. BOND BOOK, CIRCUIT COURT, 1887--. 5 vols. (1-5). Title varies: Powhatan Circuit Court, 1887-1907.

Record of bonds of administrators, executors, guardians, curators, and committees recorded in circuit court showing names of fiduciary or principals and sureties, capacity in which fiduciary serves and name of person for whom he acts, amount of bond, date of bond, condition of obligation, signatures of principal, sureties, and witnesses, date of recording, clerk's attestation. Also contains Official Bond Book, 1887-1923, entry 131. Arr. chron. by date of recordation. Indexed alph. by surname of principal and chron. thereunder. Hdw. on ptd. froms. Aver. 250 pp. 14x10x2. Clk. off.

134. COPY CIRCUIT COURT BONDS, 1886-1907. 1 bundle.

Copies of official and fiduciary bonds recorded in the circuit court showing names of principals (or capacity in which fiduciary serves), amount of bond, date of bond, condition of obligation, signatures and seals of principals and witnesses. Arr. chron. No index. Hdw. 9x4½x4. Storage.

Indemnifying

135. INDEMNIFYING BONDS, 1922. 1 bundle.
Original indemnifying bonds given to protect officers who are required by principal to execute doubtful process showing date of bond, names of principals and sureties, amount of bond, condition of obligation, signatures and seals of principals and witnesses. Arr. chron. No index. Hdw. on ptd. forms. 9½x4x4. Storage.

Execution

136. BONDS TO STAY EXECUTIONS, 1810, 1814, 1816. 3 bundles. Title varies: Execution Bonds, 1814.
Original bonds to stay executions on judgments pending appeal showing date of bond, names of principals and sureties, amount of bond, condition of obligation, signatures and seals of principals, sureties, and witnesses. Arr. chron. No index. Hdw. on ptd. forms. Aver. 8x3x2. Storage.

Lunacy

137. RECORD OF INSANE, EPILEPTIC, INEBRIATE, AND FEEBLE MINDED PERSONS, POWHATAN CO. (County), 1937--. 1 vol. (2).
Record of proceedings committing lunatics, epileptics, inebriates and feeble-minded persons to institutions showing name, age, race, birthplace, residence, education, and civil condition of patient, name and address of guardian, nearest relative, or friend, name of judge or justice and physician comprising lunacy commission, date of proceedings before commission, name of institution to which committed, date of commitment. Arr. chron. Indexed alph. by surname of patient and chron. thereunder. Hdw. on ptd. forms. 50 pp. 11½x9x1. Clk. off.

Delinquent Land Sales

138. DEL. (Delinquent) LAND SALES, DELINQUENT LAND PREV. (Previously) SOLD, DEL. (Delinquent) LAND SOLD IND. (Individuals), DELINQUENT LAND PD. (Paid) TRS. (Treasurer) B. (Before) S. (Sale), 1884-1902, 1904-33. 2 file boxes, 25 bundles. Title varies: Delinquent Land Sales, 1884-1902, 1904-14.
Original lists of delinquent land sales submitted to court by the treasurer for approval showing name of landowner, name of purchaser, legal description of land, amount of State taxes and county levies, penalties, interest, and costs, remarks. Arr. chron. No index. Hdw. on ptd. forms. File box 10½x5x14; bundle aver. 9x4x1. Clk. off.
For record of land sales, see entry 42.

Deeds and Wills

139. DEEDS AND C, WILLS, CIRCUIT COURT, POWHATAN CO. (County), 1809-98. 1 vol.
Record of deeds and wills recorded in the circuit superior court of law and the circuit court. Deeds show names of grantor and grantee, date of deed, legal description of property, consideration and terms of agreement, signature of grantor, date of recording, clerk's attestation. Wills show name of testator, bequests and provisions, signatures of testator and witnesses, date of recording, clerk's attestation. Arr. chron. by date of recordation. No index. Hdw. 500 pp. 15½x10x2½. Clk. off.

For original deeds, see entry 13; for deed books series, see entry 15; for original wills, see entry 119; for will book series, see entry 120.

Financial

Banks

140. (MONEY DEPOSITED BY ORDER OF COURT), 1929--. 1 vol.
Record of money deposited for safekeeping by order of court in pending cases to prevent loss or waste showing names of plaintiff and defendant, date of order of deposit, amount and place of deposit. Arr. chron. by date of deposit. No index. Hdw. 138 pp. 16x9x1. Clk. off.

Fees, Fines, and Costs

141. FEE BOOK, CIRCUIT COURT, 1809-1918, 1937. 9 vols. Title varies: S. (Superior) C. (Court) Fees, 1809-14; Superior Court Fee Book, 1815-33. No title, 1937.
Account of services and charges kept by clerk of circuit court for the collection of fees due him for issuing process, copying, drawing up, and recording instruments showing date charged, person charged, purpose for which charged, and amount charged. Arr. chron. Indexed alph. by surname of persons charged with fee. Hdw. Aver. 300 pp. 15x8x1. Storage.

142. RECEIPTS FOR FINES (Stubs), 1913-17. 1 vol. (404).
Stubs of receipts for fines showing number of receipt, county, date of receipt, name of defendant, amount of fine and costs. Arr. chron. by date of receipt. No index. Hdw. on ptd. forms. 150 pp. 11x7½x1. Storage.

143. RECEIPTS FROM COMMONWEALTH, 1937--. 1 file box.
Official receipts for fines issued by the trial justice showing name of county, date of receipt, name of payer, to what account paid, purpose for which receipt given, amount of receipt. Arr. chron. No index. Hdw. on ptd. forms. 10½x5x14. Clk. off.

144. JUSTICE'S REPORTS, 1888-1922. 10 bundles.
Original reports of the justices of the peace of fines imposed sent to the clerk of the circuit court showing name of prosecutor or defendant, amount of fine, term of imprisonment, kind of execution, amount of cost, disposition. Arr. chron. No index. Hdw. on ptd. forms. Aver. 9½x4x3. Storage.
For record of reports, see entry 145.

145. FINES BY JUSTICES, POWHATAN COUNTY, 1889-93. 1 vol. (1).
Circuit court clerk's record of fines imposed by the justices of the peace showing name of defendant, offense, date of conviction, term of imprisonment, amount of fine, fees of clerk, justice of the peace, and constable. Arr. chron. Indexed alph. by surname of defendant and chron. thereunder. Hdw. 384 pp. 16x11x2. Clk. off.
For original reports, see entry 144.

146. COST BOOK, 1881-1921. 1 vol. (1).
Circuit court clerk's record of court costs showing date of case, name of plaintiff and defendant, and amount of costs. Arr. chron. No index. Hdw. 447 pp. 16x11x2. Storage.

147. STATEMENT OF AND RECEIPT FOR COSTS RECEIVED BY THE CLERK OF POWHATAN ON TAKING STRAY BONDS UNDER THE EXECUTION LAWS OF 1809 AND 1814, 1809-15. 1 vol.

Original statements of the clerk of costs received on issuing executions and taking bonds showing names of attorneys, names of plaintiff and defendant, amount of costs, amount of receipts. Arr. chron. No index. Hdw. on hdr. forms. 100 pp. 8x6½x½. Storage.

Collections and Disbursements

148. CLERK'S FEE BOOK, CIRCUIT COURT, 1887-91, 1894-1908, 1915, 1919-37. 6 vols. Title varies: Tax Book, Circuit Court, 1898-1908; Ledger, 1887-91, 1894-99. No title, 1919-37.

Record of all money collected or which should have been collected by the clerk of the circuit court for the Commonwealth for his accounting with the Auditor of Public Accounts or State Comptroller showing taxes and fees from deeds, contracts, and other instruments, wills and administrations, chancery suits, actions at law, motions, appeals, removed warrants, fines, forfeited recognizances, costs, sale of forfeited property, delinquent capitation, personal, and real property taxes, fees paid by others than State (criminal cases, marriage licenses, allowances, commissions, salary or other compensation received from county), fees paid by State, fees charged, expense account, monthly summary of taxes, annual summary of fees. 1887-91, 1894-1908, 1915 arr. chron. by date collected; 1919-37 arr. by subject and chron. thereunder. 1894-1908, 1919-37 not indexed; 1887-91, 1915 indexed alph. by surname of person charged. Hdw. on ptd. forms. Aver. 150 pp. 15x12x1. 5 vols., 1887-91, 1894-1908, 1919-37, clk. off.; 1 vol., 1915, storage.

For subsequent records, see entries 149-153.

149. GENERAL RECEIPTS, 1937--. 4 vols.

Carbon copies of receipts issued in payment of general services rendered by the clerk showing number, date issued, name of payer, account credited, amount, service rendered, signature of clerk. Arr. chron. by date issued. No index. Hdw. on ptd. forms. 50 pp. 10x12x1. Clk. off.

For prior record, see entry 148.

150. DELIN. (Delinquent) LAND RECEIPTS, 1937--. 2 vols.

Carbon copies of delinquent land receipts issued in payment for redemption or sale of delinquent land showing number, date issued, name of payer, name of delinquent, district, amount, page, line, and year of land book, description of land, amount of tax, penalty, interest, account number, total, redemption fee, signature of clerk. Arr. chron. by date issued. No index. Hdw. on ptd. forms. 50 pp. 10x12x1. Clk. off.

For prior record, see entry 148.

151. WILL RECEIPTS, 1937--. 1 vol.

Carbon copies of receipts issued in payment for probating and recording wills showing number, date issued, name of payer, account credited, amount, value of estate, amount of personal property and real estate, total, amount of tax, transfer fee, clerk's fee, total tax, name of executor, volume and page of bond book, signature of clerk. Arr. chron. by date issued. No index. Hdw. on ptd. forms. 50 pp. 10x12x1. Clk. off.

For prior record, see entry 148.

152. DEED RECEIPTS, 1937--. 5 vols.
Carbon copies of receipts issued in payment for recording deeds showing number, date issued, name of payer, account credited, amount, names of grantor and grantee, description, time of recordation, kind of instrument, consideration, amount of tax, transfer tax, clerk's fee, amount revenue stamp, number of deed, signature of clerk. Arr. chron. by date issued. No index. Hdw. on ptd. forms. 50 pp. 10x12x1. Clk. off.
For prior record, see entry 148.

153. WRIT TAX RECEIPTS, 1937--. 1 vol.
Carbon copies of writ tax receipts issued in payment of writ taxes showing number, date issued, name of payer, account credited, amount, names of plaintiff and defendant, notation as to chancery or law, amount of writ tax, amount of deposit, total, signature of clerk. Arr. chron. by date issued. No index. Hdw. on ptd. forms. 50 pp. 10x12x1. Clk. off.
For prior record, see entry 148.

154. (CASH RECEIPTS AND DISBURSEMENTS), 1934--. 1 vol.
Journal of receipts and disbursements of the trial justice. Receipts show date, amount received, person from whom received, case number, amount of fines, fees of trial justice, clerk, commonwealth attorneys, and witnesses. Disbursements show date, amount deposited or paid over, deposited cash bonds, payments in domestic relation cases. Arr. by receipts and disbursements and chron. thereunder. No index. Hdw. on ptd. forms. 200 pp. 18x14½x1½. Clk. off.

155. GENERAL LEDGER, 1938--. 1 vol.
Running accounts of circuit court clerk of trial justice's cases classified as cash in office, cash in bank, filing fees, receipts due Commonwealth, cash deposited, clerk's fee, sheriff's fees, partial fines, justice's fees, fees collected for others, payments in domestic relations court, sundry, showing date of transaction, description, posting reference, debits, credits, balance. Arr. by subject and chron. thereunder by date of transaction. No index. Hdw. on ptd. forms. 100 pp. 12x12x1. Clk. off.

156. DISBURSEMENTS POWHATAN COUNTY (Day Book), 1902-24. 1 vol.
Circuit court clerk's daily record of money disbursed in accounting with the Commonwealth showing date of transaction, nature of transaction, amount of debits and credits. Arr. chron. No index. Hdw. 312 pp. 14x9x1. Storage.

Miscellaneous

157. REPORTS OF BUREAU OF INSURANCE, 1910-12. 2 bundles.
Original reports of the Bureau of Insurance sent to the circuit court, including acceptances and revocations of certain bonding companies. Arr. chron. No index. Hdw. Aver. 10x4x3½. Storage.

158. APPLICATIONS FOR SOFT DRINK LICENSES, 1916. 1 bundle.
Original applications to the circuit court for licenses to sell soft drinks showing name of applicant, location of place of business, date of application. Arr. chron. No index. Hdw. on ptd. forms. 6x4x½. Storage.

(Next entry 159, p. 100)

IV. COUNTY COURT

When Powhatan County was formed, the county court had well over a century and a half of tradition behind it. Its jurisdiction was extensive, covering the whole range of law, except trials for felonies in which the penalty might be loss of life or member.[1] Sitting as a court of oyer and terminer, it might impose the extreme penalty also, but only if the offender were a slave.[2] The court weathered the Revolution with few changes but thereafter suffered a gradual diminution of powers as the Superior Courts increased in number and importance. The circuit superior courts of law in 1809,[3] and the circuit superior courts of law and chancery in 1831,[4] invaded the county and the jurisdiction of the county court. There were violent attacks on the court in the constitutional conventions of 1829-30, 1850-51, and 1868-69. After 1851 the court was required to select a presiding justice, learned in the law, to head the court at each session,[5] and in 1870 the justices of the peace, who formerly made up the court, were displaced by a single judge, who in some instances served for more than one county.[6] In 1873 the majority of the county court's chancery jurisdiction was transferred to the circuit court,[7] and at the constitutional revision of 1902 the county court was omitted from the framework of government and soon after was abolished. Its remaining powers passed to the circuit court.[8]

Appointment to the court was, until 1851, by commission from the Governor. During most of that period the Governor selected his appointees from a list submitted for his approval by the incumbent members.[9] The number thus appointed for each county varied widely from place to place and from time to time. They were limited to eight at the end of the seventeenth century.[10] Thereafter the number was not specified until 1852, when the county was laid off in election districts and four justices elected from each district.[11] Of this number, only four had to be present at one time for the court to function,[12] except in the laying of the county levy and certain other duties, which required the attendance of the whole membership of the bench.[13] After 1852, the presence of the presiding justice was generally required, that official being chosen by the other justices from their own number.[14] The Constitution of 1869 provided for a single judge chosen by joint vote of both houses of the General Assembly, an arrangement which continued until the end of the agency. Counties containing less than 8,000 inhabitants were to be attached to adjoining counties for the

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1. Hening, Statutes, V, pp. 489-508.
2. Ibid., VIII, p. 138; Code 1803, p. 190.
3. Shepherd, Statutes, III, pp. 355-360.
4. Acts 1830-31, pp. 42-76.
5. Const. 1851, art. VI, sec. 27.
6. Const. 1869, art. VI, sec. 13.
7. Acts 1872-73, pp. 382-384.
8. Acts 1902-3-4, p. 626.
9. Hening, Statutes, I, pp. 125, 132-133, 402; Const. 1776, art. XV; Const. 1830, art. V, sec. 7.
10. Hening, Statutes, II, pp. 21, 69-70; ibid., III, pp. 504-505.
11. Const. 1851, art. VI, sec. 27; Acts 1852, p. 64.
12. See footnote 10; Hening, Statutes, V, pp. 489-491; Const. 1851, art. VI, sec. 25; Code 1860, p. 661.
13. Acts 1857-58, pp. 53-54; Code 1860, p. 661.
14. Const. 1851, art. VI, sec. 27.

formation of districts for county judges, who held court for the counties in their little circuits in turn. In 1870 the population of Powhatan was 7,667. The term of the judge was set at 6 years, except for the first term, which was put at 3 years.[15]

The justices had since before the foundation of Powhatan County been required to subscribe certain oaths - in 1748, for instance, not only those prescribed by Parliament, the oath of abjuration, and the "test" oath, but a general oath for the faithful performance of the office, and a special oath to cover the handling of chancery cases.[16] After the Revolution the requirements were simpler, and at the time when the court ended, only the usual oaths for all officers of the State were demanded.[17] There appears to havebeen no requirement of a bond.

There was at first no provision for compensation to the members of the court, except when they were serving as sheriff or coroner. After 1852 they were allowed compensation at the rate of $3 per day for time actually spent on the bench.[18] The single judge appointed in 1870 received an annual salary in proportion to the population of his county ranging from $800 to $1,200, plus mileage if he served in more than one county.[19] This sum was later reduced, and for Powhatan county varied from $200 to $350 with changes in the manner of compensation.[20] To augment this small compensation, the judge, after 1873, was allowed to practise law in any case not involving his own court.[21]

No particular provision for the vacation of office or removal of county judges has been found in the early acts. Vacancies were filled as they occurred, by appointment of the Governor upon recommendation of the court.[22] Later the office might be vacated by death, resignation, removal from office, holding any other office except that of sheriff, leaving the county, or failure to qualify within 30 days after election. Such vacancies were filled by special election for the unexpired term.[23] After 1869 the county court judge might be removed by majority concurrent vote of both houses of the General Assembly.[24]

The county clerk was recording agent of the county court during its entire existence. The nature of his appointment, qualification, and compensation having been discussed in the article devoted to him, will not be reconsidered here.

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15. Const. 1869, art. VI, secs. 11, 13; Const. 1869 (as amended 1874), art. VI, secs. 11, 13; Report of the Secretary of the Commonwealth . . . 1938, p. 227.
16. Hening, Statutes, V, pp. 489-490.
17. Code 1803, pp. 83-84; Code 1887, secs. 168-170.
18. Acts 1852, p. 68; Code 1860, p. 277.
19. Acts 1869-70, p. 115.
20. Acts 1872-73, p. 383; Acts 1875-76, pp. 152-153; Acts 1877-78, p. 172; Acts 1881-82, pp. 171-172; Code 1887, sec. 185; Report of the Secretary of the Commonwealth . . . 1938, p. 227.
21. Acts 1872-73, p. 384.
22. Const. 1776, art. XV; Const. 1830, art. V, sec. 7.
23. Acts 1857-58, pp. 31-32; Code 1860, pp. 86-87, 277.
24. Const. 1869, art. VI, sec. 23.

County Court (Next entry 159, p. 100)

The county courts were granted rather extensive powers of local legislation in the Colonial Period, and in some instances sat with two persons chosen from each parish for the making of bylaws.[25] In 1748 it was provided that actions might be commenced and maintained in the General Court against the justices of any county court, or the vestry of any parish, indicating that the court was to that extent a body corporate.[26] The justices, as well as the judge who displaced them, were named conservators of the peace, with the power to take security for good behavior from "persons . . . not of good fame."[27]

The county court, until 1870, was the principal and almost the sole administrative power in the county. In colonial days as well as later, the court supervised agricultural and commercial activities, punishing those who did not plant sufficient corn to support themselves and their families,[28] and providing for the inspection of tobacco and the maintenance of standards of quality.[29] It acted as a sort of bureau of standards in maintaining official standards of measurement and stamping barrels of legal capacity.[30] Control of roads, rivers, bridges, and ferries was also vested in the court until 1870,[31] and again from 1875 to 1884.[32]

Highly important in the life of the county was the court's authority over the county levy, its assessment, collection, apportionment, and disbursement. This function commenced early in the seventeenth century, and had assumed regular form many decades before Powhatan County was established.[33] The court appointed persons (sometimes the justices themselves) to list tithables in the precincts laid out for that purpose, determined the amount necessary to be levied, and assessed each tithable person accordingly.[34] At the time of the Revolution, the courts were directed to appoint collectors of the public revenue, and thereafter might direct the sheriff to collect the levy, or appoint other persons to do so, although the collectors were usually selected.[35] The court continued to exercise authority over the levy until the War Bewteen the States, and thereafter until the board of supervisors took over that power in 1870.[36]

It also had the same authority over public buildings and property as is now exercised by the board of supervisors. The court was required to provide and maintain prisons, courthouses, and clerks' offices, and to lay off prison

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25. Hening, Statutes, II, pp. 171-172, 396, 441-442.
26. Ibid., V, p. 470.
27. Code 1819, I, p. 263; Acts 1877-78, p. 317.
28. Hening, Statutes, I, pp. 161-163, 211-213.
29. Ibid., I, pp. 204, 211; ibid., VI, p. 181.
30. Ibid., I, pp. 195, 473; Code 1860, p. 471.
31. Hening, Statutes, I, p. 199; ibid., II, pp. 455-456; ibid., VI, p. 69; ibid., XII, pp. 174-175; Shepherd, Statutes, II, p. 317; Code 1819, II, pp. 235, 259; Code 1860, pp. 301, 353; Acts 1865-66, p. 159; Acts 1869-70, p. 607.
32. Acts 1874-75, pp. 177, 180-181, 186; Acts 1883-84, p. 313; Acts 1884, p. 98.
33. Hening, Statutes, I, pp. 242, 267, 306, 329, 376; ibid., II, pp. 292, 310; ibid., III, pp. 43-44, 259-260.
34. Ibid., VI, pp. 41-42, 499.
35. Ibid., IX, p. 133; Code 1803, p. 252; Code 1819, II, p. 65.
36. Acts 1863-64, p. 55; Acts 1869-70, pp. 270-273.

bounds of "rules" (within which prisoners were formerly permitted to go more or less freely).[37]

Before the parish vestry was well established as a welfare agency in the seventeenth century,[38] and again after the vestry lost its temporal powers, the court functioned in the relief of the indigent and of orphaned and neglected children. It provided for teaching them useful trades; supervised the establishment of poorhouses and workhouses; sold or rented lands held for the benefit of the poor; and set up hospitals for the reception of smallpox victims, to prevent the spread of the disease.[39]

The court, as a major unit in the system for the warehousing and inspection of tobacco, was required to select the place or places where storage places should be built, to superintend the erection and maintenance of the necessary buildings, and to examine the accounts of the inspectors.[40] It also functioned as a licensing and regulatory agency, issuing licenses for "ordinaries" (inns or taverns), limiting the number of such places of entertainment in the county and fixing the rates or prices of food, drink, and lodging.[41] Licenses to hawkers and pedlers, permits to build mills, retail merchants' licenses, and licenses of other types were early granted by the courts,[42] but this power passed for the most part to the commissioner of the revenue after 1798.[43] The court continued to grant, or authorize the commissioners to grant, permits to tobacco manufacturers, bowling alleys, and saloons or bars and other places where hard liquors were to be retailed.[44]

In the field of recordation, the county court had wide powers, but from its foundation as the monthly court to its end, the county clerk acted as its clerk, and it is almost impossible to determine clearly when the clerk is acting as county recorder and when as clerk of court. Mortgages were required to be registered in the monthly courts in 1642, and 3 years later those courts were first allowed to prove and record wills.[45] Records of legal proceedings had been required from the beginning.[46]

The county court was, in spite of its wide administrative powers, chiefly a judicial agency. Its jurisdiction was at first limited to petty cases, but afterward became quite extensive, and after the Revolution no maximum was fixed

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37. Hening, Statutes, I, p. 265; ibid., II, p. 77; ibid., IV, p. 82; ibid., V, pp. 425, 507; ibid., VII, p. 120; Code 1819, I, pp. 250-251; Acts 1822-23, pp. 32-33; Code 1860, p. 289.
38. Hening, Statutes, I, p. 336; ibid., II, pp. 238-239, 266-267, 298; ibid., VI, pp. 32, 132.
39. Code 1819, II, p. 278; Acts 1828-29, p. 24; Acts 1831-32, p. 25; Acts 1861-62, p. 59; Acts 1863, p. 21; Acts 1863-64, p. 46.
40. Hening, Statutes, I, pp. 204, 211; ibid., III, p. 55; ibid., VI, pp. 60, 181; ibid., VII, p. 389; ibid., VIII, pp. 13, 82-83, 510; Acts 1825-26, p. 14.
41. Hening, Statutes, I, pp. 287, 295, 411, 522; ibid., II, p. 269.
42. Ibid., V, pp. 54-55; ibid., VI, p. 58; ibid., XII, p. 286; Shepherd, Statutes, II, p. 94.
43. Ibid., II, pp. 202, 306.
44. Code 1819, II, p. 168; Acts 1848-49, p. 6; Code 1873, p. 326.
45. Hening, Statutes, I, pp. 248, 302-303.
46. Ibid., I, pp. 132-133.

County Court (Next entry 159, p. 100)

for the value of causes heard at quarterly sessions.[47] Trial by jury in the county courts dates from 1642, and the assembly of a grand jury from 1645.[48] The court acted as an appellate court in relation to the individual justices, and was subject in turn to the appellate jurisdiction of the higher courts.[49] The court had authority to hear and determine a wide variety of cases, both at law and in equity. The scope of its jurisdiction increased steadily during the seventeenth and eighteenth centuries, until in 1785 the court at quarterly sessions was given unlimited civil jurisdiction at law and in equity.[50] During the nineteenth century, however, the extension of the higher judiciary into the counties resulted in a general encroachment upon this wide jurisdiction, until in 1873 practically the whole chancery authority of the county court was transferred to the circuit court,[51] which already had concurrent and appellate jurisdiction with and over the older agency in most of its judicial functions,[52] and was soon to supersede it entirely.[53]

The county court was given jurisdiction over fiduciary affairs first in 1643, when the accounts of guardians with the estates of their wards were required to be submitted to the commissioners for record, and 2 years later acquired probate authority, hitherto confined to the General Court.[54] Thereafter until its abolition, the court exercised comprehensive powers in the proof of wills, the appointment of administrators, executors, guardians, curators, and other fiduciaries, and the supervision of their accounts and transactions with the estates committed to them in trust.[55]

Another important duty of the court was in the appointment of minor county officials, largely for the carrying out of its administrative functions. Among these may be mentioned inspectors of various agricultural and animal products,[56] surveyors and overseers of roads (not county surveyors),[57] and master commissioners in chancery.[58] The court took and recorded the oaths and bonds of these as well as elective officers and the appointees of other agencies.[59] It might displace local officers for breach of duty,[60] or fill vacancies in office when they

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47. Ibid., XII, p. 468.
48. Ibid., I, pp. 273, 304.
49. Ibid., I, pp. 345-346, 435; ibid., IX, pp. 414-415; Code 1803, p. 176; Code 1849, pp. 596-599, 685.
50. Hening, Statutes, XII, pp. 32-33, 468.
51. Acts 1872-73, pp. 382-384.
52. Code 1849, pp. 618, 685.
53. Acts 1902-3-4, p. 626.
54. Hening, Statutes, I, pp. 260-261, 302-303.
55. Ibid., IV, pp. 12-21, 282-287; ibid., V, pp. 454-462; ibid., XII, p. 195; Code 1819, I, p. 406; Code 1860, p. 589; Acts 1872-73, p. 178; Code 1887, secs. 2581, 2599, 2602, 2603.
56. Hening, Statutes, III, p. 76; ibid., V, pp. 164, 352; ibid., VI, pp. 233-234; ibid., VIII, p. 254; Shepherd, Statutes, I, p. 371; ibid., III, p. 61; Acts 1855-56, p. 103; Acts 1869-70, p. 531.
57. Hening, Statutes, II, p. 103; Code 1819, II, p. 234; Acts 1855-56, p. 153.
58. Shepherd, Statutes, II, pp. 412-413; Code 1819, I, p. 200; Code 1860, p. 720; Acts 1871-72, p. 466.
59. Hening, Statutes, VIII, p. 254; Acts 1852, p. 12; Acts 1855-56, p. 99; Code 1860, pp. 188, 279, 282-283.
60. Code 1819, I, p. 274; Acts 1857-58, p. 32; Code 1860, p. 695; Acts 1859-60, pp. 7-8; Acts 1869-70, p. 93; Acts 1870-71, p. 70; Acts 1874-75, p. 135; Acts 1875-76, pp. 123-124.

occurred.[61]

At one time the county court had the right to nominate persons for the office of sheriff, to be appointed and commissioned by the Governor. At the same time the county court appointed the constable.[62]

Records and proceedings of the county court alike conformed so closely to those of the circuit court,[63] previously described, that the details of description will not be repeated. The records mentioned below are such as do not appear among the circuit court entries.

The papers of the county court include copies of old presentments of the grand jury,[64] indentures of apprentices returned by the overseers of the poor,[65] and a list of persons who took the oath of allegiance to the Commonwealth in 1777.[66] The court was also the depository of the bonds of "ordinary", or tavern keepers, since licenses to operate such places of entertainment could be issued only by that agency.[67]

In its administrative capacity, the court kept a number of records pertaining to roads - books giving the bounds of road precincts and names of officials appointed over them,[68] copies of orders to road surveyors for work to be done,[69] and petitions filed with the court by freeholders of the county desiring repairs made to roads.[70]

The court issued certificates authorizing the sale of licenses to retail alcoholic liquors and filed lists of licenses issued.[71] The court also kept records of the processioning of lands, a function which was supervised by the

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61. Hening, Statutes, XIII, p. 262; Shepherd, Statutes, II, pp. 36, 82, 460; Code 1819, I, pp. 274, 324; Const. 1830, art. V, sec. 7; Code 1860, pp. 535, 695; Acts 1869-70, p. 600.
62. Const. 1776, art. XV.
63. Hening, Statutes, XIII, p. 466; Code 1803, p. 92; Code 1819, I, p. 260; Code 1860, p. 664.
64. Shepherd, Statutes, I, p. 363; Code 1803, p. 346 (act of Dec. 2, 1795); Code 1819, I, pp. 265-266 (form and disposition of presentments unspecified).
65. Orphans having insufficient estate were bound out as apprentices by the overseers of the poor upon order of the county court, and the indentures returned to be filed in the office of the clerk; Code 1803, p. 173; Code 1819, I, p. 410.
66. The oath was to be taken before justices of the peace, who were to keep registers of names of those sworn and transmit them to the clerk of the county court; Hening, Statutes, IX, pp. 281-283.
67. Code 1803, p. 202 (citing an act of 1748, not found in Hening, Statutes).
68. Code 1819, II, p. 235; Code 1860, p. 301; (no book required, but list of precincts and names of surveyors posted annually).
69. Not covered by specific statute, although the court had authority to order such work; see County Road Board, pp. 165-166.
70. Code 1860, p. 298; Code 1887, sec. 947.
71. Acts 1869-70, pp. 229-230; Code 1873, p. 326 (no list is mentioned); omitted, Code 1887.

parish vestry before the Revolution, and by the court afterward.[72]

Case Papers

159. GRAND JURY PRESENTMENTS, 1798-1815. 1 bundle.
Original presentments of the grand jury showing name of defendant, date of offense, place committed, offense charged, names of witnesses, signature of foreman of grand jury, verdict of the petit jury, signature of foreman of petit jury. Arr. chron. No index. Hdw. 7x4x2. Storage.

160. OLD WARRANTS, 1807-14, 1825-36, 1847-56, 1869-99. 9 bundles (3, 6-8; five not labeled). Title varies: Criminal Prosecutions, 1807-14, 1825-34, 1847-56; Warrants Satisfied, 1874.
Original arrest warrants which have been executed showing name of defendant, date executed, nature of offense, sentence, amount of fine and costs. Arr. chron. No index. Aver. 9½x4x4. Storage.

161. CONTINUED MOTIONS, 1832-44. 1 bundle.
Original motions to continue cases showing names of plaintiff and defendant, date to which continued. Arr. chron. No index. Hdw. 9½x4x3. Storage.

162. INDENTURES OF APPRENTICESHIP RETURNED, 1818. 1 bundle.
Original contracts between employer and apprentice returned to county court showing date of contract, names of parties concerned, condition of obligation. Arr. chron. by date of contract. No index. Hdw. 8x4x3. Storage.

163. THE COMMONWEALTH VS TYLER BELL UPON INDICTMENTS FOR HOUSE BURNING, 1885. 5 vols.
Copy of the suit of the Commonwealth versus Tyler Bell for arson. Arr. chron. No index. Hdw. Aver. 200 pp. 12½x8x1. Storage.

164. (Miscellaneous Papers) COUNTY COURT, 1777-1905. 336 bundles and 140 file boxes (1-140). Title varies: Miscellaneous, County Court, 1804-32; Military Papers, & C, County Court, 1865-70.
Original miscellaneous papers in cases disposed of in the county court and orders handed down concerning juries, candidates and election, official oaths and bonds, reports of road commissioners, claims against the Commonwealth for services rendered, grand jury indictments, licenses, and officers' accounts for fees. Also contains Deeds, 1777-1903, entry 13; Judgments Docketed in Powhatan County Court, 1777-1842, 1872-99, entry 179. Arr. chron. No index. Hdw., typed, and hdw. and typed on ptd. forms. Bundle aver. 7½x3½x3; file box 10½x5x14. Bundles, 1777-1838, 1840-47, 1854-61, 1864-66, 1881, storage; file boxes, 1812-1905, clk. off.

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72. Hening, Statutes, V, pp. 426-429; ibid., XII, pp. 29-30 (overseers of the poor to attend processioning of lands); Code 1803, pp. 150-151 (citing act of Dec. 17, 1792, which provided that the county court supervise, receive accounts or returns of the two freeholders appointed to conduct processioning in each precinct, and have them registered in special books by the clerk of court. In this instance, the Vestry Book of Southam Parish, see entry 293, became a county record, and was used as a procession land book under the later law).

Dockets and Proceedings

Chancery

165. (CHANCERY RULE DOCKET), 1849-71. 1 vol.
Record of proceedings at successive rules upon chancery cases not yet matured for entry in court for the orderly recording of such proceedings and determination of order of appearance upon court docket showing names or initials of attorneys, names of plaintiff and defendant, nature of suit, sheriff's returns, actions at successive rules. Arr. chron. by date of rules. No index. Hdw. on hdr. forms. 75 pp. 15x10x½. Storage.

166. POWHATAN COUNTY COURT CHANCERY ISSUE DOCKET, 1797-1832, 1902-23. 1 vol.
Record of chancery cases set for hearing and notes on disposition of cases showing term of court, names of attorneys for plaintiff and defendant, names of plaintiff and defendant, proceedings, pleadings. Also contains Powhatan Circuit Court Chancery Issue Docket, 1902-23, entry 87. Arr. chron. by term of court. No index. Hdw. on hdr. forms. 100 pp. 14x9x½. Storage.

167. COUNTY COURT CHANCERY ORDERS, APRIL TERM 1871 TO JULY TERM 1873, 1871-73. 1 vol.
Record of proceedings in chancery cases showing names of plaintiff and defendant, term of court, orders of court. Arr. chron. by term of court. Indexed alph. by surnames of plaintiff and defendant and chron. thereunder. Hdw. 300 pp. 13½x8½xl. Clk. off.

Common Law

168. COUNTY COURT PROCESS BOOK, 1835-82. 2 vols. (1, 2).
Record of issuance and service of process showing names of plaintiff and defendant, kind of process, date issued, return day, to whom delivered, date delivered. Arr. chron. by date issued. No index. Hdw. Aver. 213 pp. 15xllxl. Storage.

169. ROUGH RULE DOCKET, 1799-1804. 1 vol.
County court clerk's rough record of proceedings at successive rules showing names or initials of attorneys, names of plaintiff and defendant, and actions at successive rules. Arr. chron. by date of rules. No index. Hdw. 200 pp. 12½x8xl. Storage.

170. RULE DOCKET, COMMON LAW, COUNTY COURT, 1812-17, 1819-73. 4 vols. (1; three not labeled). Title varies: Powhatan County Court Rule Docket, 1812-17, 1819-37.
Record of proceedings at successive rules upon cases not yet matured for entry in court kept for the orderly recording of such proceedings and determination of order of appearance upon court docket showing names or initials of attorneys, names of plaintiff and defendant, nature of suit, sheriff's returns, actions at successive rules. Arr. chron. by date of rules. No index. Hdw. on hdr. forms. Aver. 200 pp. 15x10x2. 3 vols., 1812-17, 1819-37, storage; 1 vol., 1838-73, clk. off.

171. COUNTY COURT ISSUE DOCKET, POWHATAN, 1815-21, 1836-73, 1887-88. 5 vols.
Record of cases to determine order of appearance of causes or motions set for

hearing before county court in the presence of jury showing term of court, names of attorneys for plaintiff and defendant, names of plaintiff and defendant, nature of case, pleas. Arr. chron. by term of court. No index. 1815-21, 1836-52 hdw. on hdr. forms; 1853-73, 1887-88 hdw. on ptd. forms. Aver. 115 pp. 12½x9x1. 4 vols., 1815-21, 1836-52, 1887-88, storage; 1 vol., 1853-73, clk. off.

172. COUNTY COURT ROUGH DOCKET, POWHATAN, 1814-23, 1832-72. 2 vols. County court clerk's rough record of cases set for hearing showing term of court, names of plaintiff and defendant, nature of case. Arr. chron. by term of court. No index. Hdw. Aver. 125 pp. 19x9x1. Storage.

173. DOCKET BOOK, 1820-27. 4 vols. Title varies: Docket, 1820-21. No title, 1820-25.
County court clerk's docket of cases appealed from justices' judgments on warrants for small claims showing names of plaintiff and defendant, judgment of the county court. Arr. chron. No index. Hdw. Aver. 130 pp. 7½x6x1. Storage.

174. COUNTY COURT MINUTES, 1787-92, 1795-1873. 21 vols. Title varies: Minute Book, 1795-1809, 1825-28; Minutes, 1812-15, 1837-43; County Minute Book, 1822-35.
Record of administrative and judicial proceedings and orders of the county court usually transcribed in better form in order books including laying of the county levy, construction and maintenance of roads, health and welfare administration, appointments and qualifications of county officers, lists of justices of the peace, grand jury appointments, cases tried and continued, actions on wills, inventories, and other fiduciary matters, and lists of deeds admitted to record. Arr. chron. by term of court. 1787-92, 1795-1868 not indexed; 1869-73 indexed alph. by subject and chron. thereunder. Hdw. Aver. 250 pp. 14x11x2. 20 vols., 1787-92, 1795-99, 1803-73, clk. off.; 1 vol., 1800-1802, storage.

175. COMMON LAW ORDERS, POWHATAN COUNTY COURT, 1777-1844, 1848-60, 1871-1904. 36 vols. (1-26, 33; nine not labeled). Title varies: Powhatan Co. (County) Order Book Records, 1777-84; Order Book, C. (County) C. (Court), 1784-86; Order Book, 1786-94; Orders, 1794-1816, 1820-24, 1836-41; County Court Orders, 1816-22, 1824-37, 1841-44, 1848-60.
Record of administrative and judicial proceedings and orders of county court in regular sessions and in vacation including laying of the county levy, construction and maintenance of roads, health and welfare administration, appointments and qualifications of county officers, lists of justices of the peace, grand jury appointments, cases tried and continued, actions on wills, inventories, and other fiduciary matters, lists of deeds admitted to record. Also contains Witness Attendance, 1777-1803, 1805, entry 188. Arr. chron. by term of court. 1777-1811, 1814-41, 1844, 1848-56, 1871-1904 indexed alph. by surnames of plaintiff and defendant or person concerned and chron. thereunder; 1812-14, 1841-44, 1857-60 not indexed. Hdw. Aver. 550 pp. 15x12x3. Clk. off.

176. APPEALS, 1805-43. 2 vols. (one not labeled; 2).
Record of county court cases appealed to higher courts showing names of plaintiff and defendant, nature of suit, date of appeal. Arr. chron. by date of appeal. Indexed alph. by surnames of plaintiff and defendant and chron. thereunder. Hdw. Aver. 335 pp. 15x10x2. 1 vol., 1805-12, storage; 1 vol., 1813-43, clk. off.

County Court - Judgments; Executions (177-183)

Judgments
(See also entry 32)

177. OFFICE JUDGMENTS, 1787, 1790-91, 1794-1861, 1866-68, 1870-71. 130 bundles.
Original judgments confessed in county court clerk's office instead of being taken to court showing date of judgment, names of plaintiff and defendant, names of attorneys, nature of case, motions, and amount of judgment. Arr. chron. No index. Hdw. Aver. 7½x3½x3. Storage.
For record of office judgments, see entry 178.

178. OFFICE JUDGMENTS, 1786-1833. 4 vols. (1-3; one not labeled).
Record of office judgments showing date of judgment, names of attorneys, names of plaintiff and defendant, nature of case, motions, and amount of judgment. Arr. chron. by date of judgment. 1786-95, 1807-33 indexed alph. by surnames of plaintiff and defendant and chron. thereunder; 1796-1807 not indexed. Hdw. Aver. 550 pp. 12x18x3. Clk. off.
For original office judgments, see entry 177.

179. JUDGMENTS DOCKETED IN POWHATAN COUNTY COURT, 1843-71. 1 bundle.
1777-1842, 1872-99 in County Court, entry 164.
Original judgments showing date of judgment, names of attorneys, names of plaintiff and defendant, nature of case, motions, amount of judgment. Arr. chron. by date of judgment. No index. Hdw. 7x4½x3. Storage.

180. COPY JUDGMENTS, 1820, 1825-26. 3 bundles.
Copies of county court judgments showing date of judgment, names of attorneys, names of plaintiff and defendant, nature of suit, motions, amount of judgment. Arr. chron. No index. Hdw. Aver. 9½x4x4. Storage.

181. EXTRACT JUDGMENTS, 1882-89. 2 bundles.
Extracts from county court judgments showing date of judgment, names of plaintiff and defendant, amount of judgment. Arr. chron. No index. Hdw. Aver. 9x4x3. Storage.

Executions

182. EXECUTIONS, JUSTICES AND COUNTY COURT, 1777-1838, 1840-1906. 34 file boxes (7-40) and 9 bundles. Title varies: Executions, 1777-95, 1857, 1866-70; Executions Powhatan Co. (County), 1777-1816; Executions & C., County Court, Powhatan County, 1812-38, 1840-80.
Original executions issued by the county court clerk showing names of parties and attorneys, date of judgment, kind of execution, date of execution, return day, to whom delivered. Also contains Circuit Court Executions and Fifa. Fines, Etc., 1904-6, entry 110. Arr. chron. No index. Hdw. and hdw. on ptd. forms. File box 10x5x14; bundle aver. 7x3x3. Bundles, 1777-95, 1857, 1866-70, storage; file boxes, 1777-1838, 1840-1906, clk. off.

183. EXECUTIONS ON WARRANTS SATISFIED, 1858-71. 1 bundle.
Original executions returned satisfied showing date of execution, date delivered, to whom delivered, date satisfied. Arr. chron. No index. Hdw. on ptd. forms. 4x4x1. Storage.

184. EXECUTION DOCKET, 1787-1904. 19 vols. (2-11, 11-19). Title varies: Execution Book, 1787-95, 1811-15, 1829-37, 1844-55; Exon. (Executions), 1796-1804; Executions; County Court Execution Docket, 1809-11, 1815-20, 1822-23, 1827-29. No title, 1804-8.
Record of executions on judgments showing names of plaintiff and defendant, names of attorneys, date of judgment, kind of execution, date returnable, to whom delivered, amount of judgment, sheriff's returns. Arr. chron. Indexed alph. by surname of plaintiff and defendant and chron. thereunder. Hdw. Aver. 200 pp. 13x9x2. 15 vols., 1787-1808, 1811-15, 1820-27, 1829-1904, clk. off.; 4 vols., 1808-11, 1815-20, 1822-23, 1827-29, storage.

Witnesses

185. SUBPOENAS RETURNED IN SUITS ON DOCKET, 1866-70. 1 bundle.
Original subpoenas returned in suits on county court docket showing names of witnesses, names of plaintiff and defendant, nature of suit, date of subpoena. Arr. chron. No index. Hdw. on ptd. forms. 6x2½x2. Storage.

186. MEMO. (Memorandum) BOOK FOR SUBPOENA AND C, 1804-8. 1 vol.
County court clerk's memorandum of subpoenas issued for cases on issue docket. Also contains Witness Attendance, 1804, entry 188. Arr. chron. No index. Hdw. 75 pp. 8x6x½. Storage.

187. POWHATAN COUNTY COURT SUBPOENA DOCKET, 1813-16, 1823-24, 1832-36, 1841-42, 1845-46. 7 vols.
Record of subpoenas issued for witnesses in county court cases showing term of court, names of plaintiff and defendant, names of witnesses, and notations of amounts due for their attendance and travel. Arr. chron. by term of court. No index. Hdw. Aver. 100 pp. 9x7x½. Storage.

188. WITNESS ATTENDANCE, 1805-13, 1823-53. 7 vols. 1777-1803, 1805 in Common Law Orders, Powhatan County Court, entry 175; 1804 in Memo. (Memorandum) Book for Subpoena and C, entry 186.
Record of witnesses summoned and appearing before county court showing date of term, short style of suit, names of witnesses for plaintiff and defendant, days' attendance, mileage, amount of certificate, date of certification to State Auditor of Public Accounts. Arr. chron. 1805-8, 1829-53 not indexed; 1807-13, 1823-29 indexed alph. by surnames of plaintiff and defendant and chron. thereunder. Hdw. Aver. 136. pp. 9x6x½. Storage.

189. WITNESS ORDERS, 1812-59. 6 bundles.
Original orders of the county court directing that witnesses be paid showing name of witness, date of order, amount to be paid. Arr. chron. No index. Hdw. Aver. 5½x3x3. Storage.

Oaths
(See also entry 129)

190. LIST OF PERSONS WHO TOOK THE OATH OF ALLEGIANCE TO THE COMMONWEALTH OF VA (Virginia), 1777. 1 bundle.
List of 371 persons who took the oath renouncing allegiance to King George III and pledging allegiance to the Commonwealth of Virginia showing date of oath and name of person taking oath. Arr. chron. No index. Hdw. 7x2x½. Storage.

Bonds
(See also entries 130-136)

Official and Fiduciary

191. EXECUTOR'S AND ADMINISTRATOR'S BONDS, 1777-96, 1809-13. 3 bundles.
Original bonds of executors and administrators showing name of administrator or executor and sureties, name of decedent, amount of bond, date of bond, condition of obligation, signatures and seals of administrator or executor, sureties, and witnesses. Arr. chron. No index. Hdw. and hdw. on ptd. forms. Aver. 7x3x3. Storage.

192. GUARDIANS' BONDS, 1777-84. 1 bundle.
Original guardians' bonds showing names of guardians and sureties, names of orphans, amount of bond, condition of obligation, signatures and seals of guardian, sureties, and witnesses. Arr. chron. No index. Hdw. and hdw. on ptd. forms. 9½x4x4. Storage.

193. BOND BOOK, POWHATAN COUNTY COURT, 1887-1904. 2 vols. (one not labeled; 2). Title varies: Bond Book, Powhatan County, 1887-99.
Record of official and fiduciary bonds recorded in county court showing names of principals and sureties, office (or capacity in which fiduciary serves), amount of bond, date of bond, condition of obligation, signatures of principals, sureties, and witnesses, date of recording, clerk's attestation. Arr. chron. by date of recordation. Indexed alph. by surname of principal and chron. thereunder. Hdw. on ptd. forms. Aver. 391 pp. 14x9x2. Clk. off.

Bail

194. BAIL BONDS, 1794. 1 bundle.
Original bail bonds showing names of principals and sureties, amount of bond, condition of obligations, date of bond, signatures and seals of principals, sureties, and witnesses. Arr. chron. No index. Hdw. and hdw. on ptd. forms. 9½x3x3. Storage.

Replevin

195. REPLEVY BONDS, 1780-98, 1809, 1886-87. 10 bundles.
Original bonds given in order to recover the possession of personal property before judgment showing date of bond, names of principals and sureties, amount of bond, condition of bond, signatures and seals of principals, sureties, and witnesses. Arr. chron. No index. Hdw. and hdw. on ptd. forms. Aver. 7x3½x3. Storage.

196. DOCKET OF REPLEVIN BONDS COMMENCING IN THE YEAR 1783 AND ENDED, 1783-87. 1 vol.
Record of replevin bonds given in order to recover the possession of personal property before judgment showing names of attorneys, date of bond, names of principals and sureties, amount of bond, condition of obligation, amount of judgment, date of judgment, name of person against whom judgment rendered. Arr. chron. No index. Hdw. 40 pp. 13x7½x½. Storage.

Injunction

197. INJUNCTION BONDS, 1794-1822. 1 bundle.
Original bonds given by obligor requiring obligee to refrain from some specific

act before the court has finally adjudicated the rights of the parties showing date of bond, names of principals and sureties, amount of bond, condition of obligation, signatures and seals of principals, sureties, and witnesses. Arr. chron. No index. Hdw. and hdw. on ptd. forms. 8x3x2. Storage.

Appeal

198. APPEAL BONDS, 1786-95. 1 bundle.
Original bonds to cover the costs of appeal and amount of the judgment showing date of bond, names of principals and sureties, amount of bond, condition of obligation, signatures and seals of principals, sureties, and witnesses. No arr. No index. Hdw. and hdw. on ptd. forms. 9½x3x3. Storage.

Apprentice

199. APPRENTICE BONDS, 1795-1817. 1 bundle.
Original bonds given by master to assure welfare of apprentice showing date of bond, names of principals and sureties, amount of bond, condition of obligation, signatures and seals of principals, sureties, and witnesses. Arr. chron. No index. Hdw. and hdw. on ptd. forms. 9½x3x3. Storage.

Ordinary License

200. ORDINARY LICENSE BONDS, 1777-78. 1 bundle.
Original bonds given by keepers of ordinaries to assure orderliness showing date of bond, names of principals and sureties, amount of bond, condition of obligation, signatures and seals of principals, sureties, and witnesses. Arr. chron. No index. Hdw. 9½x4x3. Storage.

Roads
(See also entries 4, 6, 8, 295)

201. ROAD BOOK FOR 1885 COMMENCING 1ST JULY, HUGUENOT DIST., 1839-73, 1879-90. 3 vols. Title varies: Road Book, 1839-70; Road Book of Spencer Dist., 1879-90.
Record of bounds of road precinct and work done showing number of roads, name of surveyor, time of appointment, beginning and ending line by landmarks, hands responsible for work on roads. Also contains Powhatan County Road Book, 1884-90, entry 295. Arr. by district and numerically thereunder by no. of precinct. No index. Hdw. Aver. 195 pp. 14x18½xl. Storage.

202. COPY ORDERS - ROAD SURVEYORS, 1853-67. 1 bundle.
Copy of orders of the county court to road surveyors concerning clearing of roads, building of bridges, and erection of markers. Arr. chron. No index. Hdw. 9½x3x3. Storage.

203. OLD ROAD PETITIONS, 1872-82. 1 bundle. 1903 in Oaths of Office, entry 129.
Original petition of freeholders to the county court for the repair of roads showing location of road, repair desired, and names of petitioners. Arr. chron. No index. Hdw. 9½x4x4. Storage.

Liquor Licenses

204. BAR ROOM LICENSE, 1878-87. 1 bundle.
Original lists of barroom licenses which have been issued showing name and address of licensee, type of license, date issued, expiration date. Arr. chron. No index. Hdw. on ptd. forms. 8x4x3½. Storage.

Financial

205. COUNTY COURT FEES, 1786-1867, 1871-94. 25 vols. Title varies: Fees, Jan. (January), 1786; Fee Book, 1787-92, 1799-1815; List of Fees Due for the Year 1793-98, 1793-98; County Court Fee Book, 1817-67, 1827-29.
Account of services and charges kept by clerk of county court for the collection of fees due him for issuing process, copying, drawing up, and recording instruments showing date charged, purpose for which charged, and amount charged. Arr. chron. by date charged. Indexed alph. by surname of party paying fee. Hdw. Aver. 275 pp. 14½x7½x1. Storage.

206. (REGISTER OF RECEIPTS), 1818-22. 1 vol.
County court clerk's record of receipts given in payment of court costs showing names of plaintiff and defendant, date due, amount due, to whom receipt given. Arr. chron. No index. Hdw. on hdr. forms. 100 pp. 13x8x1. Storage.

Processioners

207. PROCESSIONERS' RETURNS, 1804. 1 bundle. 1792-1803, 1805-36 in Vestry Book, Southam Parish, entry 293.
Original papers of the determining and remarking of land boundary lines by processioners showing date of processioning, name of landowner, descriptions and marks of corners, names of persons present, lands not processioned and reasons thereof, signatures of processioners. Arr. chron. by date of processioning. No index. Hdw. on hdr. forms. 9½x4x3. Storage.

V. COMMONWEALTH ATTORNEY

Although it was not until 1788 that legislation mentioned a commonwealth attorney as known today,[1] earlier records and laws indicate that persons had been appointed to prosecute for the Crown. In 1643, 1665, and 1687, we know the names of attorneys appointed for various counties.[2] In 1748 an attorney appointed to act in the county court for the Crown was ordered by law to prosecute cases involving seconds in tobacco and hog stealing.[3] Forty years later commonwealth attorneys were appointed by the Attorney General to prosecute in his behalf in the District Courts whenever he could not attend.[4]

In 1800 the law provided that commonwealth attorneys be appointed by the

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1. Hening, Statutes, XII, p. 758.
2. Bruce, Institutional History, I, pp. 570-571 (Bruce says attorneys were appointed by Attorney General for every county, but gives no proof).
3. Hening, Statutes, VI, pp. 52, 122.
4. Ibid., XII, p. 758.

Commonwealth Attorney (Next entry 208, p. 111)

court in which they were to serve.[5] Two commonwealth attorneys, one each for the Superior Court of Law and the county court, were appointed in 1819 by the respective courts.[6] The next change in the manner of the appointment of the officer occurred in 1851 when one such attorney was thereafter to be elected by popular vote for a 4-year term.[7] Although his term of office was reduced to 3 years during the township period of government (1870-1875) the 4-year term was restored when magisterial districts were established, and continues today.[8]

The commonwealth attorney must take the oaths required of him and post a bond before assuming office.[9]

In 1934 he became a salaried officer. Prior to that date he was reimbursed mainly by fees.[10] A small annual allowance had also been granted him, varying in amount from $50 to $1,200.[11] The amount of his fee was specified by law, differing with the type of case.[12]

In case of vacancy of the office of commonwealth attorney the circuit court, or the judge thereof in vacation, appoints a successor for the unexpired term.[13]

From the creation of the office, the general duty of the commonwealth attorney has been that of defending suits against the Commonwealth and of prosecuting in its behalf. Later legislation has merely enumerated specific cases within his jurisdiction and added special duties. He represents various local and county boards in prosecutions by and actions against them. For example, if an action was brought against the Board of Medical Examiners by a person refused permission to practice medicine, it was the duty of the commonwealth attorney to defend the board.[14] He represents the county before the local board of equalization in proceedings for the correction of erroneous assessments.[15] Since the creation of the board of supervisors in 1870, the commonwealth attorney has represented the county before the board and has given legal opinions when required.[16] He may prosecute certain officials for failure to perform their duties properly, as in the case of notaries and commissioners delinquent

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5. Shepherd, Statutes, II, p. 215.
6. Code 1819, I, pp. 241, 272; Code 1849, p. 637.
7. Const. 1851, art. VI, sec. 30; Acts 1852, p. 64.
8. Const. 1869, art. VII, sec. 1; Acts 1869-70, p. 79; Acts 1874-75, p. 133; Const. 1928, art. VII, sec. 110; Code 1936, sec. 123.
9. Ibid., sec. 2696.
10. Acts 1866-67, p. 910; Acts 1877-78, p. 377; Code 1887, secs. 3527-3528; Code 1919, secs. 3504, 3505; Acts 1934, p. 733.
11. Acts 1866-67, p. 910; Acts 1878-79, p. 347; Acts 1883-84, p. 469; Acts 1920, pp. 216-217; Acts 1930, pp. 987, 989.
12. Acts 1828, p. 7; Acts 1843, p. 57; Acts 1848, p. 158; Acts 1865-66, p. 211; Acts 1866-67, p. 910; Acts 1869-70, p. 255; Acts 1922, p. 549.
13. Code 1936, sec. 136.
14. Acts 1912, p. 529.
15. Acts 1924, p. 590.
16. Acts 1869-70, pp. 271-272.

Trial Justice Court (Next entry 208, p. 111)

under an act regulating assessment and collection of taxes in their hands.[17] From 1877 to 1884 and from 1887 to 1928, he served as a member of the school trustee electoral board.[18]

The commonwealth attorney keeps no permanent official records, most of his papers becoming records of the local courts.

VI. TRIAL JUSTICE COURT

The trial justice court was established in the State of Virginia by legislative enactment in the year 1912 but affected only counties of a certain population. The original act gave the court rather limited jurisdiction and provided for only one officer, a trial justice.[1] Since 1912 further laws have increased the importance of the court as to the number of counties affected and the jurisdiction involved. Powhatan established this court in 1934, in the same year that legislation required that such a court be set up as a judicial agency in every county.[2] This act permitted two or more counties to have the same trial justice. The same trial justice today serves for Powhatan and Amelia. The trial justice so appointed has to be a resident of one of the counties,[3] a member of the bar, and a qualified voter.[4]

The trial justice is appointed by the circuit court for a term of 4 years.[5] The salary of the trial justice is fixed by the judge making the appointment, with the approval of the board of supervisors, between $500 and $4,000.[6] Any vacancy occurring in the office of the trial justice is filled by the judge of the circuit court of the county.[7]

The trial justice is permitted to appoint a clerk, who can issue warrants and processes, and grant bail in misdemeanor cases. He keeps the docket and accounts of the trial justice and performs any other duties entrusted to him. He has the authority to take affidavits and administer oaths and affirmations.[8]

The trial justice in 1934 was given jurisdiction in civil and criminal cases similar to that vested in the civil and police justices of cities. In addition, he was given power to issue attachments, warrants, and subpoenas in both civil and criminal cases, and was granted original jurisdiction of all of-

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17. Acts 1885-86, p. 102.
18. Acts 1876-77, p. 9; Acts 1883-84, pp. 177-178; Acts 1887, pp. 305-306; Acts 1928, pp. 1202-1203.

1. Acts 1912, pp. 685-686.
2. Acts 1934, pp. 466-474; Acts 1936, pp. 615-629; Code 1936, secs. 4987(a), 4987(b).
3. Acts 1934, pp. 466-467.
4. Acts 1912, p. 685; Report of the Secretary of the Commonwealth (1937-38), pp. 153, 227.
5. Acts 1934, p. 466.
6. Acts 1936, p. 619; Code 1936, sec. 4987(e).
7. Acts 1933, p. 74; Acts 1936, p. 616; Code 1936, sec. 4987(a).
8. Acts 1934, pp. 470-471; Acts 1936, pp. 623-624.

fenses against local laws and regulations.[9] In 1936, the trial justice was given original jurisdiction over all civil cases involving a claim not exceeding $200 and concurrent jurisdiction with the circuit court on claims between $200 and $1,000. He also has original jurisdiction over actions of unlawful detainer or entry.[10] His jurisdiction and powers were further extended in 1936 to give him concurrent jurisdiction with justices of the peace in lunacy proceedings, to take affidavits, to administer oaths and affirmations, and to issue all appropiate orders and writs.[11]

In order to comply with the act of 1922 establishing juvenile and domestic relations courts,[12] the circuit court of Powhatan County appointed a special justice of the peace to be judge for a term of 6 years, or until a successor was appointed. This new court heard cases involving dependent, delinquent, and neglected children, and cases growing out of marital difficulties. But when the trial justice court was established in 1934, its justice combined with his other duties those of judge of the juvenile and domestic relations court. Because of the circumstances of this kind of work, and in order to protect the reputations of persons involved, the records of the trial justice court are not open to public inspection.[13]

The trial justice is required to keep a docket, uniform throughout the State, and furnished by the State in the form approved by the Auditor of Public Accounts. It contains all causes coming or prosecuted before him and the final disposition, together with an account of all fines and costs imposed.[14] In Powhatan, there are separate civil, juvenile and domestic relations, and criminal dockets.

All papers relating to proceedings before him, except in those cases removed, appealed, or otherwise directed to be returned sooner, remain in his office for 1 year, or for 3 years if a fine is paid in installments. During this period abstracts of judgments may be granted and original and additional executions may be issued by his clerk in accordance with the general laws of the State. They are then returned to the clerk of the circuit court, to be filed, indexed, and preserved; thereafter they have the force and effect of judgments of the circuit court.[15]

It was provided in 1922, when the juvenile and domestic relations court was established, that the special presiding justice should use the forms and books prescribed by the State Board of Public Welfare, and that the books and records should remain in his office under his control and not be removed therefrom.[16] When under the trial justice acts of 1934 and 1936 all original papers were to be returned to the circuit court, the only record to remain was the permanent order book. The juvenile and domestic relations docket is the current continuation of this book.

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9. Code 1919, sec. 3102; Acts 1934, pp. 469-470.
10. Acts 1936, p. 620.
11. Ibid., p. 622.
12. Acts 1922, pp. 835-837.
13. Ibid., p. 838; Acts 1934, p. 473; Code 1936, sec. 1953(g).
14. Acts 1934, p. 472; Acts 1936, p. 625; Code 1936, sec. 4987(i).
15. Acts 1934, p. 472; Acts 1936, pp. 625-626; Code 1936, sec. 4987(j).
16. Acts 1922, p. 838.

Justice of the Peace (208-213)

Dockets

Civil

208. CIVIL DOCKET, 1934--. 2 file boxes (one not labeled; 2). Original lists of civil cases tried by the trial justice showing names of plaintiff and defendant, amount of costs, and disposition of case. Arr. chron. No index. Hdw. on ptd. forms. 10½x5x14. Clk. off.

209. CIVIL DOCKET, 1934--. 1 vol. Record of civil cases tried by trial justice showing name of county, case number, name of trial justice, names of plaintiff and defendant, nature of suit, disposition of case. Arr. chron. Indexed alph. by surnames of plaintiff and defendant and chron. thereunder. Hdw. on ptd. forms. 300 pp. 12½x12x3½. Clk. off.

Criminal

210. CRIMINAL DOCKET, 1934--. 2 file boxes (one not labeled; 2). Original lists of criminal cases tried by the trial justice showing name of defendant, offense charged, amount of fine and costs, disposition of case. Arr. chron. No index. Hdw. on ptd. forms. 10½x5x14. Clk. off.

211. CRIMINAL DOCKET, 1934--. 1 vol. Record of criminal cases tried by the trial justice showing name of county, name of trial justice, case number, name, birthplace, age, race, marital status, occupation of defendant, offense charged, date of warrant and date of appearance, date of conviction, term of imprisonment or amount of fine, cost of prosecution. Arr. chron. Indexed alph. by surname of defendant and chron. thereunder. Hdw. on ptd. forms. 300 pp. 13x11½x3. Clk. off.

Juvenile and Domestic Relations

212. JUVENILE AND DOMESTIC RELATIONS DOCKET, 1934--. 1 file box. Original lists of juvenile and domestic relations cases tried by the trial justice showing name of complainant, name, age, race, address, birthplace, and occupation of defendant, brief description of offense, names of witnesses, by whom warrant issued, names of officers making arrest and serving papers, statement of costs, notations as to payment of fine and costs. Arr. chron. No index. 10½x5x14. Clk. off.

213. JUVENILE AND DOMESTIC RELATIONS DOCKET, 1934--. 1 vol. Record of juvenile and domestic relations cases showing name of county, name of complainant, brief description of offense, names of witnesses, by whom warrant issued, names of officers making arrest and serving papers, statement of costs, notations as to payment of fine and costs. Arr. chron. Indexed alph. by surname of defendant and chron. thereunder. Hdw. on ptd. forms. 300 pp. 13x12x3. Clk. off.

VII. JUSTICE OF THE PEACE

Long before the formation of counties in Virginia, following a tradition centuries old in England, the office of justice of the peace functioned on its own in minor matters, and the justices enjoyed the dignity of being members of

the bench of the monthly (later county) court. The justice's jurisdiction had been limited in 1658 to cases involving no more than the value of 350 pounds of tobacco; but by associating himself with another justice, he might jointly hear cases up to 1,000 pounds of tobacco in value. The right of appeal to the court, however, was reserved to the parties to the suit, and the justices from whose decision the appeal was taken were excluded from the bench for the trial of the appeal.[1] The justice had, in his jurisdiction of criminal cases, the power of arresting and binding over lawbreakers, and of protecting the liberty of the person. He might also hear an indentured servant's complaint against his master, and issue warrants of hue and cry for the pursuit of malefactors.[2]

From the beginning of the office, the justices were appointed by the Governor,[3] and might be called upon to act individually as sheriff[4] or coroner.[5] The former office devolved upon the members of the bench in regular rotation from 1660 until 1776, when the Governor once more filled it by appointment.[6]

In 1792 the justice was authorized to have brought before him any person suspected of being of unsound mind, and, acting with two other justices, might commit such person to a hospital. This duty is still his, except that today only one justice is on the examining commission.[7]

The status of the justice of the peace was not thereafter materially altered until 1851 when the new constitution[8] and subsequent acts provided for the division of each county into districts and the popular election of four justices from each district for a 4-year term.[9] The Constitution of 1869 still further affected the office. At that time, the justices were removed from the bench of the county court, a single judge was appointed by the General Assembly, and three justices were elected from each township for a term of 3 years.[10] The justices individually had concurrent jurisdiction with the county court in cases of petit larceny or assault and battery without felonious intent,[11] could hear claims for breach of contract, and could hear and determine actions for debt to the amount of $50 (later $100) or fines to the amount of $20. These cases might be transferred to the county court when the amount in controversy exceeded $20.[12]

In 1875, when the townships were abolished, the magisterial district became the basic electoral division, and the justice's term was again reduced by a year.[13]

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1. Hening, Statutes, I, p. 435.
2. Ibid., I, pp. 255, 483; ibid., II, p. 70; Bruce, Institutional History, I, pp. 480-481.
3. Hening, Statutes, I, pp. 132-133; ibid., II, pp. 69-70.
4. Ibid., II, p. 21.
5. Ibid., II, p. 325.
6. See footnote 4; Const. 1776, art. XV.
7. Shepherd, Statutes, I, p. 163; Code 1936, secs. 1017-1019.
8. Const. 1851, art. VI, sec. 27.
9. Acts 1852, p. 64.
10. Const. 1869, art. VI, sec. 13; ibid., art. VII, sec. 2; Acts 1869-70, p. 80.
11. Acts 1870-71, p. 362.
12. Code 1873, p. 1003; Acts 1891-92, pp. 975-976.
13. Acts 1874-75, p. 134.

Justice of the Peace (Next entry 214, p. 114)

The Constitution of 1902 left the election and term of the justices to the discretion of the assembly, which increased the term of office to 4 years.[14] Upon the abolition of county courts, the justices were granted concurrent jurisdiction with the circuit court in all violations of the revenue laws of the State, and original jurisdiction in the trial of misdemeanors within their districts. Appeal to the court was allowed at any time within 10 days after verdict.[15] Civil jurisdiction in small claims continued substantially the same,[16] but in 1926 it was provided that any case involving a misdemeanor punishable by a jail sentence of 3 months or more might be removed to the circuit court on application of the defendant.[17]

The law creating trial justice courts, after the decline of the authority of the justice of the peace, stripped this formerly potent officer of the law of most of his powers and jurisdiction. Powhatan County adopted the law in 1934.[18] Besides being a conservator of the peace, he sits in lunacy proceedings and may take acknowledgments in the same manner as a notary public.[19]

The actions of the justices as members of the county court are expressed at length in the court books; of their jurisdiction as individuals few traces are left.

If any person presumed to execute the office of a justice of the peace without first qualifying as prescribed by law he was compelled to forfeit $1,000, one-half to the use of the Commonwealth and one-half to the informer, to be recovered by action of debt in any court of record in the Commonwealth.[20] In case of his failure to take the proper oath within 6 months after the date of his commission, it automatically became void.[21]

So far as research discloses, the compensation of justices of the peace as individuals, rather than as members of the county court, has been about the same as that prescribed by the laws in force when the Constitution of 1869 was adopted and has consisted mainly of fees for certain services, taxed in the same manner as other costs.[22]

About the year 1852, the office of justice of the peace was declared vacant, not only upon his death, resignation or removal but also when he failed to qualify within 30 days after the receipt of his commission.[23] Whenever a vacancy occurred in any district, the justice elected to supply the vacancy was required to occupy the place and serve the unexpired term of the justice who preceded him.[24] If a vacancy existed in the office before an election, it was filled by appointment of the Governor.[25]

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14. Const. 1902, art. VI, sec. 108; Acts 1902-3-4, pp. 506, 743; Code 1919, sec. 127.
15. Ibid., pp. 615-616.
16. Ibid., pp. 615-616; Code 1936, sec. 6015.
17. Acts 1926, p. 83.
18. See Trial Justice, pp. 109-110.
19. Acts 1934, pp. 469-470; Code 1936, secs. 1017, 4789, 5205; Acts 1938, p. 361.
20. Code 1819, I, pp. 245-246.
21. Code 1849, p. 244.
22. Acts 1869-70, p. 281.
23. Acts 1852, p. 67; Acts 1857-58, p. 31.
24. Acts 1852, p. 66.
25. Acts 1869-70, p. 17.

No records or reports were required of the justices until 1819, and then only for systematizing the satisfaction of judgments. Cases were still tried without formal pleas or evidence, and they were not required to be entered in writing even when appealed to the court.[26]

Since then, the justices have had to keep a record book of judgments rendered and executions issued.[27] They also keep fee books, and records of warrants issued.[28]

Such other records as justices kept were required to be returned to the court for preservation and will be discussed in the section on the records of the circuit court.

214. WARRANT AND SERVICE, 1936--. 1 vol.
Record of warrants issued and charges for services rendered county kept by Mr. G. C. Olmstead, justice of the peace showing date of warrant, name of defendant, offense charged, other services rendered. Arr. chron. No index. Hdw. 20 pp. 5x2½x1½. In possession of J. P.

215. JUSTICE RECORDS, 1877-84, 1887-1904. 2 vols. Title varies:
Justice of Peace, Spencer District, Powhatan County, 1877-84.
Record of judgments rendered by justices of the peace showing date of judgment, names of plaintiff and defendant, amount of judgment, amount of interest. Arr. chron. Indexed alph. by surnames of plaintiff and defendant and chron. thereunder. 1877-84 hdw.; 1887-1904 hdw. on ptd. forms. Aver. 288 pp. 13x8x1. Storage.

216. JUSTICES JUDGMENT AND EXECUTION BOOK, 1916-34. 1 vol.
Record of the justice of the peace of judgments rendered and executions issued showing names of parties, date of judgment, amount of judgment, date from which amount bears interest, amount of costs, date of execution, date delivered, to whom delivered, date returnable. Arr. chron. by date of judgment. Indexed alph. by surname of plaintiff. Hdw. on ptd. forms. 100 pp. 15x9x1. In office of J. T. Crump, former J. P.
For circuit court clerk's records, see entry 108.

VIII. SHERIFF

A sheriff in Virginia is as much an administrative officer of the circuit court as he is a conservator of the peace. Though he has lost many of his duties as the former, his time is occupied equally with administrative functions and law enforcement. Before the appointment of the sheriff as a county officer in 1634, his duties were performed by the provost marshal,[1] and since then the

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26. Code 1819, I, pp. 252-253; Code 1936, sec. 6038.
27. Acts 1820-21, p. 33; Code 1849, p. 596; Code 1887, sec. 2944; Code 1936, sec. 6024.
28. Ibid., sec. 3494 (notations of warrants are probably kept only as a matter of convenience, there being no mention of such a record in this section).

1. Hening, Virginia Justice, p. 628.

Sheriff (Next entry 217, p. 118)

manner of commission and the tenure of his office have followed the same pattern as other county agents.

A sheriff may hold no other office while serving in that capacity, with certain minor exceptions.[2] This limitation applies equally to the holding of a Federal office.[3] Any one who violates the law against dueling may also be disqualified for the holding of office.[4]

In the course of Virginia history, the sheriff has changed from an appointive to an elective officer. In the early part of the seventeenth century, the sheriff was appointed by the Governor and Privy Council, from a list of candidates presented to them by the commissioners, as the body of justices of the peace was then known. The appointee was to hold office for 1 year.[5] The sheriff was always a member of the county court, and the eight commissioners held the office in rotation.[6] In 1705, the tenure was extended to 2 years. A limited number of justices of the county court were to be nominated by the court to the Governor, who appointed and commissioned one of them to fill the office.[7] In case of neglect or refusal on the part of the county court to submit nominations, the Governor could appoint any one of them on his own initiative.[8] In 1785 tenure was set at 1 year with a 2-year term provided the incumbent so desired and the Governor approved.[9] In 1795 it was provided that if all of the justices of the peace refused to accept the office, the county court could recommend freeholders to the Executive, one to be appointed by the latter.[10]

In 1851, the sheriff for the first time became an elective officer. His tenure was fixed at 2 years.[11] He is still elected, but his tenure was extended to 3 years in 1869 and to 4 years in 1874. No other changes have occurred.[12]

Sheriffs, with the consent of the circuit court (formerly with the consent of the county court), may appoint deputies.[13]

The sheriff, like other county officers, must take any oaths required of him before carrying out the duties of office. His oath at present requires him to support the Federal and State Constitutions and to perform faithfully the duties of his office.[14] He also gives security for the proper execution

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2. Code 1919, sec. 2702; Acts 1920, pp. 281-282; Code 1936, sec. 2702.
3. Code 1936, sec. 292.
4. Const. 1902 (as amended 1928), art. II, sec. 23; Code 1936, sec. 289.
5. Hening, Statutes, I, pp. 259, 392, 442.
6. Ibid., II, pp. 21, 78.
7. Ibid., III, pp. 246-247.
8. Ibid., III, p. 500; ibid., IV, p. 84; ibid., V, p. 515.
9. Ibid., XII, p. 98.
10. Shepherd, Statutes, I, p. 367.
11. Const. 1851, art. VI, sec. 30.
12. Const. 1869, art. VII, sec. 1; Const. 1869 (as amended 1874), art. VII, sec. 1; Const. 1902, art. VII, secs. 110, 112; Const. 1902 (as amended 1928), art. VII, secs. 110, 112.
13. Acts 1852, p. 67; Code 1860, p. 282; Code 1936, sec. 2701.
14. Acts 1936, p. 49; Code 1936, sec. 269.

of his duties. Today the penalty of his bond is from $10,000 to $60,000 when personal security is given. When the surety on his bond is a guaranty or surety company, the penalty is fixed at $5,000 to $30,000.[15] A bond has been required of the sheriff from the earliest times. It has only varied in amount and character. When the sheriff's duties were more comprehensive, he had to give a bond for collection of public taxes, county levies, and poor rates. In case of failure to give bond, his office was declared vacant within 60 days.[16]

The sheriff has always received his compensation from fees. By an act of 1642, sheriffs' fees were regulated by law and this has remained the case.[17] In 1796 a bonus was paid a sheriff for collecting taxes and paying them into the treasury on time; in addition he received a commission on the total amount collected.[18] By 1870 this rule was still in effect, although the percentage was reduced.[19] In 1914 it was provided that the sheriff's compensation must be limited to an amount dependent upon the size of the county. The Powhatan sheriff could thus receive no more than $4,000 a year, the law stipulating this maximum income for the officer in counties having a population of less than 32,000.[20]

Vacancies caused by death were filled by the Governor, who appointed one of the surviving original nominees for the office. In case of temporary vacancy the predecessor continued in office. In case of vacancy by death, the county court in 1776 was given the power to appoint a sheriff pro tempore who could exercise all the powers of the sheriff until a new one was appointed.[21] When the sheriff refused to give bond, the court could appoint another in his place.[22] Later, when there was no sheriff or coroner, the Executive appointed a collector of revenue, for the purpose of tax collecting.[23] In 1851, in case of vacancy for causes other than death, the county court could appoint a collector to carry out the financial duties of the sheriff.[24] Removal from the county by a sheriff constituted a vacation of the office.[25] Later, vacancies were filled by appointment by the county court or by the judge thereof in vacation.[26] The sheriff could be removed from office for refusing to collect taxes,[27] and he could be fined if he refused to accept the office of sheriff,

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15. Acts 1924, pp. 684-685.
16. Hening, Statutes, I, p. 284; ibid., III, pp. 247, 264; ibid., V, p. 111; ibid., VII, p. 395; ibid., IX, p. 222; Code 1819, I, p. 279; Code 1849, p. 246; Acts 1852, p. 67; Acts 1869-70, pp. 18, 257-258.
17. Hening, Statutes, I, p. 295; ibid., IV, pp. 72-73, 502-503; ibid., V, pp. 48-50, 337-339; Code 1819, I, p. 282; Code 1849, p. 213; Code 1919, sec. 3487; Acts 1936, p. 545; Code 1936, secs. 3508, 3509.
18. Shepherd, Statutes, II, p. 19.
19. Acts 1869-70, pp. 251-252.
20. Acts 1914, p. 708; Report of the Secretary of the Commonwealth . . . (1937-38), Richmond, 1938, p. 227 (Powhatan County had a population of 6,099 in 1910 and 6,552 in 1920).
21. Hening, Statutes, III, p. 500; ibid., VIII, p. 525; ibid., IX, p. 169; Code 1819, I, p. 277.
22. Hening, Statutes, IX, p. 358.
23. Code 1819, II, pp. 34-35.
24. Acts 1850-51, p. 9.
25. Acts 1852, p. 67.
26. Acts 1869-70, p. 18; Acts 1902-3-4, p. 745.
27. Hening, Statutes, X, p. 13.

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when once appointed.[28]

The sheriff's duties may be divided into three categories. As a law-enforcing officer, he makes arrests, suppresses unlawful assemblies, executes writs and other processes, serves subpoenas and attachments, attends the meetings of the circuit court to carry out its orders, and serves as jailer. Formerly he raised a force to apprehend run-away slaves. As a financial officer, the sheriff collected the county levies and State taxes on tithables, officers' fees and other fees, militia fines and other fines, amercements, forfeitures, and the poor rate upon the request of the overseers of the poor, and distributed the taxes according to the provisions of the annual levy. He made an accounting of all levies collected by him. He also collected the parish levy when required by the churchwardens of the parish. In the role of election official, the sheriff gave notice of elections, conducted the poll and certified the election of delegates and State senators. He also made returns of the elections. At one time he could name the burgess if the election resulted in a tie.[29]

Additional duties have been imposed upon the sheriff from time to time. In 1831 he was authorized to purchase delinquent lands for the Commonwealth, and was required to return a list of delinquent lands to the county court. He was further required to compile several tax lists: of lands and lots sold by him for the nonpayment of taxes, of property improperly charged on the commissioners' land books, and of other delinquent real estate.[30]

In 1870 the sheriff lost one of his primary functions. To the newly created office of treasurer were delegated his tax-collecting duties.[31] He had previously, in 1831, lost to special election officials his election powers, except that of posting notices.[32] At present he must post lists of persons who have paid their poll tax.[33]

New duties were later added to those of the sheriff, including the execution of condemnation proceedings, attendance at meetings of the board of supervisors when requested, and the conducting of sales of property upon the order of the court.[34] He also takes into custody persons declared insane.[35] He may act as administrator of an estate in case no one else has been appointed.[36]

The sheriff receives prisoners into his custody, guards the jail, and attends court during its session and acts upon its orders.[37]

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28. Ibid., III, p. 501; ibid., V, p. 516.
29. Bruce, Institutional History, I, p. 598; Hening, Statutes, I, pp. 264-265, 300; ibid., II, p. 292; ibid., III, pp. 86, 239; ibid., IV, p. 130; ibid., VII, p. 97; ibid., VIII, pp. 309, 311-312; ibid., IX, pp. 361, 527; ibid., XII, pp. 122-125; Acts 1936, p. 381; Code 1936, sec. 2868.
30. Acts 1831-32, pp. 61-64.
31. Acts 1869-70, p. 257.
32. Acts 1830-31, pp. 19-22, 33; Acts 1833-34, p. 59.
33. Const. 1902 (as amended 1928), art. II, sec. 38; Code 1936, sec. 109.
34. Code 1887, sec. 3403; Acts 1893-94, p. 941; Code 1936, sec. 6278.
35. Acts 1902-3-4, p. 126.
36. Ibid., p. 595; Code 1936, sec. 5811.
37. Shepherd, Statutes, II, p. 29; Code 1819, I, p. 235; Acts 1822-23, pp. 33-34; Code 1936, secs. 2857, 2869.

The sheriff is always responsible for his acts and the counties can never be called upon to assume liability for them.[38]

The sheriff today makes few records and keeps none except a fee book.[39] Those which he formerly kept as tax-collecting officer will be found among the papers of the county treasurer, who inherited his records and duties alike. His accounts for compensation are presented to the circuit court and there filed, as are the writs which pass through his hands for service, and his returns and reports of his posting of election notices, poll lists, and other advertisements of public interest.[40]

217. ORDER BOOK, 1936--. 1 vol.
Record of fees due sheriff, including fees for serving summons and search warrants, making arrests, transportation to and from state farm, and jail fees. Arr. chron. No index. Hdw. 100 pp. 12x7x½. In possession of sheriff.

IX. JAILER

The deputy sheriff of Powhatan County discharges the duties of jailer for his county.[1] From the beginning he has been a fee officer.[2]

The compensation allowed a jailer for his services has been governed by circumstances and the duties required of him. It is based on a per diem rate, established through the years, for receiving a prisoner into custody, for keeping and supporting him, and for discharging him.[3] An allowance was made the jailer in 1918 when in his opinion it became necessary, or when he was ordered by the court, to summon a guard for the safekeeping of a prisoner under charge of, or sentence for crime. The circuit court could allow as much as it deemed proper, not exceeding $2 per day for each man.[4] A similar allowance was made the jailer as far back as 1796.[5]

One of the general duties of the jailer has been to take a receipt for every prisoner delivered from his charge. This receipt released him from all liability for the escape of such persons as long as they were not in his custody.[6] It has been the duty of the jailer for many years to furnish every prisoner in his jail with wholesome and sufficient food, with sufficient fire when necessary, and with clean and sufficient bedclothes.[7] He is also ordered to keep safe all prisoners committed to his keeping under the authority of the United States, as ordered in the warrant of commitment, until he should be dis-

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38. Const. 1869, art. VII, sec. 6; Const. 1902 (as amended 1928), art. VII, sec. 114.
39. Code 1936, sec. 3494.
40. See Circuit Court, pp. 77-80.

1. Hening, Statutes, I, pp. 264-265; Acts 1936, p. 381; Code 1936, secs. 2868-2870; Watts vs. Commonwealth, 99, Va. 872, 39 S. C. 706.
2. Hening, Statutes, I, p. 266; Acts 1936, pp. 545-546; Code 1936, sec. 3487.
3. Acts 1869-70, p. 560; Acts 1908, p. 362.
4. Acts 1918, p. 302.
5. Shepherd, Statutes, II, p. 29.
6. Acts 1877-78, p. 321.
7. Code 1819, I, p. 235; Code 1887, sec. 928; Code 1919, sec. 2857.

charged by the due course of the laws of the United States.[8] Insane persons are committed to the care of the jailer and he is compelled to receive them and is paid the same for their maintenance as for other persons so committed.[9]

The penalty imposed upon the jailer for neglect of duty with regard to the escape of a prisoner is confinement in the penitentiary for not less than 2 nor more than 10 years.[10] One of his duties is to attend the sessions of court, and act upon its orders.[11]

The keeping of a jail record showing name of prisoner, offense convicted of, date of conviction, term of imprisonment, and date term expires is required of the officer.[12]

218. (JAIL RECORD), 1936--. 1 vol.
Record of prisoners in county jail showing name of prisoner, by whom committed, offense convicted of, date of conviction, term of imprisonment, amount of costs, date term expires. Arr. chron. No index. Hdw. 100 pp. 15x6x½. In home of J. E. Fariss, jailer.

X. CONSTABLE

More than a century before the formation of Powhatan County from Cumberland County in 1777, the office of constable came into existence, as some the earliest acts of the Assembly bear witness. One of these (passed in 1643), required the constables to view all the corn in their precincts and report to the commissioners of the monthly courts any person failing to plant 2 acres.[1] Later (1658), the constable was required to take into custody run-away servants, punish them, and pass them on to the constable of the adjoining county until such run-away was returned to his master.[2] Another duty of the constable was to view tobacco for slips or suckers and destroy any that were found.[3]

By the Constitution of 1776, constables were appointed by the justices of the county court.[4] An act of 1803 provided for the appointment for a 2-year term of as many as were necessary. They were required to take the oaths and enter into bond in the penalty of $500.[5]

In 1807 the counties were divided into precincts and the county court was empowered to appoint one or more constables for each.[6] No further changes occurred until the Constitution of 1851 provided for the election of these

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8. Ibid., I, p. 633; Code 1860, p. 290; Code 1919, sec. 2875.
9. Acts 1818-19, p. 48; Code 1919, sec. 1020.
10. Code 1860, p. 799; Acts 1847-48, p. 106; Code 1919, sec. 4505.
11. Hening, Statutes, I, p. 266; Acts 1936, pp. 545-546.
12. Acts 1910, p. 374; Acts 1932, p. 815; Code 1936, sec. 2860.

1. Hening, Statutes, I, p. 246.
2. Ibid., I, p. 483.
3. Ibid., IV, p. 242.
4. Ibid., IX, p. 117.
5. Shepherd, Statutes, II, pp. 403-404.
6. Ibid., III, p. 296.

officers.[7] With the formation of townships in 1869, one constable was to be elected each year for a 3-year term, provided that at the first election held under this provision, three constables were to be elected, whose terms were to be 1, 2, and 3 years respectively.[8] Upon the abolition of townships, one constable for each magisterial district was to be elected to serve 2 years.[9] This law remained unchanged until 1904 when the term of office was increased to 4 years. The manner of election and tenure of office have remained unchanged.[10]

Constables have been required through the years to take an oath and give bond in amounts varying according to circumstances and financial conditions ranging downward from $2,000 to $500 between the years 1852 and 1924. The bonds are certified to the proper officers for recordation.[11]

The removal of a constable from the district in which he was elected constituted a vacancy in his office.[12] In the event of a vacancy, for any reason, an appointment could be made by the Governor or, at present, the circuit court, until the office can be properly filled by appointment or election.[13]

Ever since the creation of the office, the constable's duties have been clearly prescribed. He is a conservator of the peace, serves warrants, serves attachments, and conveys prisoners to jail.[14]

When constables were appointed for precincts in 1807 their duties of serving warrants and executions were limited to their respective precincts, but since 1858 they have been permitted to act anywhere in the county.[15]

No record except a fee book has been required of the constables. Since fee books have generally remained in the possession of the officer keeping them, they are seldom found among county records. One early constable's fee book, however, is preserved in the archives of Powhatan County.[16]

219. THE FOLLOWING ACCOUNTS ARE DUE JAS. B. DAVIS FOR SERVICES AS CONSTABLE OF POWHATAN COUNTY, 1821-27. 1 vol.
Record of accounts due constable for services rendered State, county, or individuals showing names of parties and amount due. Arr. alph. by surname of party. No index. Hdw. 150 pp. 8x4½x1. Storage.

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7. Const. 1851, art. VI, sec. 30; Acts 1852, p. 64; Acts 1857-58, p. 28.
8. Const. 1869, art. VII, sec. 2; Acts 1869-70, p. 80.
9. Acts 1874-75, p. 134.
10. Acts 1902-3-4, p. 506; Code 1936, sec. 127.
11. Acts 1852, pp. 12, 67; Acts 1895-96, p. 825; Acts 1924, p. 685.
12. Acts 1852, p. 67.
13. Acts 1869-70, p. 17; Code 1936, sec. 136.
14. Hening, The Virginia Justice, pp. 205-206; Shepherd, Statutes, II, p. 404; Code 1936, sec. 3487.
15. Shepherd, Statutes, III, p. 296; Acts 1857-58, p. 28; Code 1936, secs. 2518, 2561.
16. Originally, no fee book was specifically required, but the constable's accounts of fees were submitted to the sheriff for collection; Code 1819, I, p. 302. Thereafter a fee book was mandatory, but was not specifically a public record; Code 1849, p. 699; Code 1936, sec. 3494.

(Next entry 220, p. 127)

XI. CORONER

The coroner had been an officer in Virginia long before Powhatan County was established and, like the sheriff, was appointed by the Governor from among the members of the county court to hold office in an ex-officio capacity.[1]

The first State Constitution (1776) provided that coroners be nominated by the respective courts, approved by the Governor with the advice of the Privy Council, and commissioned by the Governor.[2] In 1792, the Governor was authorized to approve and commission one of two persons recommended by the county court, to hold office during good behavior. If the county court felt the need of additional coroners, it could send further recommendations to the Governor.[3] This remained the law until 1896 when the county court judge took over the appointive power, naming one or more coroners for a tenure of 2 years. In 1903 this function was transferred to the circuit court judge.[4] From 1912, the coroner's tenure has been 4 years. An eligibility requirement was introduced for the first time in that year, when it became necessary for the officer to be a registered physician. These regulations are still in effect.[5]

Before entering upon the duties of his office, the coroner must qualify before the circuit court by taking the oath of office and giving security for the faithful performance of his duties in an amount determined by the court.[6] Earlier, the coroner was fined $1,500 for failure to qualify, and could be held civilly liable as a private citizen for incompetent performance of his duties. When he acted as tax collector in place of the sheriff, his bond amounted to $30,000.[7] At present, the coroner's oath requires him to support the Federal and State Constitutions and to perform faithfully the duties of his office.[8] Earlier it had been necessary for him to take the oath against dueling required of all officers of the State.[9]

The coroner has been a fee officer throughout the existence of the office. In 1677 an act provided a fee for a coroner's inquest, and if there were no coroner, the justice of the peace performing this duty received the fee.[10] A law of 1878 provided a larger fee for a coroner when he was a physician and made an examination of the corpse at the time of the inquest. This remains the case today. The amount of the fee is regulated by law.[11]

The coroner may be removed from office by the circuit court for malfeasance, misfeasance, incompetency, or negligence in the conduct of his official

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1. Hening, Virginia Justice, p. 209; Bruce, Institutional History, I, p. 603.
2. Const. 1776, art. XV.
3. Shepherd, Statutes, I, pp. 48-49.
4. Acts 1895-96, p. 696; Acts 1902-3-4, pp. 574-575.
5. Acts 1910, pp. 344-345; Code 1936, sec. 2815.
6. Ibid., sec. 2818.
7. Code 1819, I, pp. 287, 292; the Code of 1919 fails to mention any punishment for failure to qualify.
8. Acts 1936, p. 49; Code 1936, sec. 269.
9. Code 1819, I, p. 73; Code 1860, p. 101; Code 1887, sec. 169; Code 1919, sec. 270; (repealed) Acts 1926, p. 318.
10. Hening, Statutes, II, p. 419.
11. Acts 1877-78, p. 325; Code 1936, secs. 3487, 3508, 4818.

duties, intoxication in public, conviction of gambling, or moral turpitude.[12]

In the early days of the Commonwealth, the coroner was allowed to appoint deputies with the approval of the court. After they had taken the proper oath and given security, the deputies were qualified to discharge the duties of the coroner.[13] No provision for the appointment of deputies appears after 1860.

In case of neglect or failure of the coroner to execute and make proper return of any writs, he was liable to the same penalties as the sheriff for like breaches or neglect of duty, as early as 1765.[14] In 1853, a coroner "knowingly making any false, erroneous or fraudulent entry, record, registration or written statement" was held liable to a fine of not less than $100 nor more than $500.[15] Fifteen years later, a fine of $100 was to be imposed upon a coroner for failure to perform duties required of him.[16] Both these latter provisions remain in force today.[17]

In case of vacancy of the coroner's office, the Governor filled it by appointing one of two persons nominated by the county court.[18] When the office was vacant and no person authorized to collect the revenue thereof, the Governor appointed a collector for that purpose.[19] If the coroner failed to act, or was not authorized to act, or there was none in the vicinity, any justice of the peace in the county could perform the duties of the office.[20] At present, vacancies in the coroner's office are governed by the general law covering vacancies in county office. The position is to be filled by the circuit court of the county, "or the judge thereof in vacation."[21]

During a vacancy of the office, a constable may act in place of the coroner. He is liable to the same penalties as the coroner in case of improper performance of the duties.[22]

When there was a vacancy in the office of sheriff, the coroner performed all of his duties except those which related to the collection of the public revenue. After 1816 this exception was removed, the coroner acted as collector when no person qualified as sheriff. Today the majority of the sheriff's duties can be performed by the coroner. The coroner may also serve processes and summon juries in place of the sheriff when the latter is disqualified.[23]

The judicial duty of the coroner has remained generally the same since the institution of the office. It is confined to holding inquisitions where

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12. Ibid., secs. 2705, 2815.
13. Acts 1817-18, p. 17; Code 1860, p. 282.
14. Hening, Statutes, VIII, pp. 119-120.
15. Acts 1852-53, p. 42.
16. Acts 1866-67, p. 920.
17. Code 1936, secs. 4491, 4816.
18. Code 1819, I, p. 286.
19. Ibid., II, pp. 34-35.
20. Acts 1877-78, p. 324.
21. Code 1936, sec. 136.
22. Ibid., sec. 2819.
23. Shepherd, Statutes, III, p. 295; Acts 1815-16, p. 9; Acts 1817-18, pp. 16-17; Code 1819, I, p. 291; Code 1936, sec. 2817.

persons have met sudden, violent or unnatural deaths. He is required to hold an inquest over the body of a person who has met death under suspicious circumstances. In addition, he may require one or more physicians to attend the inquest, and summon witnesses to appear before him. When the inquiry has been completed, he returns to the circuit court of his county the report of the inquisition, together with the written testimony and recognizances taken by him. The coroner may issue a warrant for arrest in the same manner as a justice, in case the person he found guilty of the homicide is not in custody. Earlier, if guilt were established, the coroner took possession of the guilty person's real and personal property until he surrendered himself or was found. It is his duty to deliver the accused to the sheriff to be committed to jail until the next term of court. Furthermore, if he is a justice of the peace, he is allowed authority to hold examining courts.[24]

The coroner must in most cases provide for decent burial of a dead person.[25] His permission is necessary before embalming when any suspicion of crime exists.[26]

The coroner acting in his judicial capacity is required to keep a record of deaths in relation to which he acts officially. Since he makes returns of all inquisitions, written testimonies, and recognizances to the circuit court,[27] there are no permanent public records kept by the coroner himself.

XII. COMMISSIONER OF THE REVENUE

The office of commissioner of the revenue commenced in the same year as the formation of Powhatan County in 1777. Special officers, appointed by the county court to list all taxable property, were predecessors in office of the present commissioners of the revenue.[1]

In 1660 counties were divided into tax precincts and a special commissioner was appointed in each to list the tithables.[2] A few years prior to this, following the English custom, the poll taxes were collected by the sheriff, but as early as 1647, special commissioners were occasionally appointed in sparsely settled counties in order to relieve the sheriff of this burden.[3]

The first major change in the manner of appointment was in 1777, when three commissioners of the tax were to be elected annually. If no election was held, the county court might appoint them, but Powhatan held such an elec-

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24. Hening, Virginia Justice, pp. 210-211; Shepherd, Statutes, I, pp. 49-50; Code 1819, I, pp. 288-289; Acts 1910, pp. 338-339; Code 1936, secs. 4806-4808, 4810-4815.
25. Acts 1933-34, p. 498.
26. Code 1936, sec. 1727.
27. Shepherd, Statutes, I, p. 50; Acts 1902-3-4, p. 840; Acts 1926, p. 461.

1. Hening, Statutes, I, pp. 305-306; ibid., VI, pp. 41-42, 499.
2. Ibid., II, p. 19; Bruce, Institutional History, II, pp. 551-552.
3. Ibid., II, pp. 570-571.

Commissioner of the Revenue (Next entry 220, p. 127)

tion in 1780.[4] Later the term was increased to 2 years. The commissioners of the tax became appointive officers of the county in 1782, when their number was reduced to two and their term of office extended to 3 years. The number was altered again in 1786, being limited to one for each county.[5] In 1792 an act imposing a public tax mentioned the name "commissioner of the revenue" for the first time.[6] There were two in Powhatan County.[7] There were no changes until the constitutional convention of 1851 made the commissioner an elective officer serving 2 years.[8] Another change was made by the Constitution of 1869, establishing the township form of government. One commissioner, called the township assessor, was elected in each of the three townships of Powhatan County, Hugenot, Spencer, and Macon.[9]

When the townships were abolished in 1875, the township assessors were replaced by one commissioner of the revenue elected for a 4-year term.[10] The Constitution of 1902 provided for either the appointment or election of the commissioner of the revenue for 4 years. In 1903 he was elected, but in 1906 the circuit court appointed him, while in 1908 he was again elected by the people. He is still so elected for a term of 4 years.[11]

The commissioner of the revenue has long had the authority to appoint deputies to assist him in the performance of his official duties. Such assistants have to take proper oaths and the principal commissioners are held liable for their conduct.[12]

In the year 1777, before entering upon the duties of his office, the commissioner of the revenue was required to take the oath before a justice of the peace and give the bond prescribed by law for the faithful performance of his duties.[13] In 1819 the commissioner gave bond, upon his qualification, in the penalty of $1,000, conditioned upon the faithful performance of his duties, which bond was made payable to the Governor or chief magistrate for the time being, in the county or corporation court.[14] From 1852 to the present time he has usually taken the oath before the county or circuit court.[15] His bond has varied from $1,000 to $5,000, and is now from $1,000 to $3,000 at the discretion of the court or judge before whom he qualifies.[16]

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4. Hening, Statutes, IX, pp. 351-352, 363-364; "Powhatan Co. Order Book Records" (1777-84), p. 144, in Common Law Orders, Powhatan County Court, see entry 175.
5. Hening, Statutes, XII, p. 244.
6. Ibid., XI, p. 142; ibid., XII, p. 244; ibid., XIII, p. 336.
7. "The Council Journals" (1777-78), p. 141. Manuscript volumes, VI, archives stack-rm.
8. Const. 1851, art. VI, sec. 30; Acts 1852, p. 64.
9. Const. 1869, art. VII, sec. 2; Acts 1869-70, p. 633.
10. Proposed amendments passed by Acts 1872-73; pp. 274-277, and Acts 1874, pp. 95-98, and later ratified by the people as in Long, The Constitution of Virginia, p. 103; Acts 1874-75, p. 215; Acts 1936, p. 462.
11. Const. 1902, art. VII, sec. 110; Acts 1902-3-4, p. 106; Acts 1906, p. 252; Acts 1908, p. 66; Const. 1902 (as amended 1928), art. VII, secs. 110, 112.
12. Shepherd, Statutes, III, p. 65; Code 1819, II, pp. 31-32; Acts 1847, p. 10; Acts 1852, p. 9; Acts 1865-66, p. 4; Acts 1869-70, p. 47; Acts 1938, p. 17.
13. Hening, Statutes, IX, p. 252; ibid., X, p. 10.
14. Code 1819, II, p. 16.
15. Acts 1852, p. 67; Code 1919, sec. 2696.
16. Acts 1859-60, p. 4; Acts 1870-71, pp. 68-69; Acts 1874-75, p. 216; Acts 1924, pp. 684-685; Acts 1932, p. 898.

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The commissioner was paid by fees and commissions from 1782 until 1932; today he is on a salary basis, retaining fees only for real estate transfers and licenses.[17] In the year 1934 it was stipulated that the salaries and expenses of commissioners of the revenue were to be paid in the proportion of two-thirds by the respective counties and one-third by the Commonwealth.[18]

At the beginning of the office in 1777 any person elected a commissioner who refused to serve without an excuse acceptable to the county court, was compelled to forfeit the sum of 100 pounds.[19] In case of the death or inability of either of two commissioners first named in a county, the third one selected proceeded to act in his stead; and in case of the death or inability of any two or all of the said commissioners, the first magistrate acting in the county was empowered, by warrant under his hand and seal, to appoint other reputable freeholders in his county to act in their stead.[20] Vacancies could be supplied in later years by the county courts and the clerks of such courts were directed to call upon the preceding commissioner for all papers belonging to the office and deliver the same to such newly appointed commissioner.[21] In the event of the death of a commissioner before he had fully performed the services to be rendered by him during any one year, the sum to be paid for the whole services of the commissioners in that year was apportioned between the commissioners according to the services actually performed.[22]

A major duty of the commissioner of the revenue is now and was at the time he was known as the township assessor, the assessment of taxes on land. In 1777 a tax was put on all lands, slaves, and manors, and all tithables over 21 years of age. The commissioner of the tax was required to hear appeals of persons who claimed to be unjustly assessed and to adjust such claims. In 1782 the clerk of the county court was required to deliver to the commissioner a list of all conveyances or partitions of land in order to assist the latter in charging the land to the person liable for the taxes.[23] By an act of 1804 every person was required to deliver a list of his lands to the commissioner to be entered on the land list. His duties pertaining to the assessment of taxes on land are substantially the same today.[24]

Another important duty of the commissioner pertains to the issuance of all types of licenses. His powers in this respect have expanded enormously. In 1797, he could issue licenses for the sale of merchandise of foreign growth or manufacture;[25] in 1814, to manufacturers or workers in salt, pig iron, and lead;[26] in 1843 to insurance agents, retail liquor dealers, and merchants.[27] Today, business, trade, and professional licenses are issued by him.[28]

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17. Hening, Statutes, XI, p. 144; Acts 1932, p. 892.
18. Acts 1934, p. 740.
19. Hening, Statutes, IX, pp. 363-364.
20. Ibid., X, p. 502.
21. Code 1819, II, p. 32.
22. Acts 1865-66, pp. 26-27.
23. Hening, Statutes, IX, pp. 349-350; ibid., XI, pp. 143-144.
24. Shepherd, Statutes, III, pp. 65-66; Code 1919, secs. 2252-2342.
25. Shepherd, Statutes, II, pp. 74-75.
26. Acts 1814-15, pp. 23-25.
27. Acts 1842-43, p. 13.
28. Code 1919, sec. 2360.

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In addition to the above-mentioned duties, the commissioner was permitted to institute proceedings of escheat and forfeiture, in which he was allowed the assistance of the several attorneys for the Commonwealth.[29] In 1804 the commissioners were required to furnish to the escheators of their county a list of all lands within their precincts of which any person had died seized intestate and without heir, known to the commissioners, or to which no person was entitled, to their knowledge.[30] This duty was in effect in 1819 as well as in 1860.[31]

Records of the commissioner are generally associated with the assessment of taxes. The keeping of a land book has been required of the commissioner since the creation of the office.[32] By an act of 1814 the commissioner was required, annually, to bind land tax lists in a book.[33] In the periodical correction of the land book, the commissioner reassessed all buildings which had increased in value. In 1834 he entered on the land book abstracts of grants forwarded by the register of the land office; 3 years later, he entered devises of real property and decrees of partition sent by the clerk of the circuit superior court of law and chancery.[34] Today his principal records pertain to the tax books. He receives from the assessors, at periodical reassessments, a copy of the corrected assessment book[35] from which he transcribes the annual land book. He retains the original, sends one copy to the State, one to the clerk, and one to the treasurer.[36] Between reassessments, the land book is from time to time, corrected and brought up to date in regard to transfers, devises and incorrect placement or erroneous assessments.[37]

In addition to the land book, the commissioner of revenue has kept a personal property book, first in use about 1786, in which he listed all personal property. The exact form of a list of this kind may be found in Hening's Statutes.[38] The information for this book was gained by personal visits to the residents in his district, and the lists showed the number of male white inhabitants over 21, free males over 16, free male Negroes, slaves, horses, cattle, the value of household goods, money, bonds, securities, and the amount of income and invested capital.[39] Whenever any error might be found in the commissioners' books, it was the duty of the county court to certify the same to the Auditor of Public Accounts, whose duty it was to have the error corrected.[40] This personal property book continues in use today. As recently as 1932 it was stipulated that the book containing this information should be

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29. Hening, Statutes, X, p. 67.
30. Shepherd, Statutes, III, p. 59.
31. Code 1819, II, pp. 502-503; Code 1860, p. 255.
32. Hening, Statutes, IX, pp. 349-350; ibid., XI, pp. 143-144; "Tax Code" 1936, sec. 255.
33. Shepherd, Statutes, III, pp. 65-66; Acts 1813-14, pp. 15-16.
34. Acts 1832-33, p. 7; Acts 1833-34, p. 21; Acts 1836-37, p. 8.
35. Hening, Statutes, IX, pp. 353-355; Acts 1884, p. 115; Code 1919, sec. 2247; "Tax Code" 1936, secs. 242, 247.
36. Hening, Statutes, IX, pp. 550-551; Acts 1840-41, pp. 17-18; Acts 1874-75, pp. 233-234; Code 1919, sec. 2342; "Tax Code" 1936, secs. 255, 318.
37. Acts 1840-41, p. 12; Acts 1874-75, pp. 219-220; Code 1919, secs. 2310, 2311; "Tax Code" 1936, secs. 306, 307.
38. Hening, Statutes, XII, p. 254.
39. Acts 1852-53, pp. 12, 14-15; Acts 1859-60, pp. 23-38.
40. Acts 1844-45, p. 9.

kept in the commissioner's office, and he was instructed to deliver one copy thereof to the county treasurer, another to the county clerk, and a third to the Department of Taxation.[41] In the year 1853, a commissioner of the revenue was permitted to furnish taxpayers with forms (interrogatories) upon which they could list their personal property.[42] This procedure is in effect today.[43] The personal property book is made up in a style similar to that of the land book[44] from the interrogatories[45] submitted to and returned by the taxpayers. Both the interrogatories and personal property books are checked annually by the examiner of records.[46]

The commissioner keeps the State income tax book[47] for his county. The information for this is secured from interrogatories submitted to the taxpayers and answered by them on oath.[48]

The commissioner of the revenue also files copies of applications for merchants' and other licenses. The original, marked with the assessment of the commissioner and receipted by the treasurer, constitutes the license itself.[49] Periodically he reports the lists of licenses to the clerk of the circuit court who files them in his office.[50]

For liquor licenses, there were formerly special provisions; for purposes of collection, each dealer was required to make a quarterly return of all sales (if a wholesale dealer) or all purchases (if a retail dealer). This return, made to the commissioner of the revenue, was recorded in a special book, certified to the Auditor of Public Accounts and the treasurer, and a copy sent to the county court. On the basis of the copies sent by the commissioner, the treasurer collected the license tax, and the Auditor charged the treasurer.[51]

Tax Assessments

Real Property

220. COUNTY LAND BOOK, 1932--. 7 vols.
Commissioner of revenue's copy of the record of assessments of lands, lots, standing timber, buildings and improvements for taxes. For full description, see entry 35. Arr. chron., thereunder by race, thereunder by district, and

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41. Acts 1932, p. 328.
42. Acts 1852-53, p. 13.
43. Hening, Statutes, X, pp. 67, 216; Acts 1852-53, pp. 34, 41-42; "Tax Code" 1936, sec. 307.
44. Hening, Statutes, IX, pp. 550-551; Acts 1840-41, pp. 17-18; Acts 1874-75, pp. 233-234; Code 1919, sec. 2542; "Tax Code" 1936, secs. 255, 318.
45. Acts 1852-53, p. 13; Acts 1874-75, p. 230; Code 1919, secs. 2310, 2311; "Tax Code" 1936, secs. 306, 307.
46. Code 1919, secs. 2255, 2256, 2260; Acts 1924, p. 572.
47. Acts 1916, p. 949; Code 1919, sec. 2343 (it does not appear from this section that the clerk receives a copy; these books are ordered to be kept secret, and access is denied any person not legally authorized).
48. See footnote 46 (the income tax interrogatories are separate and must also be kept secret).
49. Acts 1885-86, pp. 467-468; Code 1919, sec. 2360; "Tax Code" 1936, sec. 129.
50. Acts 1874-75, pp. 243-244; Code 1919, sec. 2374.
51. Acts 1879-80, pp. 149-150.

alph. thereunder by surname of landowner. No index. Hdw. on ptd. forms. Aver. 200 pp. 21x14x3. Comm. rev. off.
For clerk's copy, see entry 35; for treasurer's copy, see entry 242.

Personal Property and Income

221. (INTERROGATORIES), 1936--. 6 cartons.
Original tax returns from the property owner to the commissioner of revenue of tangible personal property, machinery and tools, merchants' capital for local taxation only, of individual incomes, and intangible personal property including money and capital for State taxation only. Return of tangible personal property, machinery and tools, and merchants' capital for local taxation only shows name of taxpayer, post office address, district, local capitation tax (if any), amount and fair market value of tangible personal property, fair market value of machinery and tools, fair market value of merchants' capital, oath of taxpayer, signatures of taxpayer and commissioner of revenue. Individual income tax returns show county, name of taxpayer, post office address, district, occupation or business, personal data, income from salaries, wages, commissions, and all other compensation for personal services, net profit from business or profession, interest on bonds, notes, and bank deposits, rents and royalties, profit from sale of real estate and income from stocks, bonds, dividends, estates and trusts, deductions for interest paid, taxes paid, losses by fire and storm, bad debts, deductible dividends, contributions, personal exemption, total deductions, net income subject to tax, oath of taxpayer. Return of intangible personal property, including money and capital for State taxation only shows name of taxpayer, post office address, district, State capitation tax, bonds, notes, other evidences of debt, demands and claims, money, moneyed capital coming into competition with business of national banks, capital not otherwise taxed, oath of taxpayer, signatures of taxpayer and commissioner of revenue. Arr. chron. No index. Hdw. on ptd. forms. Aver. 20x18x5. Comm. rev. off.

222. PERSONAL PROPERTY BOOK, 1933--. 6 vols.
Commissioner of revenue's copy of record of assessment of personal property for taxation. For full description, see entry 45. Arr. chron., thereunder by race, thereunder by district, and alph. thereunder by surname of property owner. No index. Hdw. on ptd. forms. Aver. 130 pp. 27x17x½. Comm. rev. off.
For clerk's copy, see entry 45; for treasurer's copy, see entry 244.

223. COMMONWEALTH OF VA. (Virginia) STATE INCOME BOOK, 1932--. 7 vols.
Record of assessments of State income taxes of individuals, corporations, firms or partnerships, and assessments on fiduciaries. Assessments on incomes (other than fiduciaries) show name of party assessed with tax, residence, salary, wages, fees, profit from business, rents, interest, dividends, royalties, patents, copyrights, annuities, amount realized from farming, stock raising, and other agricultural operations, profits derived from real or personal estates, value of property in excess of $1,000 acquired by gift, gross income, necessary expenses of carrying on business, depreciation, amount paid for repairs and maintenance, losses, worthless debts. Assessments on fiduciary income show name of fiduciary, character in which he acts, name of decedent for whom he acts, date of qualification, residence, assessed value of taxable income, amount of tax, deductions, amount of exemptions, total tax. Arr. chron. No index. Hdw. on ptd. forms. Aver. 50 pp. 17x17x½. Comm. rev. off.

Licenses

224. LIST OF RETAIL MERCHANT'S LICENSES, 1872-1926. 2 bundles. Commissioner of revenue's lists of merchants' license taxes assessed showing date license issued, name of person to whom issued, location of place of business, name of treasurer to whom license tax paid, beginning and expiration dates of license, tax assessed on license. Arr. chron. No index. Hdw. on ptd. forms. Aver. 10x4x2½. Storage.

225. OLD REPORTS OF LIQUOR LICENSE RETURNS, 1891-99. 1 bundle. Copies of reports sent by the commissioners of revenue to the Auditor concerning quarterly returns made to him by liquor dealers of their purchase (if a retail dealer) or sales (if a wholesale dealer), on the basis of which the Auditor charged the collecting officer with the proper amount of tax showing name of applicant, number of license, date issued, expiration date. Arr. chron. No index. Hdw. on ptd. forms. 9x4x½. Storage.

XIII. ASSESSORS

The first assessors were deputies of the commissioner of the tax, who in 1777 appointed two persons in each district to assess all taxable property within 6 weeks and return their findings to him. An annual appointment of assessors was made beginning in 1780 to make assessments every other year and to record conveyances of property during the alternate years. Three assessors were appointed the following year by the county court to value all lands and to make out lists bearing the names of the owners and the quantity and value of the land, and return them to the county clerk.[1] In 1817 the Executive appointed one assistant assessor for each commissioner's district, but in 1850 the county court appointed as many assessors as there were commissioners of the revenue to assess the lands and the improvements thereon. The clerk delivered a list of grants, which he received from the register of the land office, and the land book to these assessors. Copies of the assessments were sent to the clerk and the Auditor of Public Accounts.[2] Assessors were appointed again by the county court in 1870 and every fifth year thereafter. It was also provided in this year that any person aggrieved by the assessment of his property could apply to the court for adjustment after notifying the assessor. On account of the dissatisfaction among the landowners, a reassessment board, composed of assessors and two freeholders, was established to reassess the value of lands and lots in 1873.[3] The Auditor of Public Accounts furnished proper forms for the land assessments. Three copies of the assessments had to be furnished in 1879, one to the clerk, another to the Auditor, and the third to the commissioner of the revenue.[4] In 1884 a board, composed of the judge, the attorney for the commonwealth, and the clerk of the county court, appointed the assessors for the year 1885 and were to appoint them every 5 years thereafter, but in 1888 this duty passed again to the county court. The Con-

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1. Hening, Statutes, IX, pp. 352-355, 549; ibid., X, pp. 252, 501-502; apparently called assessors and commissioners of the land interchangeably.
2. Acts 1816-17, p. 9; Acts 1849-50, pp. 5-6.
3. Acts 1869-70, pp. 564-566; Acts 1871-72, pp. 36-39; Acts 1872-73, pp. 153-156.
4. Acts 1869-70, p. 337; Acts 1878-79, p. 350.

stitution of 1902 provided for a reassessment of land in the year 1905, and every fifth year thereafter. In 1903 the circuit court was empowered to appoint persons for this work.[5] No further changes were made until 1926, when an act was passed abolishing the office of assessors. However, in 1930 provision was made for a reassessment in that year if the board of supervisors so directed.[6]

In 1777 the assessor was required to subscribe an oath before the officer who appointed him, and in 1850 every assessor had to take an oath, in open court or before a justice of the peace, that he would faithfully, impartially, and to the best of his skill and understanding, execute all the duties of his office. He also had to execute a bond in a penalty ranging from $2,000 to $5,000.[7]

In 1779 the assessor was allowed compensation not exceeding 30 pounds per year. Since 1817 he has been compensated by a per diem allowance ranging from $2 to $6.[8]

The Executive appointed an assistant assessor to fill every vacancy. If he did not perform his duties properly, he had to forfeit to the Literary Fund a fine of not less than $100 nor more than $500.[9]

The essentail duty of the assessor as early as 1777 was, as his name signifies, mainly to assess all lands, slaves, mulatto servants, horses, mules, money, silver plate, riding carriages, cattle, and tithable persons above the age of 21.[10] He had to take an account in writing of the quantity of land belonging to all persons[11] and return a list of property owners to the clerk of his county.[12] Furthermore, he had to examine, ascertain, and assess the cash value of lands.[13]

The assessors keep no permanent records but copies of their books are distributed among other county offices.[14]

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5. Acts 1884, p. 113; Acts 1887-88, p. 551; Const. 1902, art. XIII, sec. 171; Acts 1902-3-4, p. 610.
6. Acts 1926, p. 875; Acts 1930, pp. 870-871.
7. Hening, Statutes, IX, p. 353; ibid., X, p. 10; Acts 1849-50, p. 5; Acts 1869-70, p. 336; Acts 1871-72, pp. 36, 149; Acts 1872-73, pp. 153-154; Acts 1902-3-4, p. 612; Acts 1870-71, pp. 68-69.
8. Hening, Statutes, X, p. 14; Code 1819, I, pp. 173-174; Acts 1870-71, p. 90; Acts 1872-73, p. 156; Acts 1902-3-4, p. 614; Acts 1906, p. 558; Acts 1915, p. 137.
9. Code 1819, I, p. 176.
10. Hening, Statutes, IX, pp. 353-354; ibid., X, p. 187.
11. Ibid., X, p. 503.
12. Ibid., X, pp.501-502.
13. Acts 1849-50, p. 6; Acts 1869-70, pp. 336-337, 565.
14. Three copies are made, one going to the clerk of the circuit court, one to the commissioner of the revenue, and one to the State tax authorities: Acts 1884, p. 115; Code 1887, sec. 443; Code 1919, sec. 2247.

(Next entry 226, p. 132)

XIV. LOCAL BOARD OF EQUALIZATION

(Local Board of Review)

The duty of correcting erroneous assessments, originally performed by the courts,[1] passed in 1915 to the local board of review. This board consisted of three persons appointed by the judge of the circuit court. Of these three, one was to be elected chairman. The clerk of the circuit court was to be ex-officio the clerk of the board, whose duty it was to keep the minutes in a book provided for the purpose.[2]

Meetings were held between 2 and 30 days each year, at any time the board saw fit. In 1916 the board was allowed to sit 60 days in the year of a re-assessment, but only 30 days in other years.[3] The local board was abolished in 1922,[4] and its powers in general reverted to the circuit court.[5] The need of a special agency seems to have continued, however, and by an enactment of 1924 a successor was created, the local board of equalization.[6]

Each member of the former board received $4 per day, one-half paid by the Commonwealth and one-half by the county.[7]

As ex-officio the clerk of the local board of review,[8] the clerk of the circuit court was required to keep its records.[9]

It was the duty of the board to direct the commissioner of the revenue to enter on the assessment roll any omitted property, real or personal; to have him correct any erroneous entries; to hear and determine the complaints of taxpayers; to rectify assessments by raising or lowering the same; and to review reports of merchants' purchases and taxpayers' returns on property, income, and money.[10] The board was further required to receive blank interrogatories (forms for the taxpayers' return of personal property) from the Auditor, deliver them to the commissioner, receive them again when filled out, and give instructions for completing and correcting the forms; to ascertain the fair market value of tangible and intangible personal property; to call upon taxpayers to furnish information relating to such property, or bring their account books to verify tax returns; to report to the Auditor all additions in value of such property and increases in merchants' license taxes; to review the reports of the examiner of records as to fiduciary and other accounts subject to taxation; and to furnish other county agencies with helpful information.[11]

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1. Acts 1869-70, pp. 335, 337; Acts 1878-79, p. 350.
2. Acts 1915, pp. 155-156.
3. See footnote 2.
4. Acts 1922, p. 514.
5. "Tax Code" 1936, sec. 410.
6. Acts 1924, pp. 574-577; see below.
7. Acts 1915, p. 95.
8. Ibid., pp. 94-96.
9. Ibid., pp. 94-96.
10. Ibid., pp. 156-157.
11. Acts 1916, pp. 416-420.

Local Board of Equalization (226)

By an enactment of 1924 a successor for the local board of review was established, called the local board of equalization. In substantially the same form as the earlier agency, the board was charged with the same duties, but was appointed only in the years of the quinquennial reassessment.[12] In 1926 the law was so altered as to provide for the appointment of such a board in any year upon petition of the board of supervisors or of 10 taxpayers.[13] Again in 1930 the law was changed to require the appointment of three to five persons that year and every fourth year thereafter, or, at the discretion of the court, every second year.[14] According to the act of 1932, the appointment was made contingent upon a resolution of the board of supervisors. Appointments are made to expire on the following 31st of December.[15]

Each member receives a salary of $5 per day for each day that he sits as a member of the board, to be paid one-half by the Commonwealth and one-half by the county.[16]

As ex-officio the clerk of the local board,[17] the clerk of the circuit court is required to keep records for the local board of equalization similar to those formerly kept for the local board of review.

The board has powers similar to those of the board of review with a few minor variations. It equalizes assessments of real estate by reviewing the land books as soon as they are completed by the land assessors and orders such changes as it may see fit. It may summon taxpayers to furnish information relating to the real estate of any and all taxpayers, to answer under oath all questions touching the ownership and value of the same, and to bring before it their books of accounts or other papers and records containing information with respect to the valuation of real estate.[18]

The clerk of the local board of review was required to keep a book of minutes of the meetings and proceedings of the board,[19] and the clerk of the present board of equalization must keep a similar record for the time that the board is in session.[20]

226. LOCAL BOARD OF REVIEW (Minutes), 1915-21. 1 vol.
Record of proceedings of local board of review at successive meetings, including orders for adjustment of assessments, provisions for hearings of complaints of taxpayers, review of reports of merchants' purchases and interrogatories, reports of examiner of records, showing date of meeting, names of members present, and actions taken. Arr. chron. by date of meeting. No index. Hdw. 300 pp. 14x9xl. Clk. off.

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12. Acts 1924, pp. 574-577.
13. Acts 1926, p. 255.
14. Acts 1930, p. 874.
15. Acts 1924, p. 575; Acts 1932, p. 154.
16. Acts 1924, p. 575.
17. Ibid., p. 574.
18. Ibid., p. 575.
19. Acts 1915, pp. 156-157.
20. Acts 1924, pp. 574, 576.

227. (MINUTES OF LOCAL BOARD OF EQUALIZATION), 1925. 1 vol. Record of proceedings of local board of equalization at successive meetings on adjustment of land assessments showing date of meeting, names of members present, and action taken. Arr. chron. by date of meeting. No index. Hdw. 200 pp. 13x8x1. Clk. off.

XV. COUNTY TREASURER

From the early seventeenth century until 1869, taxes were collected and delinquent lands sold by the sheriff or by collectors appointed for the purpose. The Constitution of 1869 provided for a county treasurer to be elected for a 3-year term, which has since been increased to 4 years.[1] No person holding the office of attorney for the commonwealth, judge of the county court, clerk of the county or circuit court, or sheriff was allowed to hold the office.[2] During the period of township government, the township collector, elected annually, and the township clerk, who was ex-officio the township treasurer, were endowed with duties and powers similar to those of the treasurer.[3] Upon abolition of the townships those duties were transferred to the treasurer, insofar as they affected the county as a whole.[4]

The county treasurer, since the creation of the office, has had the privilege of appointing deputies to assist him in the proper and efficient performance of his duties; such deputies were required to give bond and were subject to removal by their principals.[5]

The county treasurer, at the time of his qualification, is required to give bond, with security to be approved by the judge or court before whom he qualifies, in a penalty to be determined by the court or judge, but in any case not less than double the amount to be received annually by the officer.[6] For every breach of the bond of the county treasurer, suit may be brought against him in the circuit court of the county.[7]

The treasurer, as principal financial officer of the county, formerly received fees or commissions for various services, based on the amount actually collected.[8]

In 1914, in counties with a population of 50,000 or more, the amount to be retained by the treasurer in fees was limited to $5,000 per annum; with a

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1. Const. 1869, art. VII, sec. 1; Acts 1869-70, p. 79; Acts 1874-75, p. 133 (increased to 4); Code 1887, sec. 92; Code 1919, sec. 123; Const. 1902 (as amended 1928), art. VII, secs. 110, 112.
2. Acts 1869-70, p. 258; Acts 1871-72, p. 222.
3. Const. 1869, art. VII, sec. 2; Acts 1869-70, pp. 284-286; Acts 1871-72, pp. 300-301.
4. Acts 1874-75, p. 43.
5. Acts 1869-70, p. 258; Acts 1871-72, p. 222; Acts 1877-78, pp. 181-182.
6. Acts 1871-72, p. 222; Acts 1878-79, p. 319.
7. Acts 1871-72, p. 228.
8. Acts 1869-70, p. 261.

population between 32,000 and 50,000, the compensation was not to exceed $4,500 per year; and with a population under 32,000 it was not to exceed $4,000.[9]

On and after January 1, 1932, the fee system was abolished and the treasurer was paid a regular salary for his compensation, based on population.[10]

In 1934, salary was still based on population but an act of that year revised the former statute as to amount and size of county. In counties having a population of more than 5,000 inhabitants but not more than 10,000, the treasurer's salary could not be less than $2,000 nor more than $3,500. Powhatan was in the latter category on the basis of the census of 1930, having at that time a population of 6,143.[11] Today the salaries and expenses of the county treasurers are paid in the proportion of two-thirds by the respective counties and one-third by the Commonwealth.[12]

The circuit courts of counties have the power to remove any county officer, including the treasurer, for malfeasance, misfeasance, incompetency, gross neglect of duty, or for any act constituting a violation of any penal statute involving moral turpitude.[13] Whenever the Governor has reason to believe that the treasurer of any county has failed to perform the duties required of him with reference to the revenue due the State, he may institute an ouster proceeding in which the Commonwealth is represented by the Attorney General.[14]

Whenever a vacancy occurs in the office of county treasurer, the court or judge making the appointment to fill such vacancy may require the officer vacating the office to turn over all books and papers in his possession, including tax tickets for the then current year, to his successor; or when no appointment is made, or the officer appointed fails to qualify, the books and papers are deposited with the clerk of the circuit court, who gives a receipt therefor and holds them subject to the order of the court.[15] Interest at the rate of 15 percent is chargeable against the treasurer for failure to pay the State revenue into the treasury at the time prescribed by law.[16] If any treasurer knowingly omit any taxes or levies from a delinquent list, he is deemed guilty of a misdemeanor, and upon conviction is subject to a fine of not less than $100 nor more than $500 for each offense. This offense constitutes malfeasance in office, a ground for removal.[17]

Among his many and varied duties, the treasurer is required to supervise all sales of delinquent lands, and for this service he receives the same pay formerly allowed the sheriff; and, at the foundation of his office he was charged with the former duties of the sheriff as to collection of State and local revenues.[18] He must keep an account of all money received and disbursed by him, showing in considerable detail his handling of revenues belonging to the county

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9. Acts 1914, p. 707.
10. Acts 1932, p. 892.
11. Acts 1934, pp. 736-737; Report of the Secretary of the Commonwealth (1936-37), p. 223.
12. Acts 1934, p. 740; Acts 1938, pp. 990-991.
13. Code 1936, sec. 2705.
14. Acts 1934, p. 521.
15. Ibid., sec. 2779; "Tax Code" 1936, sec. 353.
16. Acts 1928, p. 210.
17. Acts 1932, p. 336.
18. Acts 1872-73, pp. 378-379.

County Treasurer (Next entry 228, p. 137)

and State, and accounts with the board of supervisors and Auditor annually or oftener.[19] Besides collecting county levies and school funds,[20] he receives all fines collected by the sheriff,[21] and collects the license taxes.[22] The county treasurer formerly received from the commissioner of the revenue a list of license tax assessments,[23] and has always settled separately for money received by him on that account.[24]

The treasurer keeps numerous records. As soon as the taxes have been determined, the treasurer makes out tickets in triplicate showing all taxes levied against each taxpayer.[25] One copy may serve as the tax bill or notice required by law,[26] and the original may serve as the receipt required to be given to any person paying a tax.[27] The third copy may serve as a semipermanent record of his office, and also as a source from which to compile his delinquent lists.[28]

As a fiscal officer, the treasurer keeps a set of day books, journals, cash books, and ledgers similar to those used in private business houses.[29] These are the bases for his periodic settlements with the Comptroller and board of supervisors.[30] Both the Auditor and Comptroller have general supervisory power over the treasurer's records.[31] The State Accountants or Assistants, may, upon request, set up book-keeping systems for him as well as for other county officers. The arrangement is to a large extent discretionary with the officer concerned, and varies according to the local situation.[32] The treasurer also keeps canceled warrants of the board of supervisors which have not been returned to the clerk of the board.[33] He also has a bank account, makes many payments by check, and files the stubs and canceled checks.[34]

Since the treasurer is charged with the collection of taxes, he has in his office all essential taxation records, and many other records which he retains merely because directed so to do by law. The collection of taxes on land involves many records, some made by the treasurer and delivered to other officers,

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19. Acts 1869-70, pp. 259-261, 263; "Tax Code" 1936, secs. 354, 359, 369, 374.
20. Acts 1869-70, p. 261.
21. Ibid., p. 262.
22. Acts 1871-72, p. 198.
23. Acts 1870-71, p. 119; Code 1873, p. 326; (repealed by omission) Code 1887.
24. Acts 1874-75, p. 245; Code 1919, sec. 2381; "Tax Code" 1936, sec. 147.
25. Code 1919, sec. 2408; "Tax Code" 1936, sec. 370.
26. Acts 1928, pp. 208-209; "Tax Code" 1936, sec. 371.
27. Acts 1908, p. 33; "Tax Code" 1936, sec. 370.
28. The record of delinquent taxes (entry 232) is not required to be kept by the treasurer, but is probably the source of his lists of delinquent taxes (see below).
29. Acts 1869-70, pp. 259, 261; Code 1919, secs. 2407, 2780; "Tax Code" 1936, secs. 354, 369.
30. Acts 1869-70, pp. 259, 263; Acts 1928, p. 210; "Tax Code" 1936, secs. 359, 374.
31. Acts 1878-79, p. 324; Code 1936, sec. 565; "Tax Code" 1936, sec. 374.
32. Acts 1914, p. 202; Code 1936, sec. 565.
33. Acts 1869-70, p. 259; Code 1919, sec. 2781; "Tax Code" 1936, sec. 355.
34. Acts 1869-70, p. 259; Code 1919, sec. 2781; "Tax Code" 1936, sec. 355.

(of which he generally keeps a copy), others made by other officers and the originals or copies sent to and preserved by the treasurer.

The land book[35] and personal property book[36] are made out by the commissioner of the revenue, and copies sent to the Comptroller, clerk, and treasurer. These books form the basis for his collection of the taxes.

After the treasurer has ascertained which of the taxes and levies are uncollectible, and after he has used every means to exhaust the personal property of the taxpayer in order to pay them, and has attempted to lease the land in order to raise sufficient money to pay them, he makes out five lists (before 1928, three lists). The first, of land not ascertainable or improperly placed on the commissioner's book, is sent to the board of supervisors, who may order a copy sent to the commissioner of the revenue. There is no provision for the treasurer to retain a copy of this list.[37]

The second list is composed of other taxes on real estate which he is unable to collect. They are submitted to the board of supervisors and to other officers for approval, but the treasurer continues to collect them for 1 year. A copy is sent to the clerk, who records it in the delinquent tax book. Until 1928, the clerk was directed to file and preserve the original lists and the tickets representing the taxes shown thereon, but this provision was omitted from the 1928 revision. Therefore, the lists and tickets are now in the treasurer's office. After 1 year, the list is again submitted to the board, showing changes which have occurred during the year. The board may direct the treasurer to continue collecting, or it may turn the list over to a delinquent tax collector. Thereafter any officer collecting any of the taxes on the list certify the collections to the clerk, who enters the fact of payment on the delinquent land book. After the collectors have ascertained that they will be unable to collect certain taxes, they report to the treasurer a list of those remaining uncollected.[38]

The third list required of the treasurer is that of taxes other than those on real estate which he has been unable to collect.[39] Since 1928 it has been divided into three parts (making a total of five lists) - a list of taxes and levies assessed but uncollectible upon tangible personal property, machinery and tools, merchants' capital, and other subjects segregated for local taxation (including local capitations); a similar list covering intangible personal property, individual income, and other subjects for State taxation only; and a list of delinquent State capitation taxes.[40] These lists are made in a form prescribed by the Department of Taxation, and the one covering local taxes

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35. Hening, Statutes, IX, p. 361; Acts 1869-70, pp. 282 ff.; "Tax Code" 1936, sec. 255.
36. Hening, Statutes, IX, p. 358; Code 1849, pp. 189-190; Acts 1874-75, p. 231; "Tax Code" 1936, sec. 318.
37. Acts 1831-32, pp. 61-62; Code 1919, secs. 2414, 2417; "Tax Code" 1936, sec. 387.
38. Hening, Statutes, p. 251; Acts 1872-73, p. 378; Code 1887, secs. 605, 606, 608, 611; Code 1919, secs. 2414, 2417, 2429, 2460; "Tax Code" 1936, secs. 387-390.
39. Code 1887, sec. 605; Acts 1895-96, pp. 153-154, 850; Code 1919, sec. 2414; "Tax Code" 1936, sec. 387.
40. Acts 1928, p. 215; "Tax Code" 1936, sec. 387.

must be submitted to the board of supervisors with the other delinquent lists affecting local levies. The circuit court may appoint special collectors of delinquent capitation taxes.[41] The treasurer manages sales of lands for delinquent taxes, and reports the circumstances of his sales to various State and local officers.[42]

The treasurer is directed to send to the clerk, at least five or six months before each regular election, a list of names of persons who have paid up their State capitation taxes as required by law and are eligible for voting.[43] The treasurer is not directed to retain a copy of this notice, but often does so, apparently for his own convenience or protection. Delinquent capitation taxes are handled and recorded as described above. The treasurer also collects and accounts for the dog license fund. He receives the license tax, (formerly assessed by the commissioner),[44] and gives in return a receipt (of which a stub or duplicate remains in his office) and a metal tag to be fastened to the dog's collar as evidence of payment.[45] The payments so received are accounted for separately, and form a fund devoted to the compensation of persons whose stock has been destroyed or damaged by dogs.[46]

Although it is not required of him by law, the treasurer keeps filed copies of his correspondence with individuals and other officers concerning the business of his office.

Financial

Receipts

228. (TAX BILLS), 1929--. 48 vols.
Carbon copies of tax bills issued to taxpayers by county treasurer for the settlement of State taxes and local levies showing receipt number, name and address of taxpayer, page and line of income tax book, personal property book, and land book, value of taxable property, tax rate, amount of State taxes and local levies, total State taxes and local levies, credits, balances, signature of treasurer. Arr. chron., thereunder by race and district, and alph. thereunder by surname of taxpayer. No index. Typed on ptd. forms. Aver. 500 pp. 12x16x4. Treas. off.

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41. Acts 1916, p. 823; Code 1919, sec. 2421; Acts 1928, p. 216; "Tax Code" 1936, secs. 389, 397.
42. Acts 1872-73, p. 378; Code 1887, sec. 638; Acts 1902-3-4, p. 690; Code 1936, secs. 2461, 2465, 2497.
43. Const. 1902, art. II, sec. 38; Acts 1902-3-4, p. 946; Code 1936, secs. 109-111, 114.
44. Acts 1901-2, p. 401; Code 1919, sec. 2318; Acts 1930, p. 658 (payment made direct to treasurer at a rate fixed by law; commissioner no longer required to assess); Code 1936, secs. 3305(78), 3305(81).
45. Acts 1918, pp. 622-623; Acts 1930, pp. 657-658, 662; Code 1936, sec. 3305(65), 3305(76).
46. Acts 1901-2, p. 401; Code 1919, sec. 2318; Acts 1930, p. 663; Code 1936, sec. 3305(81).

229. (TAX BILLS PAID), 1932--. 5 file boxes.
Carbon copies of paid tax tickets issued for the settlement of State and local taxes showing receipt number, name and address of taxpayer, page and line of income tax book, personal property book, and land book, value of taxable property, tax rate, amount of State taxes and local levies, total State taxes and local levies, signature of treasurer. Arr. chron. and alph. thereunder by surname of taxpayer. No index. Typed on ptd. forms. Aver. 9x7x16. Treas. off.

230. (DELINQUENT TAX TICKETS PAID), 1933--. 2 file boxes.
Treasurer's copy of paid delinquent tax tickets showing name of delinquent, address, amount of taxes delinquent, penalty, number of years delinquent, date paid. Arr. chron. No index. Hdw. on ptd. forms. Aver. 13x7x7. Treas. off.
For prior records, see entries 39, 40.

231. DELINQUENT TAX TICKETS, 1822, 1872, 1875-81, 1883-93, 1895-99, 1901-17. 46 bundles.
Copies of unpaid delinquent tax tickets showing name of party delinquent, address, amount of taxes delinquent, penalty, number of years delinquent. Arr. chron. No index. Hdw. and hdw. on ptd. forms. Aver. 8x4x2. Storage.

232. (RECORD OF DELINQUENT TAXES), 1875-79, 1882-86. 10 vols.
Treasurer's record of taxes delinquent on personal and real property showing name of delinquent, number of years delinquent, amount delinquent. Arr. chron., thereunder by district, and alph. thereunder by surname of delinquent. No index. Hdw. on hdr. forms. Aver. 100 pp. 8x6½x1½. Storage.

Cash Books and Ledgers

233. (RECORD OF TAXES COLLECTED DAILY), 1936--. 1 vol.
Treasurer's record of daily collections showing date, number of tax ticket, name of taxpayer, amount of State taxes and local levies collected. Arr. chron. No index. Hdw. on ptd. forms. 100 pp. 14½x12½x2. Treas. off.

234. (JOURNAL - TREASURER'S COLLECTIONS), 1933--. 1 vol.
Treasurer's running account of collections of State taxes, omitted capitation taxes, delinquent taxes, and State licenses showing date, nature of transaction, payer, amount. Arr. by subject. No index. Typed on ptd. forms. 250 pp. 13x12x2½. Treas. off.

235. (CASH RECEIPTS AND DISBURSEMENTS), 1933--. 1 vol.
Record of analysis of general accounts as to receipts and disbursements. Receipts show date, amount received, payer, explanation, amount (county taxes, State taxes and licenses, dog licenses, and miscellaneous). Disbursements show date, amount deposited or paid over counter, withdrawals from banks, payee, explanation, amount (deposits, county warrants paid, State warrants paid, miscellaneous). Arr. by receipts and disbursements and chron. thereunder. No index. Hdw. on ptd. forms. 150 pp. 24x18x1. Treas. off.

236. COPIES RECEIPTS AND DISBURSEMENTS, 1904-5. 1 bundle.
Copies of receipts and disbursements of county road levy for districts. Receipts show date, amount received, payer, explanation, amount of receipt. Disbursements show date, amount disbursed, payee, explanation. Arr. chron. No index. Hdw. on ptd. forms. 9x4x1. Storage.

237. LEDGER (Treasurer's Collections and Disbursements), 1933--. 1 vol. Treasurer's accounts abstracted from journal showing subjects of account, date of transactions, amount of debits and credits. Arr. chron. No index. Hdw. 176 pp. 14x8½x1. Treas. off.

238. (SUBSIDIARY LEDGER - TREASURER'S COLLECTIONS AND DISBURSEMENTS), 1931--. 1 vol.
Treasurer's record of money received and disbursed showing date of posting, amount of uncollected county and State taxes, amount of dog tax fund, amount of school fund, nature of transaction, amount of debits and credits. Arr. by subject. No index. Hdw. on ptd. forms. 150 pp. 13x12x2. Treas. off.

239. TAX COLLECTED, POWHATAN (Macon Township), 1871. 1 vol.
Record of taxes collected in Macon Township showing number of tax bill, name of taxpayer, by whom tax paid, date of payment, amount of State tax, county levy and school fund collected. Arr. chron. No index. Hdw. on ptd. forms. 284 pp. 8x12x1. Storage.

Warrants and Checks

240. WARRANTS (Canceled), 1930--. 12 pigeon holes.
Canceled warrants of the board of supervisors which have not been returned to the clerk of the board showing warrant number, date, payee, amount, purpose, signature of chairman of board of supervisors and county treasurer. Arr. chron. No index. Hdw. on ptd. forms. 4½x4½x14. Treas. off.
For other board of supervisors warrants, see entry 9.

241. (CHECK STUBS), 1930--. 9 vols.
Treasurer's check stubs showing number, date, purpose, amount of check. Arr. chron. No index. Hdw. on ptd. forms. Aver. 67 pp. 14x10½x1. Treas. off.

Taxation

Real Property

242. COUNTY LAND BOOK, 1930--. 9 vols.
Treasurer's copy of record of assessment of lands, lots, standing timber, buildings and improvements for taxes. For full description, see entry 35. Arr. chron., thereunder by race, thereunder by district, and alph. thereunder by surname of landowner. No index. Hdw. on ptd. forms. Aver. 200 pp. 21x14x3. Treas. off.
For clerk's copy, see entry 35; for commissioner of revenue's copy, see entry 220.

243. (RECORD OF DELINQUENT LANDS), 1929--. 6 vols.
Treasurer's bound lists of real estate delinquent for the nonpayment of taxes assessed showing name and address of delinquent, location and legal description of land, number of acres, page and line of land book, amount delinquent not including penalty, collections (date, penalty, interest and costs, total), amount uncollected, lands sold to Commonwealth. Arr. chron. and alph. thereunder by surname of party charged with tax. No index. Hdw. on ptd. forms. Aver. 50 pp. 16x20x1. Treas. off.
For prior lists of delinquent land, see entry 37; for clerk's record of delinquent land, see entry 38.

Personal Property

244. PERSONAL PROPERTY BOOK, 1930--. 9 vols.
Treasurer's copy of record of assessments on personal property for taxation. For full description, see entry 45. Arr. chron., thereunder by race, thereunder by district, and alph. thereunder by surname of property owner. No index. Hdw. on ptd. forms. Aver. 130 pp. 27x17x½. Treas. off.
For clerk's copy, see entry 45; for commissioner of revenue's copy, see entry 222.

245. DELINQUENT FIDUCIARIES, 1926-27. 1 bundle.
Original lists of delinquent fiduciaries showing name and address of delinquent, amount delinquent, number of years delinquent. Arr. chron. No index. Hdw. on ptd. forms. 9½x8x4. Storage.

246. A LIST OF DELINQUENT CAPITATIONS AND PERSONAL PROPERTY TAXES, 1885-1926. 33 bundles.
Original lists of the county treasurer of delinquent capitation and personal property showing name of delinquent, amount of State capitation tax, tax on tangible personal property, intangible personal property, money, income, total State tax and penalty, total county levy and penalty, cause of delinquency. Arr. chron. No index. Hdw. on ptd. forms. Aver. 9x4x3. Storage.

247. DELINQUENT TANGIBLE PERSONAL PROPERTY, MACHINERY AND TOOLS, MERCHANT'S CAPITAL AND LOCAL CAPITATIONS, 1935. 10 sheets.
Original lists of the county treasurer of delinquent tangible personal property, machinery and tools, merchants' capital and local capitations showing name and address of delinquent, amount of taxes due, amount delinquent not including penalty, amount of collections, amount uncollected. Arr. alph. by surname of delinquent. No index. Typed on ptd. forms. 17x18. Clk. off.

248. INSOLVENT CAPITATION AND PROPERTY TAXES, 1902-9. 1 vol.
Treasurer's record of persons delinquent for nonpayment of capitation and property taxes showing name of insolvent, amount of capitation tax, property tax, State tax, county and district school tax, county levy, cause of insolvency, page and line in commissioner's book. Arr. alph. by surname of insolvent and chron. thereunder. No index. Hdw. on ptd. forms. 100 pp. 14x8½x½. Storage.

Capitation (See also entries 246, 248)

249. (CARD FILE OF STATE CAPITATION TAXES PAID), 1933--. 2 file boxes.
Treasurer's record of all persons paying poll taxes in time to be placed on the voting list and used by the treasurer as a quick reference showing name of person paying tax, district, date tax paid. Arr. alph. by surname of person paying tax. No index. Hdw. on ptd. forms. Aver. 5x4½x16½. Treas. off.

250. TREASURER LIST OF POLL TAXES, 1903-4. 1 bundle.
Treasurer's list of all persons who paid their poll taxes during the years 1903 and 1904 showing name of person paying tax, name of district, date paid. Arr. chron. No index. Hdw. on ptd. forms. 8x4x1. Storage.

251. (DELINQUENT CAPITATION TAXES), 1911-15, 1934--. 3 vols.
Treasurer's record of delinquent capitation taxes showing name and address of taxpayer, amount of tax, years delinquent. Arr. chron., thereunder by district, and alph. thereunder by surname of taxpayer. No index. Hdw. Aver. 130 pp. 14x10x1. 2 vols., 1911-15, storage; 1 vol., 1934--, treas. off.

County Finance Board (252-253)

Dog Licenses

252. DOG LICENSES RECEIPTS BOOK, 1930--. 36 vols.
Treasurer's carbon copies of record of dog licenses sold showing date of sale of dog tag and kennel license, names and addresses of persons to whom sold, kind of tag or kennel, serial number, amount of tax paid. Arr. chron. by date issued. No index. Hdw. on ptd. forms. Aver. 50 pp. 8x10x½. Treas. off.

Correspondence

253. (LETTERS TO COUNTY TREASURER), 1930--. 2 file boxes.
Correspondence of persons in county with county treasurer concerning collection of taxes and tax bills. Arr. alph. by correspondent. No index. Hdw. and typed. Aver. 12x12x13. Treas. off.

XVI. COUNTY FINANCE BOARD

In order to aid the treasurer in caring for county funds properly, the county finance board was brought into being in 1932. This board is composed of the chairman of the board of supervisors, the county treasurer, and a citizen of the county appointed by the circuit court for a 4-year term.[1] Compensation for the citizen member of the finance board is paid by the board of supervisors out of the county levy, on a certificate of attendance from the chairman of the finance board, verified by the affidavit of the citizen member as to mileage traveled in going to and returning from a meeting of the body. The total compensation may not exceed $30 in any one year, plus mileage not to exceed $2 per day.[2]

The chairman of the board of supervisors is ex-officio the chairman, and the clerk of the board of supervisors is ex-officio the clerk of this newly created financial institution.[3] The times and places for the meetings may be determined by the chairman or a majority of the members.[4]

The county finance board approves the depositories selected by the county treasurer and fixes the amount of interest to be paid. The depositories so chosen and ratified are required to give bond which, at all times, must be equal to the amount of the deposits.[5] In 1933 insurance in the Federal Deposit Insurance Corporation was authorized. The enactment as to the bond was changed, the depository being required to give bond equal to the amount of its deposits less the amount insured by the Government.[6] By way of facilitating the board's performance of its duties, the county treasurer reports monthly the amount of money deposited with each depository and the kind and value of the securities pledged therefor. All deposits are made by the treasurer in the name of his county.[7]

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1. Acts 1932, p. 832.
2. Acts 1936, pp. 98-99.
3. Acts 1933, p. 64.
4. Acts 1932, p. 832.
5. Ibid., pp. 833-834.
6. The Statutes at Large of the United States, XLVIII, (1933-34), pt. 1, p. 168; Acts 1933, p. 65.
7. Acts 1932, pp. 831-834.

County Electoral Board (254)

A minute book, in which are recorded in brief the proceedings and orders of the board, is the only record kept by the finance board.[8]

254. FINANCE BOARD (Minutes), 1932--. 1 vol.
Record of the orders and proceedings of the county finance board at regular and special sessions, including selection and approval of county depositories, approval of collateral of such depositories, treasurer's monthly report, showing date of meeting, place of meeting, members present, and signature of chairman. Arr. chron. by date of meeting. No index. Typed. 250 pp. 10x18x1½. Clk. off.

XVII. COUNTY ELECTORAL BOARD

In 1655 the sheriff was acting as an election official, as may be seen by reference to the earlier county records and the old laws, and he may have served as such at a prior date.[1] In any event, his duties in this capacity were clearly set forth long before the county of Powhatan was founded. His powers remained in force until 1831, when the county court was required to appoint five freeholders to superintend the separate polls in each election district and three commissioners who, with the county clerk, sheriff, and commissioner of the revenue, were to examine the poll books. It was, however, still the duty of the sheriff to appoint election writers and take charge of the poll books, which, as is the case today, were to be deposited finally in the clerk's office. In 1857 the term of the commissioners of election was increased to 2 years; they had been appointed annually.[2]

In 1870 the election set-up consisted of the sheriff, the county clerk, registrars, judges, clerks, and commissioners of election. The sheriff merely posted the election notices. The county clerk distributed the registration books to the registrars and poll books to the election judges appointed by the county court judge. For each voting-place there was one registrar who registered voters; his term was 2 years. Three judges of election were appointed for each voting district, and it was their duty to appoint two election clerks, keep poll books, superintend elections, canvass the vote, and send the ballots and poll books to the county clerk. The county court judge appointed five commissioners of election from among the judges of election, who met in the clerk's office the second day after an election to canvass the vote of the entire county. The county clerk served ex-officio as the clerk of this board. He made out abstracts of votes which the commissioners signed and deposited in the clerk's office.[3]

In 1884 an electoral board, consisting of three qualified voters elected for a 4-year term by the General Assembly, was created in each county. This board appointed registrars and judges for the election districts and chose five of them to canvass the vote. In addition, the board could order a new

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8. Ibid., p. 832.

1. Hening, Statutes, I, pp. 411-412.
2. Acts 1830-31, pp. 19-22, 33; Acts 1833-34, p. 59; Acts 1857-58, pp. 18-19.
3. Acts 1869-70, pp. 55-56, 82-89; Acts 1870-71, pp. 371-372, see entry 260; Acts 1871-72, p. 244.

registration of voters when needed.[4]

The election law of 1884 was changed by the Constitution of 1902. It was now provided that the circuit court of each county appoint the electoral board for a 3-year term. This board at present appoints annually two clerks of election for each precinct, who were formerly appointees of the election judges.[5] A special board of registration for each magisterial district undertook a general registration of voters in 1902 and 1903, and a registrar is now appointed for each election district for a term of 2 years. Judges of election, three per precinct, are chosen in the same manner, but serve 1 year only.[6]

There are certain restrictions which bar the appointment to membership in the electoral board of a person holding any office or post of emolument under the United States Government, or who is in the employ of such Government, or holds any elective office of profit or trust in the State, or in any county.[7]

The records of the county electoral board in Powhatan consist of a minute book in which are entered abstracts of the proceedings of the board,[8] the permanent general registration books made up under the Constitution of 1903,[9] the poll books recording the names of persons eligible to vote, with notations of their districts and precincts and other facts relevant to their qualification,[10] and poll returns showing lists of electors, number of votes and certification of clerk.[11] There are also filed original ballots, the general abstracts of votes compiled by the commissioner of election at the general canvass after elections,[12] and miscellaneous papers concerning the business of the board, including notices of candidacy forwarded by the county clerk,[13] and accounts of campaign expenses filed by the candidates.[14]

Proceedings

255. RECORDS (Minutes of County Electoral Board), 1891--. 1 vol. Record of the orders and proceedings of the county electoral board at regular and special sessions, including appointment and removal of election judges, clerks, registrars, and commissioners, showing date of meeting, place of meet-

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4. Acts 1884, pp. 150-154; Acts 1885-86, pp. 541-542; Acts 1893-94, p. 782.
5. Const. 1902, art. II, sec. 31; Acts 1902-3-4, pp. 922-925; Orders, Common Law, Powhatan Co. (1903-8), p. 21, in Common Law Orders, Powhatan Circuit Court, see entry 102; Code 1936, sec. 148.
6. "Registration Ordinances of the Constitutional Convention" in Code 1919, pp. clxxvi-clxxxviii.; Const. 1902 (as amended 1928), art. II, sec. 31; Acts 1932, pp. 845-846; Code 1936, secs. 86, 148.
7. Const. 1902, art. II, sec. 31; Acts 1902-3-4, p. 563.
8. Acts 1884, pp. 149-150; Code 1919, sec. 87; Code 1936, sec. 87.
9. "Registration Ordinance of the Constitutional Convention" in Code 1919, pp. clxxxvi-clxxxviii.
10. Code 1803, p. 20 (act passed Dec. 20, 1785); Acts 1870-71, p. 371; Acts 1897-98, p. 845; Code 1936, secs. 180, 181 (poll books may be destroyed by order of court, after remaining one year in clerk's office, where they are directed to be stored); see Elections, pp. 32-34.
11. Code 1803, p. 394 (apparently a temporary requirement, under the old viva voce system of voting).
12. Code 1887, sec. 132; Code 1919, secs. 180-186.
13. Acts 1902-3-4, p. 927; Code 1936, sec. 154.
14. Acts 1902-3-4, pp. 88-89; Code 1936, sec. 253.

ing, members present, and signature of secretary. Arr. chron. by date of meeting. No index. Hdw. 300 pp. 12x7x1½. In possession of Mr. Maxey, secretary of electoral bd.

Registration

256. GENERAL REGISTRATION POWHATAN COUNTY, 1902-3. 1 vol.
Record of voters registered in the county showing date of registration, number, name, date of birth, age, occupation, residence of voter; length of residence in State, county, and precinct; notation as to exemption of payment of poll tax as prerequisite of vote; if naturalized, date of papers and by what court issued; if transferred, date and to what precinct; magisterial district, precinct. Arr. by precinct and alph. thereunder by surname of voters. No index. Hdw. on ptd. forms. 150 pp. 16x11x1. Storage.

Poll

257. POLL BOOKS, 1786-1830, 1885-87, 1935. 2 vols., 7 bundles.
Record of persons in county eligible to vote and notations of those voting showing name of district and precinct, date, name of judge and clerk, numbers and names of electors. Arr. chron. No index. Hdw. Vol. aver. 201 pp. 14½x 9x1; bundle aver. 15x9½x½. Clk. off.

258. POLL RETURNS FOR ELECTORS OF VIRGINIA, 1798-1804. 1 bundle.
Original poll returns showing names of electors, number of votes cast, and certification of clerk. Arr. chron. No index. Hdw. 9½x4x3. Storage.

Elections
(See also entry 77)

259. BALLOTS, 1935-36. 13 packages.
Original ballots returned to the clerk's office showing names of candidates and the vote of the voter. Arr. by precincts. No index. Ptd. 11½x9½x2. Clk. off.

260. ABSTRACT OF VOTES CAST AT GENERAL ELECTION, 1911. 1 bundle.
Original abstracts of votes showing date, name of candidate, and number of votes cast. Arr. chron. No index. Hdw. on ptd. forms. 9½x4x½. Storage.

261. POLITICAL PAPERS, 1893-96. 1 bundle.
Miscellaneous papers concerning elections, including notices of candidates and expense accounts. Arr. chron. No index. Hdw. 8½x4x2. Storage.

XVIII. SCHOOL TRUSTEE ELECTORAL BOARD

The school trustee electoral board was created in 1877 to appoint the district school trustees who composed the district school boards and, collectively, the county school board.[1] This appointment had previously been made by the State Board of Education.[2] The local agency at first consisted of the county superintendent of schools, the county judge, and the attorney for the commonwealth; the first-named acted as clerk, and the second as chairman.[3]

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1. Acts 1876-77, p. 9.
2. Code 1873, p. 686.
3. See footnote 1.

School Trustee Electoral Board (Next entry 262, p. 146)

In 1884 the General Assembly elected three citizens of each county, for a 4-year term, to form a board of school commissioners with the same duties and powers as the former group,[4] and some added authority.[5] In 1887 there was a return to the former composition and organization of the board, and the title, school trustee electoral board, was restored, the duties and powers remaining the same.[6] In 1904 the place of the county judge, vacated by the abolition of the county court, was filled by an appointee of the circuit court, who could hold no other office.[7] There was no further change in the personnel of the board until 1928, when the circuit court of the county was to appoint three persons every 4 years to form the school trustee electoral board.[8]

To be eligible for appointment to the board, one must be a resident qualified voter and hold no other office of the county or State.[9]

The first appointments under the present law were made in 1930 by the judge of the circuit court in each county, three persons being chosen fom the county at large to serve a 4-year term.[10]

No oath or bond is specifically required of the members of this board, except by the general provision that all officers of the State must be sworn.[11] Since no bond is demanded, the oath may be taken at will before the court, the clerk, or the judge thereof in vacation.[12]

Members of the school trustee electoral board receive compensation from the county school fund, at the rate of $2 per diem for the time they are actually employed.[13]

There is no special provision for vacating the office of a board member. Vacancies caused by the expiration of a term or otherwise are filled by appointment of the circuit court, or of the judge in vacation.[14]

Formerly, a clerk was chosen from and by the board, or one of the members acted in ex-officio capacity as recording agent. No such provision appears expressly in the present act, nor is there any specific requirement as to records.[15]

The duties and powers of the board since 1928 have been drastically curtailed; it now has authority only to appoint the members of the county school board.[16] At its foundation, the board had power to remove from office any

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4. Acts 1883-84, p. 177.
5. Ibid., pp. 177-178; Acts 1884, p. 119; (not to be confused with the school board) see County School Board, footnotes 3-5, 8, pp. 146-147.
6. Acts 1887, pp. 305-306.
7. Acts 1902-3-4, p. 806.
8. Acts 1928, p. 1202; Acts 1936, p. 502; Code 1936, sec. 653.
9. Acts 1928, p. 1202.
10. See footnote 8; Acts 1938, p. 468.
11. Code 1919, secs. 269-271.
12. Ibid., sec. 273.
13. Acts 1928, p. 1202; Acts 1938, p. 468.
14. Ibid., p. 468.
15. Code 1919, secs. 629-634; Acts 1928, p. 1202.
16. Ibid., pp. 1202-1203; Code 1936, sec. 653.

school trustee who failed to qualify upon appointment, or who did not conduct himself properly in office, and to fine the clerks of district school boards for failure to make the required annual reports.[17] The board of school commissioners had further power to summons witnesses, and require the production of the records of any district school board in deciding upon the displacement of a trustee, or for any other purpose.[18] After 1903, the board became a permanent board of appeal for the hearing of complaints against the actions of district school boards, (or county boards, after 1922), which provision continued in force until 1928. The circuit court now hears such appeals.[19]

Under the original act, the clerk of the board was required to keep in a bound volume a record of all proceedings of the board, and to furnish to the Board of Education a list of the county trustees and such other information as might be called for, and he was subject to a fine of $1 to $5 for failure in this or any other duty.[20] These and other minor duties as to trustees are mentioned in the Code of 1919, but not in the present acts amendatory thereto.[21] The minute book, however, is still kept.

262. MINUTE BOOK OF THE POWHATAN COUNTY SCHOOL TRUSTEE ELECTORAL BOARD, 1913--. 1 vol.
Record of proceedings at regular and special meetings of the school trustee electoral board showing date of meeting, names of members attending each meeting, regulations, orders, resolutions, motions, and actions taken on appointment of district school trustees and members of school board, purchase of real estate for school purposes, accounts of board members for expenses incurred in the performance of their duties. Arr. chron. by date of each meeting. No index. Hdw. 300 pp. 8x16x1. Div. supt. off.

XIX. COUNTY SCHOOL BOARD

An act of 1796 provided for the annual election of a board of aldermen, composed of three members, who were to divide the county into school districts, arrange for 3 years' free schooling for every child, appoint and remove teachers, and levy taxes for the support of the schools. The county court, however, was to determine in what year the first election was to take place,[1] and it seems that in many counties the board of aldermen never came into existence. In 1810 the Literary Fund, consisting of the proceeds of all escheats, confiscations, fines, penalties, forfeitures, and personal property reverting to the Commonwealth, was created.[2] The next year the Governor and four high State officials were named President and Directors of the Literary Fund, and were required to

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17. Acts 1876-77, pp. 9-10.
18. See footnote 5.
19. Acts 1902-3-4, pp. 806-807, 815; Code 1919, sec. 632; Acts 1928, pp. 1207, 1226.
20. Acts 1876-77, pp. 9-10.
21. Code 1919, sec. 634; Acts 1928, pp. 1202-1203.

1. Shepherd, Statutes, II, p. 3-5.
2. Acts 1809-10, p. 15.

provide from that fund a school or schools for the education of the poor in each county.[3] To the same end, the county court was in 1818 required to appoint between 5 and 15 persons to be school commissioners, to attend to all the details of free-school establishment and management in the county, and administer, through their treasurer, the sums appropriated from the Literary Fund for those purposes.[4] The commissioners were authorized in 1829, at their discretion, to lay off the county in school districts and, if the inhabitants of the district chose to contribute toward the erection of district schools, to appropriate $2 to every $3 thus raised, and to match dollar for dollar in paying the teachers' salary. The schools so jointly constructed were controlled by three trustees, two appointed by the contributors and one by the commissioners.[5] In 1846 several alternative systems of public education were offered for choice by the voters of each county.[6] Only one of these involved the levying of a special school tax.[7] The board of school commissioners and the boards of district trustees outlined at this time were the forerunners of the county and district school boards respectively.[8] The Constitution of 1851 devoted half the State capitation tax to the support of schools, while the corresponding act applied the entire sum to the same purpose.[9] In 1869 the Assembly was authorized to establish a uniform system of public free schools, including the enactment of compulsory attendance,[10] and, for the first time, a general tax, as well as local taxes for the support of education, was made mandatory.[11] Under the township regime, the division of the county into school districts continued, but the State Board of Education appointed the district school trustees;[12] the districts corresponded in boundary to the townships.[13] The district school trustees collectively, with the county superintendent of schools ex-officio as its president, constituted the county school board.[14] After the abolition of the townships, the school district divisions were by magisterial districts, or subdivisions thereunder.[15] In 1877 the appointment of district trustees was delegated to the new school trustee electoral board.[16] The composition of the county and district school boards did not vary greatly until 1922, when the district school boards were abolished, leaving the county board the principal educational agency in the county.[17]

No Federal, State, or county officer (with certain minor exceptions) is eligible to the position of county school trustee.[18] Each member must likewise be a qualified voter and a bona fide resident of the district which he represents.[19]

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3. Acts 1810-11, pp. 8-9.
4. Acts 1817-18, pp. 11-12; Code 1819, I, pp. 87-90.
5. Acts 1828-29, pp. 13-14; Code 1860, p. 420.
6. Acts 1845-46, pp. 29-44.
7. Ibid., p. 34.
8. Ibid., pp. 32-34.
9. Const. 1851, art. IV, sec. 24; Acts 1852-53, p. 43.
10. Const. 1869, art. VIII, secs. 3, 4, 12.
11. Ibid., art. VIII, sec. 8.
12. Acts 1869-70, pp. 403, 408.
13. Ibid., p. 410.
14. Acts 1871-72, p. 81.
15. Const. 1869 (as amended 1874), art. VII, sec. 2.
16. See School Trustee Electoral Board, pp. 144-146.
17. Acts 1922, p. 738.
18. Acts 1930, p. 794.
19. Const. 1902 (as amended 1928), art. II, sec. 32; Acts 1928, pp. 1202-1203; Acts 1930, p. 794.

County School Board (Next entry 263, p. 150)

The county school board now consists of one member from each school district (coterminous with the magisterial districts). These members are appointed for a 4-year term by the school trustee electoral board. There is no provision for the appointment of deputies.[20] Members of district boards were formerly appointed, three from each district, for overlapping terms of 3 years, so arranged that one was appointed every year.[21]

All county school trustees must qualify before the county clerk by taking the oath prescribed for State officers, but no bond is required.[22]

The board may, at discretion, provide compensation for its members, not to exceed the sum of $5 per diem, nor for more than 30 days each year. Formerly, upon order of the county board to the district, an allowance of not more than the sum of $10 per year might be made to each district trustee for his attendance at county board meetings.[23]

Failure to qualify upon appointment (by taking oath),[24] removal from the district,[25] or participation in any contract or financial arrangement for profit involving the school system in any way,[26] automatically vacates the office. Various penalties are provided for misfeasance, malfeasance, or nonfeasence, in office; offenses against the school code are punishable as misdemeanors, by fines ranging from $5 to $50 in cases not specified,[27] or to $100 in particular instances (as for example the failure of a school officer to deliver his books and papers to his successor in office).[28] Vacancies created in this manner or otherwise are filled by appointment of the school trustee electoral board, and the appointees must qualify as in regular appointments.[29] In other instances removal may be by action taken in the circuit court of the county, the commonwealth attorney representing the Commonwealth.[30]

The clerk of the school board is its recording agent, and is appointed by the board upon the recommendation of the division superintendent (who must be present at all meetings).[31] His term is one year, like that of the chairman elected from the board, and his compensation is fixed by the board.[32]

Before 1922 the district school boards,[33] and since that date the county school board,[34] constituted a body corporate, today known as the County School Board of Powhatan County. The board may sue or be sued, contract or be contracted with, and otherwise exercise such powers and perform such duties as may be laid upon it by law, including the same authority to sell, exchange or

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20. Acts 1928, pp. 1202-1203; Code 1936, sec. 653.
21. Acts 1876-77, p. 69; Code 1919, sec. 636.
22. Acts 1928, p. 1203.
23. Acts 1902-3-4, p. 804; Code 1919, sec. 645; Acts 1928, p. 1203; Acts 1936, p. 502; Code 1936, sec. 653.
24. Code 1936, sec. 2697.
25. Acts 1930, p. 794.
26. Acts 1928, pp. 1223-1225.
27. Ibid., p. 1224; Acts 1930, p. 794.
28. Acts 1928, p. 1224.
29. Ibid., p. 1203.
30. Code 1919, secs. 2705, 2706; Acts 1928, p. 1211; Code 1936, secs. 2705, 2706.
31. Acts 1928, p. 1203; Code 1936, sec. 655.
32. Acts 1934, p. 231; Code 1936, sec. 655.
33. Code 1887, sec. 1482; Code 1919, sec. 652.
34. Ibid., sec. 639; Acts 1928, p. 1203; Code 1936, sec. 653.

County School Board (Next entry 263, p. 150)

convey school property as the board of supervisors have over county property in general.[35] The board may be represented legally by the commonwealth attorney or, in cases in which he is not required to act, may employ counsel and (with the approval of the court) pay attorneys' fees.[36]

The duties and powers of the county board today are a combination of its former ones with those of the district boards. The county school board at present is authorized or required to draw upon the county treasurer for the expenses of operation of the school system, secure information concerning the conduct of the schools, provide buildings, equipment and supplies, and pass upon and provide for the payment of claims against the system for services, supplies, and for the consolidation of schools and the transportation of pupils when this would contribute to the efficiency of the educational system.[37] With the assistance of the division superintendent, the board makes an annual report to the State Board of Education,[38] and the superintendent, with the advice of the board, establishes a budget for the following year to guide the board of supervisors in laying the school levy.[39] It may also provide for the funding or refunding of extant school bonds,[40] or (with the approval of the electorate) for the issuance of new ones.[41] The board also makes contracts with teachers, may expel pupils,[42] and in general conducts all the business affairs of the county school system, working in close cooperation with the division superintendent, who is now selected by the board from a list of eligibles certified to it by the State Board of Education.[43]

The clerk of the school board, as its recorder, keeps a minute book in which are entered notes of the proceedings of the board,[44] a series of accounts of receipts and disbursements made by or for the board,[45] stubs of warrants for the use of the board in accounting with the treasurer for warrants drawn upon him for payment of school expenses,[46] and a file of warrants paid by the treasurer, canceled by him, and returned to the board to be credited to him in his annual settlement.[47] Correspondence of the board with the State Board of Education and the Virginia Educational Association and letters concerning motor vehicles, insurance, and cooperative education are also filed.

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35. See footnote 34.
36. Acts 1928, p. 1212; Code 1936, sec. 676.
37. Acts 1928, pp. 1203-1204; Code 1936, sec. 656.
38. Acts 1928, p. 1205; Code 1936, sec. 659.
39. Acts 1928, p. 1204; Code 1936, sec. 657.
40. Acts 1934, p. 232.
41. Acts 1928, pp. 1210-1211.
42. Ibid., p. 1206.
43. Const. 1902 (as amended 1928), art. IX, sec. 133; Acts 1928, p. 1201.
44. Acts 1871-72, p. 82; Code 1919, sec. 642; Acts 1928, p. 1189; Code 1936, secs. 614, 655.
45. Acts 1869-70, p. 409; Code 1919, sec. 657; Acts 1928, p. 1189; Code 1936, sec. 614.
46. Acts 1869-70, p. 416; Code 1919, sec. 670; Acts 1928, pp. 1203-1204; Code 1936, sec. 656 (before 1928, the warrants were issued by district boards).
47. Acts 1871-72, pp. 83-84; Code 1919, sec. 728; Acts 1928, p. 1221; Code 1936, sec. 700; see entry 266.

Division Superintendent of Schools (263-267)

Proceedings

263. (MINUTES OF COUNTY SCHOOL BOARD), 1923--. 1 vol.
Record of proceedings at regular and special meetings of the school board showing date of meeting, names of members attending each meeting, regulations, orders, resolutions, motions, and actions taken on erection and improvement of buildings, purchase of supplies, insurance, salaries, transfer and transportation of pupils. Arr. chron. by date of meeting. No index. Typed. 200 pp. 10½x9½x2. Sch. bd. off.

Financial

Collections and Disbursements

264. (RECEIPTS AND DISBURSEMENTS), 1935--. 1 vol.
Record of receipts and disbursements showing from what fund received, for what district and purpose used, amount. Arr. chron. No index. Hdw. on ptd. forms. 200 pp. 20x12½x2. Sch. bd. off.

Warrants

265. (WARRANT STUBS), 1936--. 1 vol.
Stubs of warrants issued by the school board on the treasurer for payment of school expenses showing warrant number, date issued, to whom payable, purpose, amount. Arr. chron. No index. Hdw. on ptd. forms. 200 pp. 12½x9½x1. Sch. bd. off.

266. (CANCELED SCHOOL WARRANTS), 1882-1911. In Board of Supervisors (Canceled Warrants), entry 9.
Canceled warrants of school board showing warrant number, date issued, payee, purpose, amount, signatures of clerk of school board and county treasurer.

Correspondence

267. LETTERS, 1932--. 2 file drawers.
Correspondence of the county school board with the State Board of Education and the Virginia Educational Association and letters concerning motor vehicles, insurance, and cooperative education. Arr. alph. by subject. No index. Hdw. and typed. Aver. 14x12x25. Sch. bd. off.

XX. DIVISION SUPERINTENDENT OF SCHOOLS

The first superintendents of schools for counties were appointed in 1846 by the county boards of school commissioners - not in those counties which adopted the new free-school system, but only in those which retained the former free schools for indigent children.[1] The duties and powers conferred upon this office by the original act were strikingly similar to those of today.[2] There was no corresponding officer in either of the two alternative free-school plans, although any county might adopt any plan already in operation

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1. Acts 1845-46, pp. 29, 33.
2. Ibid., pp. 30-31; and see below.

Division Superintendent of Schools (Next entry 268, p. 153)

for the establishment of free schools.[3] In 1849, however (at the revision of the laws), the appointment of a superintendent was required in the free-school system as well.[4] In counties which had established free schools, a referendum might be called to decide upon the continuance or abolition of the system, and this optional character of the plan of local education persisted until 1869.[5] In that year a uniform system of public free schools was made mandatory by constitutional provision, and the county superintendent of schools was to be appointed by the State Board of Education[6] for a term of 3 years.[7] He thus became, in a sense, an agent of the State Board, and his authority increased accordingly. He exercised it largely in a supervisory capacity over the clerks of district school boards and school officers and employees in general.[8] In 1902 the superintendent's tenure was increased to 4 years and in 1916 an important change in the law required professional qualifications - a teacher's license equivalent to a first-grade certificate, or teaching experience, or former practical service as a superintendent.[9] The title "division superintendent of schools" dates from 1903, when the State Board of Education was first authorized to lay off the State in school divisions containing one or more counties each, and to appoint superintendents of schools over these divisions, although the other mechanisms of the county educational systems remained independent.[10] Since 1916 there have been few changes of consequence in the office of division superintendent, except that after the late constitutional amendment, the superintendent was once again to be appointed by the county school board.[11]

Eligibility for the office of division superintendent today is dependent upon meeting minimum qualifications set up by the Board of Education, according to a statement published annually by that office.[12]

One superintendent is appointed for each division - in this instance, Powhatan County is combined with Goochland to form a school division[13] - by joint vote of the school boards of the two counties, from a list of eligibles certified to them by the State Board of Education.[14] His term of office is still 4 years,[15] and there is no provision for the employment of a deputy, since the nature and requirements of the office demand the personal attention of the incumbent.

The superintendent is required to take the usual oath of office[16] before

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3. Acts 1845-46, p. 31.
4. Code 1849, p. 379.
5. Ibid., pp. 380-381; Code 1860, pp. 428-429.
6. Const. 1869, art. VIII, secs. 1-3.
7. Acts 1869-70, p. 406; Code 1873, p. 683.
8. Ibid., pp. 683-684.
9. Const. 1902, art. IX, sec. 132; Acts 1902-3-4, pp. 802-803; Acts 1916, pp. 789-790.
10. Const. 1902, art. IX, sec. 132; Acts 1902-3-4, pp. 383-384, 806-810.
11. Const. 1902 (as amended 1928), art. IX, secs. 132, 133; Acts 1930, p. 883; Acts 1936, p. 501.
12. See footnote 11.
13. Report of the Secretary of the Commonwealth . . . 1938, Richmond, 1938, pp. 191, 227.
14. Acts 1936, pp. 501-502.
15. Ibid., p. 501,
16. Code 1936, secs. 269, 273.

a circuit or corporation court having jurisdiction in his division. No bond is or was required of him,[17] except under the act of 1846, when, acting as treasurer of the board of school commissioners, he was required to give bond in the penalty of not less than $2,000.[18]

The superintendent was at first compensated by a commission of 5 percent upon all money lawfully disbursed by him from the school fund. Since these sums totaled only $70,000 for the entire state (then including all of present West Virginia, 145 counties in all), the superintendent's annual income from this source must have been about $25.[19] After 1869 the computation was based upon the population of the county and the number of schools, but it was in no case to exceed $350.[20] Today salary standards are conditioned by the population of the division to some extent; a minimum of $1,600 per annum, or half that amount for part-time employment, is set for divisions of above 3,000 inhabitants, plus $10 per 100 population in excess of 3,000. Half this salary is paid by the State and half by the board of supervisors from the general fund of the counties, although the school board may appropriate small sums for traveling expenses from the school fund.[21]

The division superintendent, like other school officers, is forbidden to be interested in any contract or financial transaction involving the school system. He is subject to fines and penalties ranging from $5 to $50, or in certain cases to $100, for breaches of the school laws and is prosecuted by the commonwealth attorney in the name of the Commonwealth for a misdemeanor.[22] His office is automatically vacated by his engaging in other employment (unless he is superintendent on a part-time basis), or it may be vacated by resignation, or removal from office by the State Board of Education or the county school board.[23] Any vacancy in the office may be filled by the county board or, if the local agency fails to act within 60 days, by the State Board.[24] There is no separate provision for the oath of appointees in vacancies; the general act is inclusive.[25]

The duties and powers of the division superintendent of schools today are in general such as are prescribed by the State Board of Education.[26] Furthermore, he is specifically required to attend every meeting of the school board, to compel attendance of children of school age not otherwise exempt (checking attendance lists against the reports of the quinquennial school census), to supervise the taking of that census, to recommend a clerk to the school board, to prepare (with the advice of the board) the school budget for each successive year, to assist the board in making out its annual report to the State Board of Education, to assign and reassign teachers and principals employed by the board, and to perform various other duties in cooperation with the county school board. Thus, in effect, he acts as liaison officer between State and local

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17. Ibid., sec. 625; Acts 1930, p. 884.
18. Code 1849, p. 373.
19. Ibid., pp. 37-38, 367, 373.
20. Acts 1869-70, p. 406.
21. Acts 1928, p. 1189.
22. Ibid., pp. 1223-1225.
23. Acts 1930, p. 884.
24. Ibid., p. 883.
25. Ibid., p. 884.
26. Acts 1928, p. 1190.

educational agencies.[27]

The records of the division superintendent of schools reflect his varied duties. With him are filed the regular monthly reports from each teacher showing total enrollment, salary per month, average attendance, number of physical inspections made during month, and other information relevant to the activities and duties of the teacher.[28] The division superintendent also keeps reports of physical inspections,[29] receives applications for teaching positions,[30] and retains a record of certificates of fitness filed by teachers.[31]

A quinquennial census of children of school age has long been required for the purpose of enforcing compulsory attendance, apportioning State funds among the counties, and estimating the accommodations needed. The census is taken under the direction of the school board.[32]

The superintendent keeps a file of his business correspondence, original letters and copies of his replies, not as a mandatory record of his office, but largely for his own convenience.

In the superintendent's office are also filed some miscellaneous items; an annual list of names and information concerning high school graduates; a record of the emergency education program; and original applications for positions under the National Youth Administration in the school system and correspondence pertaining thereto.[33]

Reports

268. (TEACHERS' MONTHLY REPORTS), 1936--. 1 file box
Reports of teachers to division superintendent showing number of days taught, total enrollment to date, total on roll for month, average attendance, salary per month by contract, salary this month, number of physical inspections made during month, number of corrections following physical inspection, number of cases of absences, number of cases of tardiness, number of visits to homes, number of pupils dropped during month and reason therefor. Arr. alph. by sur-

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27. Ibid., pp. 1203-1205; Acts 1930, pp. 886, 888-889.
28. The powers, duties, and records of the division superintendent are to a large extent prescribed by the Superintendent of Public Education, or the State Board of Education; hence few of his records are mentioned in the statutes or codes: Acts 1871-72, p. 86; Code 1887, sec. 1439; Code 1919, sec. 628; repealed, Acts 1928, p. 1226.
29. Acts 1908, p. 661; Code 1919, sec. 724; Acts 1928, p. 1217; Code 1936, sec. 689; see footnote 28.
30. The employment of teachers is subject to approval of the county school board, but the division superintendent assigns and recommends them: Acts 1928, p. 1205.
31. Acts 1906, p. 432; Code 1919, secs. 610, 688; Acts 1928, p. 1205 (such certificates have been issued by the State Board of Education since 1906, but there is no specific reference to the manner in which they shall be filed or preserved).
32. Acts 1920, pp. 72-73; Acts 1928, p. 1219; Acts 1936, pp. 511-512.
33. See footnote 28.

name of teacher. No index. Hdw. on ptd. forms. 7x5½x9. Sch. bd. off.

269. (PHYSICAL INSPECTION REPORTS), 1936. In (School Census), entry 373. Teachers' reports on physical inspection of children showing address, date, number of children enrolled, number inspected, number with defects in weight, teeth, vision, hearing, and throat, number of children vaccinated, number not immunized against diphtheria, number of crippled children.

Teachers

270. TEACHERS APPLICATIONS AND REPORTS, 1932--. 1 file drawer. Original applications for positions as teachers in the public schools of Powhatan County and reports of teachers contracted with showing name and address of teacher, sex, race, marital status, name of school with grade and subject assigned, amount of salary per month, number of months contracted for, grade and expiration of certificate, institution attended, number of years experience, number of years in this division. Arr. chron. No index. Hdw., typed, and typed on ptd. forms. 10x12x26. Sch. bd. off.

271. FORMS AND REPORTS, TEACHER'S APPLICATIONS, 1933--. 1 file drawer. Miscellaneous papers concerning teachers, including certificates, contracts, applications, memoranda of superintendent, and reading courses. Arr. by subject. No index. Hdw., typed, hdw. and typed on ptd. forms. 14½x12x25½. Sch. bd. off.

272. SUP'T. (Superintendent) RECORD OF TEACHER'S CERTIFICATES, 1913--. 1 vol.
Division superintendent's record of teacher's certificates showing name and address of teacher, grade of certificate, date issued or renewed, expiration date, date endorsed by superintendent, number of years experience, where educated, summer schools attended and dates, remarks. Arr. chron., thereunder by race, and alph. thereunder by surname of teacher. No index. Hdw. on ptd. forms. 200 pp. 16x11x1. Sch. bd. off.

Census

273. (SCHOOL CENSUS), 1930. 1 file box.
Original reports of school census showing county, district, nearest elementary schools, names, address, and occupation of parents or guardians, distance in miles from school and bus route, names and data for all persons in family between the ages of 6 and 20, name of child, date of birth, age, school grade attained, sex, notation as to school attended (public, private, none), notation as to attendance for next year, notation as to literacy, special educational facilities required because of impaired hearing or vision, speech defects, and mental or physical defects. Also contains (Physical Inspection Reports), 1936, entry 269. Arr. chron. No index. Hdw. on ptd. forms. 9x6x14. Sch. bd. off.

Correspondence

274. (CORRESPONDENCE), 1932--. 4 file boxes.
Correspondence of the division superintendent of schools concerning teachers' contracts, textbooks, and school buildings. Arr. alph. by subject. No index. Hdw. and typed. 12x8x18. Sch. bd. off.

Local Board of Public Welfare (275-277)

Miscellaneous

275. (LISTS OF GRADUATES OF POWHATAN HIGH SCHOOL), 1921--. 1 file box. Lists of students graduating from Powhatan High School showing name and address of graduate, date of graduatinn, scholastic standing. Arr. chron. No index. Hdw. and typed. 9x6x14. Sch. bd. off.

276. EMERGENCY EDUCATION, 1935-37. 1 file drawer. Record of emergency education program showing name of teacher, subject taught, date of first class meeting, enrollment, daily attendance. Arr. alph. by surname of teacher. No index. Hdw. on ptd. forms. 14x11½x24. Sch. bd. off.

277. NATIONAL YOUTH ADMINISTRATION, 1935-36. 1 file drawer. Original applications for positions in school system and correspondence pertaining thereto. Arr. chron. No index. Hdw., typed, and hdw. on ptd. forms. 14x12½x24. Sch. bd. off.

XXI. LOCAL BOARD OF PUBLIC WELFARE (OVERSEERS OF THE POOR)

The earliest office organized purely for welfare work was that of the overseers of the poor, which assumed the duties of the parish vestry or churchwardens and all the powers for the relief of the needy formerly vested in that organization.[1] The county was divided into districts in 1785 and three overseers of the poor were elected for a 3-year term. At annual meetings they reported the number and condition of the poor and the expenditures for the poor in their districts. They settled their accounts with the county court and assessed a poor levy for the necessary relief and support of the poor, lame, blind, and other inhabitants not able to maintain themselves.[2] In 1852 the number of overseers of the poor per district was reduced from three to one and the term of office was extended from 3 to 4 years.[3] By the Constitution of 1869, the overseer became a township officer, still elective, but for a term of 1 year.[4] Later, one overseer of the poor was elected for each magisterial district for a 2-year term. In 1903 the term was increased to 4 years and thus it continued until the office was abolished in 1938.[5] Overseers of the poor, before entering upon the discharge of their duties, were required to take the oaths of office prescribed by the code, and to give the bonds required of them, in the circuit court, or before the judge thereof in vacation, the proper orders evidencing their due qualification being entered on record in such court.[6] In 1872 a bond, in the penalty of not less than $500 nor more than $1,000 to be determined by the court or judge, was required before qualification.[7] In 1896 the amount of the bond to be given was fixed at double the amount which annually passed through the hands of the overseer, not less, in any case, than $500;[8]

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1. Hening, Statutes, X, pp. 288-289; Code 1860, p. 293.
2. Hening, Statutes, XII, pp. 27-28.
3. Const. 1851, art. VI, sec. 30; Acts 1852, p. 64.
4. Const. 1869, art. VII, sec. 2; Acts 1869-70, p. 80.
5. Acts 1874-75, p. 134; Acts 1902-3-4, pp. 506, 743; Acts 1938, p. 214.
6. Acts 1852, p. 67.
7. Acts 1871-72, p. 304.
8. Acts 1895-96, p. 825.

and the identical amount was stipulated in 1924.[9] The compensation of overseers of the poor, during the life of the township, was fixed by the township board, not to exceed for each overseer the sum of $30 for any year.[10] In the early nineteen hundreds the pay was prescribed as $2 for each day actually engaged in the duties of the office, not to exceed $20 for each overseer for any year, such amount to be paid out of the county levy.[11] The removal of an overseer of the poor from the district in which he was elected constituted a vacation of his office.[12] The failure of any one of them to serve made him subject to a forfeiture of $100, unless from age or infirmity he was unable to serve.[13] As far back as 1816, the county courts had power to appoint one "fit and responsible person, as agent of the board of the overseers of the poor . . . , to remain in office during the pleasure of the said courts . . . ." This agent's duty was to demand, receive, and hold property for disposition for the benefit of the poor, and he was empowered to attend to and manage any suit which might be prosecuted by or against the overseers as a body.[14] The overseers of the poor had the duty of providing for the maintenance and apprenticeship of illegitimates and other destitute children, as prescribed under chapters 125 and 126 of the Code of 1860.[15] The overseers cared for the poor who were admitted to the district poorhouse, provided aid for the needy, prevented begging, bound out as apprentices children who were charges of the county, and in some instances placed destitute children in schools.[16] Authority was given an overseer of the poor to apply to a justice for the issuance of a warrant for the conveyance of a poor person to his legal settlement in another state.[17]

The powers and duties of the overseers of the poor while the office remained in existence continued to be much the same as were prescribed by the laws in force when the Constitution of 1869 was adopted.[18]

By an act of 1922, the county board of public welfare (where such was in existence) was authorized to appoint a superintendent of public welfare, to hold his office at the pleasure of the local board.[19] In 1938 the local superintendent appointed by the board of supervisors in 1936 (apparently under the act mentioned above) was still in office and was given authority to serve as such at the pleasure of the local board of public welfare.[20] All applications for aid to dependent children are filed with the superintendent of the county in which

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9. Acts 1924, p. 685.
10. Acts 1871-72, p. 302.
11. Acts 1901, p. 73; Acts 1902-3-4, p. 609.
12. Acts 1852, p. 67.
13. Code 1849, p. 260.
14. Acts 1815-16, pp. 57-58; Code 1819, II, p. 277.
15. Code 1860, pp. 584-587; Acts 1869-70, p. 281; Acts 1871-72, p. 303.
16. Ibid., p. 303; Acts 1878-79, pp. 307-309; Acts 1926, pp. 869-870; Acts 1930, pp. 939-940.
17. Acts 1869-70, p. 280.
18. Acts 1878-79, p. 183.
19. Acts 1922, pp. 160-161 (such appointments were made at this time in only a few counties; Powhatan's superintendent was appointed by the board of supervisors and commenced to function Sept. 8, 1936).
20. Acts 1938, pp. 644-646.

such dependent children reside.[21]

The local welfare board, established in 1938, consists of three members appointed by the judge of the circuit court for a 2-year term, and its duties are performed in cooperation with the county superintendent of public welfare whom the board appoints to serve at its pleasure. The duties of this board include old-age assistance, aid to dependent children, and aid to the blind.[22]

The proceedings of the local board of public welfare and the superintendent are recorded in a minute book.[23] This record corresponds to the book of proceedings of the board of overseers of the poor,[24] who formerly functioned under the direction of the county court and reported their actions to it. The local board is also required to keep a file of applications for assistance under the Public Assistance Act.[25] Upon receipt of such applications, the superintendent must investigate the case and make a report in writing of such facts as the local board or the State Commissioner may require.[26] Under this blanket provision, the local superintendent makes reports of case histories (served by a card index), and keeps records of assistance given.[27] These reports are made on forms apparently prescribed by the directing State agency. The State Board is required to reimburse the local board for a certain proportion of local expenditures. For the purpose of presenting claims for reimbursement,[28] the local board keeps a record of its expenditures for general relief purposes, and a register of warrants drawn against the local public assistance fund. Until the present act (1938) these warrants were issued by the board of supervisors.[29] The local board, cooperating with State and Federal agencies, also keeps many records concerned with the activities within the county of such government organizations as the Federal Emergency Relief and Works Progress Administrations, and the Surplus Commodities Corporation. Furthermore, the local board, under the direction of the Commissioner, is required to cooperate with the Federal Social Security Board and other Federal agencies in relation to matters referred to in the 1938 act.[30] The exact manner and extent of this cooperation, however, is discretionary, and the forms of records are such as may have been prescribed by the respective Federal administrations. A file drawer of general correspondence pertaining to relief matters completes the list of records.[31]

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21. Ibid., p. 651.
22. Ibid., pp. 642-661; the present superintendent, appointed by the board of supervisors (see above) will be replaced by an appointee of the local board of welfare in event of a vacancy.
23. Apparently not required by law, unless prescribed by the State Board of Public Welfare.
24. Code 1819, II, pp. 268, 271; Code 1860, p. 293; this record included financial statements; proceedings and accounts were ordinarily kept in the same book, see entry 283.
25. Acts 1938, pp. 646, 651, 657.
26. Ibid., pp. 647, 651-652, 657.
27. See entries 280, 281, 288.
28. Acts 1938, pp. 663-665.
29. See entries 5, 7, 9, 11.
30. Acts 1938, pp. 642, 644 (the local board is directed to cooperate with the State Board, and the Commissioner, who in turn are required to aid the Federal agencies active in affairs within the scope of this act).
31. See footnote 28.

Proceedings

278. MINUTE BOOK OF PUBLIC WELFARE, 1938--. 1 vol. (1).
Record of the orders and proceedings of the Powhatan County welfare board showing date of meeting, members present, and action taken on endorsement and appointment of superintendent, review of applications, lists of names approved for general assistance and old age assistance, approval of grants for assistance. Arr. chron. by date of meeting. No index. Typed. 300 pp. 12x18x2. Wel. off.

279. (MINUTES OF BOARD OF OVERSEERS OF THE POOR), 1852-60. In Overseers, entry 286.
Record of the orders and proceedings of the board of overseers of the poor showing date of meeting, members present, and action taken on apprenticeship of orphans, grants to paupers, and poor relief.

280. (CASE HISTORIES), 1936--. 1 file drawer.
Case history records of aid to blind, aid to dependent children, general relief cases, and old age assistance, including reports on eye examinations, applications for relief, household budgets of relief cases, family face sheets, and correspondence concerning cases, showing date application received, case name, code classification, marital status, aliases, Department of Public Welfare case number, civil status, race; date moved to present address, address at the time of first application and new addresses, number of rooms, amount of rent, own home or buying home, value, amount of mortgage, landlord or agent's address; resident family, resident single person, transient; child welfare case code 706; new, reopened; former county, other; full names of all members in immediate family, verified birth, verified death, education, occupation, helath; total number of persons in relief group; family physician; others in household including married children - relatives, lodgers, and boarders; full name, verified birth, verified death, place of employment, weekly contribution; previous addresses; children not living at home - name and address, number in family, place of employment, wage, amount of contribution, family status; other relatives, kindship; last three regular jobs of each working member of family; name of member of family, employer; address, settlement; former marriages; present marriage; military service, bonus, penison or hospitalization; name of church, religion, minister. Arr. alph. by case name. For index, see entry 281. Hdw. on ptd. forms, and typed. 14x12x23. Wel. off.
For prior records, see entry 288.

281. (CENTRAL INDEX FILE), 1934--. 1 file box.
Index to record of cases, entries 280 and 288, showing name and address of person on relief, case number, race, name of worker. Arr. alph. by surname of party on relief. Typed on ptd. forms. 4x5x12. Wel. off.

282. (CERTIFICATES OF AWARD), 1938--. 1 vol.
Record of awards made by local board of public welfare showing name and address of person receiving award case number, award number, class of assistance, date of award, date effective, notation as to where recorded in minutes of board, amount of award, name and address of payee other than applicant, relation to applicant, date of cancelation, reasons for cancelation, signature of chairman of local board, secretary's attestation. Arr. chron. by date of award. No index. Typed on ptd. forms. 75 pp. 12x15x1. Wel. off.

Financial

283. OVERSEERS, 1826-32, 1852-70. 3 vols. (3; two not labeled). Title varies: Overseers Poor Allowances to Nov. (November) 1832, 1826-32; Overseers of the Poor for the County of Powhatan and State of Va. (Virginia), One of the U. S. (United States), 1852-60.
Record of assistance given to paupers by overseers of the poor showing name of pauper and amount allowed. Also contains (Minutes of Board of Overseers of the Poor), 1852-60, entry 279. Arr. chron. No index. Hdw. Aver. 100 pp. 12½x8x½. Storage.

284. LEDGER (Register of Obligations Incurred), 1936--. 1 vol.
Record of obligations incurred for general relief, aid to aged, to blind, to dependent children, and to mothers showing date, name of person furnishing supplies, case number, purchase-order number, number of paid warrant, total amount of order, distribution of fund (for compensation of superintendent and general administrative purposes). Arr. chron. by date of entry. No index. Hdw. on ptd. forms. 100 pp. 18x15x1½. Wel. off.

285. (RECEIPTS AND DISBURSEMENTS), 1938--. 1 vol.
Ledger of receipts and disbursements showing account number, date of posting, items, amount of debits, credits, and balances. Arr. chron. No index. Hdw. on ptd. forms. 50 pp. 8x11x½. Wel. off.

286. (WARRANT REGISTER), 1938--. 1 vol.
Superintendent of public welfare's record of warrants issued by local board of welfare showing date, warrant number, payee, purpose of warrant, certificate of award number, case or code number, amount of warrant, date of issuance, signatures of chairman and secretary of local board of public welfare. Arr. chron. No index. Typed on ptd. forms. 50 pp. 8x14x½. Wel. off.

287. STATISTICAL CARDS, 1938--. 1 file box.
Household statistical record showing case name, address, race, case number, county, total number in relief group, general relief classifications such as employed, unemployed, nonresident, and those 65 and over, members of household, current status, benefits, aid to blind - cash benefits (not included in preceding benefits), date and amount of cancelations. Arr. alph. by case name. No index. Typed on ptd. forms. 10½x12½x5. Wel. off.

288. F. E. R. A. (Federal Emergency Relief Administration) CASE RECORDS, 1934-35. 3 file drawers (labeled by case numbers).
Case history records of the Federal Emergency Relief Administration, including case record cards and financial record cards. Case record cards show date of first application, case number, name, aliases, civil status, address, date moved to this address, address at time of first application, number of rooms, monthly rent or payments on property, name and address of landlord or holder of mortgage, number of persons in family on relief, members of household (name, date of birth, place of birth, occupation, regular trade, education, disability), others in household (name, age, relationship to family or person, occupation, weekly contribution, place of legal settlement, sex, race, date came to this locality, naturalization, marriage, military service, previous addresses), children away from home and other relatives (name, address, relationship, number of dependents, employment status), last three steady jobs, name of members of family employed, name and address of employer, date began

and ended, kind of job, employer's statement, weekly wage. Financial record cards show name, address, case number, estimated minimum weekly needs, estimated weekly income, relief recommended, relief work, direct relief, annual obligations to home. Arr. numerically by case number. For index, see entry 281. Hdw. on ptd. forms. 10x12x26. Wel. off.

For subsequent records, see entry 280.

Federal Relief

289. W. P. A. (Works Progress Administration) ACTIVE & CLOSED RELIEF CASES, 1936--. 1 file drawer.

Works Progress Administration case history records, including family face sheets, applications for relief, referral for regular employment and correspondence concerning cases. Arr. numerically by case number. No index. Hdw. on ptd. forms. 10x12x26. Wel. off.

290. SURPLUS COMMODITIES, 1934--. 1 file drawer.

Receipts for clothing from the surplus commodity program showing name of recipient, address, number of persons in family, card number, items received, date delivered, recipient's signature. No arr. No index. Typed on ptd. forms. 10x12x26. Wel. off.

291. SURPLUS COMMODITY ORDERS, 1934--. 1 file drawer.

Duplicate of orders for food and clothing issued to relief families showing case number, number of persons represented in the order, name of county, date, to whom addressed, name and address of recipient, quantity, description, and net weight, signature of recipient. Arr. chron. by date of order. No index. Hdw. on ptd. forms. 10x12x26. Wel. off.

Correspondence

292. CORRESPONDENCE, 1934--. 1 file drawer.

General correspondence on relief matters, including child welfare, medical care, institutional care, application requirements, and probation work. Arr. alph. by subject. No index. Hdw. and typed. 10x12x26. Wel. off.

XXII. SUPERINTENDENT OF THE POOR

The Constitution of 1869 provided for the election of a superintendent of the poor for a term of 3 years.[1] This office was changed to an appointive one in 1875 and the term of office was increased to 4 years. Until the county court's abolition in 1904, the superintendent continued to be chosen by the court on the recommendation of the board of supervisors. After 1904 this duty was performed by the circuit court.[2]

The superintendent of the poor took the oath required of all officers. His bond varied from $5,000 in 1872 to $4,000 in 1896.[3]

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1. Const. 1869, art. VII, sec. 1; Acts 1869-70, p. 79.
2. Acts 1874-75, pp. 133, 355; Const. 1902, art. VII, sec. 110; Acts 1902-3-4, pp. 506, 742.
3. Acts 1871-72, p. 229; Acts 1895-96, p. 825.

His salary ranged from $240 to $400.[4] Procedure for filling vacancies was the same as for regular appointments.[5]

The superintendent had charge of the poorhouse. At the order of the board of supervisors, he provided suitable places for housing the poor when a county home was not available, received paupers sent by the overseers of the poor, and reported to the board of supervisors the amount needed to provide for them.[6]

There is no superintendent of the poor at present in Powhatan, the office having been discontinued in 1910.

No records of this agency are to be found in Powhatan.

XXIII. PARISH VESTRY

For church and minor administrative purposes, the counties in Colonial Virginia were divided into parishes. Each parish had a local governing body known as the parish vestry. Agents of the vestry, called churchwardens (generally vestrymen themselves), performed a great many of the vestry's duties.[1] In 1643 a vestry was provided in each parish of the colony to be composed of certain selected men, the minister and at least two churchwardens. Two years later the vestrymen were to be elected by a "pluraltie of voices." The number of such vestrymen was limited in 1661 to 12, who were required to take certain oaths and subscribe to the doctrine of the Church of England. Out of this number, the minister and such vestry were to choose two churchwardens yearly.[2] In 1676 an act was passed under the domination of Nathaniel Bacon for the election of 12 vestrymen every 3 years during Easter week. Except for this temporary ruling, forced through the Assembly by the rebels, their term of office was of indefinite duration. The vestrymen usually served as churchwardens in rotation.

As far back as 1662, in the case of the death of any vestrymen, or his departure from the parish, it was left to the discretion of the minister and vestry to "supply his roome", but it was stipulated that none should be admitted to be a member of the vestry who did not take the oath of allegience and supremacy to the King and subscribe and conform to the doctrine and discipline of the Church of England.[3]

The parish vestry had many and varied duties. It had administrative power over the clergy and, in 1643, was permitted to select and compensate its ministers, whose removal was "left to the Grand Assembly." By an act

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4. Acts 1869-70, p. 265; Acts 1871-72, p. 230; Acts 1872-73, p. 106; Acts 1889-90, p. 52; Acts 1902-3-4, p. 609.
5. Acts 1904, p. 324.
6. Acts 1869-70, pp. 264-265; Acts 1874-75, p. 352.

1. Bruce, Institutional History, I, pp. 64-65, 79.
2. Hening, Statutes, I, pp. 240, 290-291; ibid., II, pp. 25, 44-45.
3. Ibid., II, pp. 45, 356; Bruce, Institutional History, I, p. 66.

of 1661 glebes were first formed under the vestry's supervision, and provision was made for proper housing of the minister. The churchwardens kept the church in repair and collected the funds to be used for the minister's salary.[4] The vestry had direct charge of the prosecution of moral offenses. As early as 1624 the churchwardens were sworn to present to the commanders of the plantations offenders against proclamations concerning swearing and drunkenness. In 1643 they presented indictments concerning these offenses to the county court, exercising in this respect concurrent power with the grand jury.[5] The laying of the parish levy was entrusted to the vestry. Each tithable person was assessed a certain sum to be used in building churches and buying glebes. In 1677 the freeholders selected six persons to sit with the vestry and have equal voice in assessing the parish taxes. Special persons, nominated and appointed by the vestry in 1727, collected and received the levies of tobacco. Eventually the collection of the parish levy was assigned to the sheriff as one of his duties as tax collector of that period.[6]

As a welfare agency, the parish vestry assisted the county court in building and maintaining houses where poor children were apprenticed to receive instruction in the arts of spinning and weaving, and workhouses for the adult poor. The churchwardens bound out children whose parents were unable to support them and cared for indigent sick, who could not be sent back to the place whence they came.[7]

In the eighteenth century the parish vestry declined in power. After 1779 the vestry's taxing power was limited to laying the poor levy. However, it could levy a tax to settle obligations incurred before January 1, 1777.[8]

With the creation of the office of the overseer of the poor in 1785 the parish vestry as a county office ceased to exist. Since that date the vestry has served exclusively as a church agency.[9]

The vestry was required to keep a book in which were recorded abstracts of the proceedings of the vestry[10] for the enforcement of moral laws,[11] relief of the poor,[12] and the regulation of the processioning of lands which was until the Revolution a duty of the vestry.[13] One volume of such records (beginning

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4. Hening, Statutes, I, pp. 241-243, 328; ibid., II, pp. 30, 52; ibid., III, p. 152.
5. Ibid., I, pp. 126, 240-241, 309-310; ibid., IV, p. 244.
6. Ibid., I, pp. 400, 478-479; ibid., II, p. 396; ibid., IV, pp. 205-206; Bruce, Institutional History, I, p. 92.
7. Hening, Statutes, II, p. 267; ibid., IV, pp. 210-211; ibid., VI, pp. 31-32, 476.
8. Eckenrode, H. J., Separation of Church and State in Virginia . . ., Richmond, 1910, pp. 61-62; Hening, Statutes, X, pp. 197-198.
9. Ibid., XII, pp. 27-30; Eckenrode, op. cit., p. 115.
10. Hening, Statutes, I, pp. 155, 240-241 (to present accounts of levies and collections annually); ibid., VI, pp. 476-478.
11. See footnote 5.
12. See footnote 7; Hening, Statutes, VI, pp. 476-478.
13. Ibid., III, pp. 325-326; ibid., V, pp. 426-427.

before Powhatan County was founded, since Southam Parish antedated the county,[14] and continuing, after the abolition of the vestry as a county agency, for the recording of its church functions[15]) survives in Powhatan.

293. VESTRY BOOKS, SOUTHAM PARISH, 1745-1836. 1 vol. and 2 photostats. Title varies: Southam Parish, Powhatan County, Va. (Virginia). Vestry Book, 1745-1836.
Record of proceedings of parish vestry showing date of meeting, oaths of vestrymen, and actions taken on appointment of churchwardens, offenses against church laws, laying of parish levy, collection and distribution of poor fund. Alos contains Processioners' Returns, 1792, 1803, 1805-36, entry 207. Arr. chron. by date of meeting. No index. 1745-1836 hdw.; 1745-1836 photostated. Aver. 450 pp. 18x12½x2. 1 vol. and 1 photostat, 1745-1836, clk. off.; 1 photostat, 1745-1836, Vi., archives stack-rm.

XXIV. LOCAL BOARD OF HEALTH

Before the creation of the local board of health, various county officials had certain duties in connection with the promotion of public health. The county court had the power to establish hospitals for persons with contagious diseases, and the overseers of the poor provided for the vaccination of the poor at the expense of the county.[1]

The act creating the local board of helath was passed in 1900. Since that year few changes have been wrought in the health code as first set up. This legislation provided for a board composed of the chairman of the board of supervisors, the county clerk, and three licensed physicians, appointed biennially by the county court upon the recommendation of the medical society of the county.[2]

In 1910 three medical members of the local board were appointed by the State Board of Health, instead of by the circuit court judge who had replaced the county court judge in 1904; and the tenure of the local board and its executive officer was reduced to one year.[3] In 1924 a legal change occurred; only one of the three appointed members of the board was thereafter required to be a physician.[4]

The executive and recording agent of the local board is the secretary, a physician, elected from and by the board for a 2-year term. It is his duty

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14. Powhatan County was formed by dividing Southam and part of another parish from Cumberland County, which had in 1749 in like manner been divorced from Goochland. Thus Southam Parish lay in turn in Goochland, Cumberland, and Powhatan Counties: Hening, Statutes, IX, pp. 322-323; Robinson, Virginia Counties, p. 48.
15. See footnote 9.

1. Acts 1831-32, p. 25; Code 1873, p. 732.
2. Acts 1899-1900, pp. 1250-1252.
3. Acts 1904, p. 72; Acts 1910, pp. 539-540.
4. Acts 1924, p. 144.

to enter and inspect public and private premises for contagious diseases, collect and preserve the vital statistics required by the Vital Statistics Act of 1912, and carry out the orders of the local board.[5]

It is the duty of the local board of health to handle the sanitary affairs of the county, prevent and eradicate contagious diseases, remove and quarantine doubtful cases, conduct vaccinations, collect vital statistics as required by law, and fix salaries for the officers who discharge these duties. The act governing the activities of the local board of health was a mandatory one, providing for the action of the State Board in counties which did not comply with the requirements in this regard.[6]

A complete county health unit is usually made up of a local board of health, a health officer, a sanitation officer, and a county nurse.[7] In 1922 the services of the county nurse were dispensed with in Powhatan County.

The only record of the local board of health is the minute book, kept by the secretary of the board.[8]

294. RECORD OF COUNTY BOARD OF HEALTH, 1934--. 1 vol.
Record of orders and proceedings of the local board of health showing date of meeting, names of members present, regulations, orders, resolutions, motions, and actions taken on prevention and eradication of disease, vaccinations, and other sanitary affairs of the county. Arr. chron. by date of meeting. No index. Hdw. 200 pp. 14x10xl. In off. of Dr. Tillman, chairman bd. health.

XXV. COUNTY NURSE

The office of county nurse was discontinued in 1922 in Powhatan County. Thus, there has been none since the provision for such an agency under the Shepherd-Towner Act as adopted in Virginia.[1] However, a State-supported itinerant tuberculosis nursing service was established in 1923 and has offered the only clinical service in the county. From 1922 to 1924 the Red Cross supplied a nurse to administer a general health program. Except for the tuberculosis service, there has been no other general nursing service supplied in the county and Powhatan has not enjoyed the benefits of the broad social scheme of the Federal act.[2]

No records of this office have been found in the county.

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5. Acts 1899-1900, p. 1251; Acts 1912, pp. 440-450.
6. Acts 1899-1900, pp. 1250-1252; Acts 1912, pp. 440-450.
7. "Report of the Commission on County Government to the General Assembly of Virginia" (Senate Document, no. 3, Dec. 1931), in Senate Journal and Documents, 1932, p. 41 (paged separately).
8. Probably under some regulation of the State Board of Health. No provision for such a record has been found in the statutes.

1. Statutes at Large of the United States, XLII (1921-23), pt. 1, pp. 224-226; Acts 1922, p. 155.
2. Bureau of Public Health Nursing, State Department of Health, Room 722, State Office Building, Richmond, Va.

(Next entry 295, p. 168)

XXVI. COUNTY ROAD BOARD

From the date of the establishment of the county until the adoption of the Constitution of 1869, roads were worked by compulsory service of the male citizens, although in 1835 a road levy had been authorized for this purpose. During the same period, the county court, through its appointees - road surveyors and viewers - controlled the county roads. It had the power to direct the construction of new roads and repair old ones. The court divided the county into road precincts, appointing a surveyor for each precinct to superintend the roads and keep them in good condition. He served in this capacity at the court's pleasure. The road viewers reported the feasibility of proposed road alterations or construction.[1]

In 1835 the county court was required to appoint from two to five road commissioners annually, replacing the surveyor and viewers. The commissioners investigated proposed routes, drafted maps, examined roads, made reports to the county court, and contracted with surveyors when they found it necessary.[2]

The township board became the agent in control of roads in 1869, when the constitution created new township road officers known as overseers of roads. In Powhatan there were three townships divided into road districts with an overseer of roads elected annually in each district. This officer, superseding the road surveyor, kept the roads in repair at the public expense. Roads were financed principally by a compulsory road tax levied by the township board and collected by the overseers of roads who annually sent a financial report to the board.[3] One commissioner of roads was retained as an elective officer in each township. He collected special road levies, sent reports of road work and recommendations to the township board, and at the order of the court acted as a road viewer.[4]

In 1875 when the township form of government was abolished, the township road officers were removed along with other township officers. At the same time, the law to have the roads worked by compulsory road service of male citizens was reenacted and the method of paying for road upkeep by levies was repealed, while control of roads again passed to the county court. Precinct surveyors and viewers of roads were again appointed.[5]

Roads and bridges in Powhatan County from 1884 until 1890 and again from 1914 to 1932 were controlled entirely by special road boards. Between 1890 and 1914 the board of supervisors had charge of roads.[6]

In 1884 a road board consisting of the supervisor of each magisterial district, a commissioner of roads, and a road director appointed by the county court was established for Powhatan and two other counties. Each member was to remain in office until his successor qualified. This board was re-

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1. Hening, Statutes, VI, pp. 64-65; ibid., XII, pp. 174-176; Acts 1834-35, p. 62; Powhatan Co. Order Book Records, (1777-84) p. 1, in Common Law Orders, Powhatan County Court, see entry 175.
2. Acts 1834-35, pp. 56-57, 68.
3. Const. 1869, art. VII, sec. 4; Acts 1869-70, pp. 596-599.
4. Ibid., pp. 80, 600-605.
5. Acts 1874-75, pp. 135, 177, 180-181, 187.
6. Acts 1883-84, pp. 312-321; Acts 1889-90, pp. 835-839; Acts 1914, pp. 220-223.

County Road Board (Next entry 295, p. 168)

quired to appoint annually one overseer of roads for each sub road-district in each magisterial district, who was required to reside in the district for which he was appointed and to have charge of the roads and bridges in his district.[7]

By the same legislation the county treasurer was authorized to collect the road tax and pay the same over to the commissioners of roads of the several districts.[8]

In 1932 a more uniform system of county roads was assured by State control. Before this time the State had offered its engineer as advisor to the counties seeking aid. By this act the State Highway Department, through the State Highway Commission, replaced the board of supervisors in practically all but its advisory capacity. The board is no longer allowed to levy any road-construction tax, since roads are now financed in the county by the county quota from the motor vehicle tax.[9]

The board of supervisors has at present but few powers in connection with the roads. It meets with the representatives of the State Highway Commission to discuss road problems, and continues to levy a county tax to pay off indebtedness for past expenditures on roads.[10]

To avoid confusion, the nature of the appointment, compensation, power and duties of the individual officers and appointees of the various agencies in control of roads have been merely mentioned above. In the paragraphs below will be found some account of the conditions of service of the overseers, commissioners, and surveyors of roads.

In 1890, when the board of supervisors had control of road activities in Powhatan County, the term of office of the overseer of roads for each district was 2 years from the date of his appointment, and thereafter until his successor was appointed.[11] The overseer of roads, in 1870, was required to take his oath of office before one of the justices of the peace, and enter into a bond for the faithful performance of his duties.[12] His compensation was fixed at $2 per day and he might be required to pay a fine of not less than $5 nor more than $30 as a penalty for failure or misconduct in the performance of his duties.[13]

One of the duties of the overseer of roads was to see that the roads under his charge were kept clear and smooth, free from loose rocks and from gates unlawfully kept up, and other obstructions; he was to see that the roads were of the required width, well drained, and otherwise in good order, and free from the falling of dead timber.[14] The overseer of any road had permission to take

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7. Acts 1883-84, pp. 312-313.
8. Ibid., p. 319.
9. Acts 1932, pp. 872-874.
10. Ibid., pp. 873-876.
11. Acts 1889-90, p. 836.
12. Acts 1869-70, pp. 596-597.
13. Acts 1870-71, pp. 349-350.
14. Acts 1869-70, p. 599.

from any convenient lands so much wood, stone, gravel or earth as might be necessary to be used in constructing or repairing such road, or any bridge or causeway.[15]

Each commissioner of roads was required to qualify in the manner of township officers and give bond in the penalty of not less than $500 nor more than $2,000.[16] He received for his services in altering or establishing a road or landing $2 per day for each day he was necessarily employed at such labor, this amount to be paid by the township.[17] The road commissioner, acting under authority vested in him by the Legislature, was required to report such facts and circumstances as might be useful in enabling the court to determine the expediency of establishing or altering a road or landing, and also to examine other routes than that proposed for any road, and report in favor of the one he preferred. If the commissioner was not himself a surveyor, he could procure one, since a map or diagram of any such route must be returned with his report.[18] The commissioner had the same authority as the overseer to remove a gate across a road at such time as the court might order.[19]

As early as 1658 a surveyor of highways was to be appointed by the county court, which provided for the proper maintenance of bridges as well.[20] In 1661 the justices were charged with the duty of appointing "surveyors of the highwayes", yearly, in October court, who were instructed to lay out the most convenient ways to the church, to the court, and from county to county, and to make bridges where necessary, and thereafter to keep said "wayes" clear from logs and the bridges in good repair; each surveyor was allowed to employ as many men as needed to facilitate this work.[21] About 100 years later, in 1748, the roads of the various counties were divided into precincts and a surveyor was appointed annually for each precinct, and tithables were chosen to attend each surveyor.[22] In 1884 each road surveyor had power to appoint as his deputy any person he might select.[23]

Road surveyors at that time were required to qualify as other district officers, and each of them had to enter into and acknowledge a bond before the court or judge before whom he qualified, with security to be approved by such judge or court in a penalty at least equal to double the allowance specified for him. If he failed to qualify and give bond as above indicated at the time specified, the office was considered vacant.[24] Vacancies were filled by the board of supervisors of the county wherein the vacancy occurred.[25] Every road surveyor was held liable to be presented by the grand jury for any neglect of duty or malfeasance in office and was subject to a fine of not less than $5 nor more than $50 in each case.[26]

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15. Ibid., p. 604.
16. Ibid., p. 596.
17. Ibid., pp. 603-604.
18. Ibid., p. 601.
19. Ibid., p. 604.
20. Hening, Statutes, I, p. 436.
21. Ibid., II, p. 103.
22. Ibid., VI, p. 65.
23. Acts 1883-84, p. 460.
24. Ibid., p. 459.
25. Ibid., p. 459.
26. Ibid., p. 461.

County Surveyor (295)

Every surveyor of a road was entitled to compensation at the discretion of the county court. This fee was to be paid out of the county levy for the time actually employed in superintending the work on the road and was not to exceed $1.50 per day.[27] In the year 1870 the road surveyor's compensation was allowed by the court in an amount not exceeding $2.50 per day.[28]

One of the duties of the road surveyor, in 1884, was to report on oath annually, at such time as the board of supervisors should determine, the general condition of the public roads and bridges in his precinct, the amount of money or labor, or both, expended or performed on said roads and bridges, and the cost of deputies, agents, contractors, laborers, or materials, and such other matters relative thereto as the board of supervisors might suggest or require.[29]

The special Powhatan road law passed in 1884 was offered for repeal in 1928, but it was provided that the repeal not be effective unless and until the same be approved by a majority of the qualified voters of the said county.[30]

The only remaining record kept by the road board for its own use is a book of minutes, orders, and abstracts of proceedings of the board recorded by the clerk of the circuit court, ex-officio the clerk of the board.[31]

295. POWHATAN ROAD BOOK, 1914-32. 2 vols. (1, 2). Title varies: County Road Records, 1926-32. 1884-90 in Road Book for 1885 Commencing 1st July, Huguenot Dist., entry 201.
Record of the orders and proceedings of the county road board showing date of meeting, members present, action taken on construction and maintenance of county roads. Arr. chron. by date of meeting. No index. 1914-26 hdw.; 1926-32 typed. Aver. 350 pp. 16x10½x2. Clk. off.
For board of supervisors records, see entries 4, 6, 8; for county court records, see entries 201-203.

XXVII. COUNTY SURVEYOR

The office of county surveyor has varied little since its beginning in the seventeenth century, the greatest changes having taken place in the manner of selection and the tenure.

In 1763 and thereafter every surveyor of lands had to be resident of the county wherein he functioned.[1]

In the early days of Virginia the Surveyor General appointed the county surveyor, exacting a share of the profits of the office, and at times William

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27. Code 1819, II, p. 23; Acts 1828-29, p. 45; Acts 1834-35, p. 60; Code 1860, p. 203.
28. Acts 1869-70, p. 602.
29. Acts 1883-84, p. 461.
30. Acts 1928, p. 864.
31. Acts 1883-84, p. 318; Acts 1914, p. 223.

1. Hening, Statutes, VII, p. 645.

and Mary College received a part of his fees.[2] The Governor in 1783 commissioned the surveyor, following nomination by the county court and after examination and certification by the president and professors of William and Mary College, to hold office "during good behavior." In 1782 it became lawful for the principal surveyor of any county under the jurisdiction of the county court to appoint one fit person as deputy surveyor.[3] In 1816 the examining agency consisted of two commissioned surveyors of adjoining counties. The appointee was nominated by the county court, certified as able by the county surveyors of two adjacent counties, and commissioned by the Governor.[4]

In 1831 the tenure of the surveyor was set at 7 years. By the Constitution of 1851 the office was made an elective one with a 6-year term, later reduced to 3 years.[5] In 1875 the office again became an appointive one. The surveyor was appointed for a term of 4 years by the judge of the county court, upon the recommendation of the board of supervisors. Later the circuit court judge replaced the county court judge when the office of the latter was abolished.[6]

No county surveyor is allowed to assume the responsibilities of his office until and unless he has taken a solemn oath and given the proper bond for the faithful performance of his duties. This was a requirement in the early days,[7] as well as later. In 1852 the qualifying bond and official oath were required to be executed and administered in the circuit court or before the judge thereof in vacation, within 60 days after the election of the county surveyor. If he failed to do so, his office was deemed vacant.[8] All deputies were also required to give bond before entering upon their duties.[9] In 1896 the amount of the bond of the surveyor was to be not less than $2,000.[10]

Compensation of the county surveyor was by fee in the early part of the eighteenth century.[11] One hundred years before that time his fees were paid in tobacco, the rate being 20 pounds for measuring 100 acres. If he was requested to go a considerable distance from his residence, he was to have an allowance of 12 pounds of tobacco per day.[12] At the present time there is a schedule of fees for the various services rendered by the county surveyor. There is also an allowance for mileage, not to exceed 5 cents per mile when the surveyor has to go some distance from his place of residence.[13]

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2. Bruce, Institutional History, I, p. 387.
3. Hening, Statutes, XI, pp. 160, 352-353.
4. Acts 1815-16, p. 67.
5. Acts 1830-31, p. 87; Const. 1851, art. VI, sec. 30; Acts 1852, p. 64; Code 1860, p. 81; Acts 1869-70, p. 265.
6. Acts 1874-75, p. 133; Const. 1902, art. VII, secs. 110, 112; Acts 1902-3-4, pp. 506, 742; Acts 1904, p. 324; Acts 1910, p. 144; Code 1919, sec. 126; Const. 1902 (as amended 1928), art. VII, sec. 110.
7. Hening, Statutes, III, pp. 329-331; ibid., VI, p. 33.
8. Acts 1852, p. 67.
9. Acts 1884, pp. 64-67.
10. Acts 1895-96, p. 825.
11. Hening, Statutes, IV, p. 506; ibid., V, pp. 340-341.
12. Ibid., I, p. 335.
13. Code 1919, sec. 3479.

County Surveyor (Next entry 296, p. 172)

The surveyor of any county may be removed from his office by the Governor on the recommendation of the circuit court, for misbehavior, incapacity, or neglect of duty.[14]

When the office of surveyor is vacant in any county, the clerk may serve in his stead under certain conditions and to the same extent, but he is liable to the same penalties and damages for negligence or misbehavior as a surveyor would be and is entitled to the same fees.[15] The removal of a surveyor from the county in which he was elected constitutes a vacation of his office.[16] If a vacancy occur by expiration of the term of office, the former surveyor is required to preserve all papers and records of his office and perform all the duties of the surveyor until his successor is qualified, and, on such qualification, to deliver to him all such records and papers. His failure to do so subjects him to a forfeiture of $500.[17]

The duties of the surveyor have remained, to all intents and purposes, practically the same today as in former years. He was formerly required to resurvey on court order any unsettled or disputed boundary when the landowners involved refused to allow processioning,[18] and he may perform a similar function today if the judge trying a case involving bounds sees fit to order it.[19] As formerly, the surveyor is now required to return a plat and certificate of survey to the court. The latter requirement applies to any instance of a court order for survey, and the papers are returned to the clerk of court for record.[20] At one time it was the duty of the surveyor to lay out tracts of waste lands for which warrants were issued by the land office, upon the presentation of a certificate of military service or the payment of a stipulated sum per acre; to record his survey; and return a copy of the plat and certificate to the holder of the warrant. This duty dates back to the period immediately following the Revolution.[21] Of greater importance in the earlier-settled counties was the duty of laying off portions of land sold in part for delinquent taxes and not redeemed by the owner, and of reporting to the court the metes and bounds of tracts sold in toto under the same circumstances.[22]

When making a survey of land, the county surveyor was required to deliver a plat of the same, together with a certificate thereof, and was also to enter or cause to be entered in a book provided for that purpose, at the county's charge, a true, correct, and fair copy and plat of every survey made by him during his continuance in office.[23]

Probably one of the most important technical duties of the county surveyor

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14. Code 1819, I, p. 324; Acts 1830-31, pp. 37, 87; Code 1860, p. 534.
15. Acts 1830-31, p. 87; Code 1860, p. 535.
16. Acts 1852, p. 67.
17. Acts 1830-31, p. 87; Code 1860, p. 535.
18. Code 1803, p. 151; Code 1819, I, pp. 339-340.
19. Acts 1912, pp. 133-134; Code 1919, sec. 5490.
20. Code 1849, p. 478; Code 1887, sec. 916; Code 1919, sec. 2842.
21. Hening, Statutes, X, pp. 52, 57; Code 1819, I, pp. 327-328.
22. Acts 1831-32, p. 64; Code 1849, pp. 202-203; Code 1887, secs. 1853, 1854; Code 1919, secs. 2480, 2481.
23. Hening, Statutes, VI, pp. 35-36.

in the early years of the nineteenth century was making and marking boundary lines whenever a new county was formed. A report of such work was made to the court of each of the said counties, and also to the Board of public works, which report, with the accompanying plat, constituted conclusive evidence of the true boundary lines. Each county allowed him compensation for these services, chargeable to the county.[24]

The surveyor delivers his entry books of surveys to the clerk's office, to be kept in a fireproof vault.[25] Hence, there are no public records of the surveyor except those that are kept by the clerk in connection with title, conveyance, and partition records.

XXVIII. COUNTY AGRICULTURAL AGENT

In 1910 the board of supervisors was empowered to appropriate out of the county funds, for experimental and demonstrational work, not more than $20 for every 1,000 inhabitants.[1] In 1912 one public high school in each congressional district of the State was selected by the State Board of Education to introduce a thorough course in agriculture, domestic arts and sciences, and manual training, in addition to the regular academic courses. At least one-fourth of the school time would be devoted to those subjects.[2] In the same year the United Agricultural Board, a State agency, in cooperation with the United States Department of Agriculture, might employ a competent demonstrator or county agent for the counties.[3]

In 1914, a county agricultural agent was appointed by the Virginia Agricultural and Mehcanical College and Polytechnic Institute in cooperation with the United States Department of Agriculture and the local board of supervisrs, in anticipation of the passage of a Federal statute.[4] The same agent is usually reappointed as long as he performs satisfactory work. Powhatan has had an agent since 1914, but records of the office are not complete.[5]

The agricultural agent is paid an unspecified salary by the board of supervisors in cooperation with the Virginia Polytechnic Institute.[6]

Under the direction of the extension department of the Virginia Polytechnic Institute, the county agent instructs farmers in improved methods of agriculture, horticulture, and stock raising. He advises on all technical agricultural subjects, gives demonstrations, and follows the objectives of the various

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24. Code 1849, p. 241.
25. Acts 1910, p. 121.

1. Acts 1910, p. 576; Acts 1912, pp. 563-564.
2. Ibid., p. 56.
3. Ibid., p. 314.
4. Statutes at Large of the United States, XXXVIII, (1913-15), pt. 1, pp. 372-374; Acts 1914, pp. 710-712.
5. Correspondence with Mr. C. A. Montgomery, Assistant Director, Cooperative Extension Work in Agriculture and Home Economics, Blacksburg, Va.
6. Acts 1914, p. 711.

Federal agricultural agencies. He further supervises 4-H (Head, Hands, Heart, Health) Clubs, and canning clubs for girls. This work is supported by Federal, State, and local funds.[7]

The records of the county agricultural agent are for the most part such as are prescribed by the agencies which direct and control his work, or with which he cooperates. In Powhatan County, the agent keeps a file of contracts for crop-limitation, and one of allotment and marketing records on forms provided by the Agricultural Adjustment Administration. He also preserves a file of correspondence concerning the soil conservation program which has recently replaced the crop-control plan, and a file of his correspondence and reports to the Blacksburg headquarters, relating to his routine agricultural demonstration work.[8]

Contracts

296. CONTRACTS A. A. A. (Agricultural Adjustment Administration) PROGRAM, TOBACCO, 1934-35. 1 file box.
Agricultural adjustment administration contracts for limitation of production of tobacco showing names of producer and official, date and terms of contract, signature of producer and official, and compliance certificate. Arr. alph. by surname of producer. No index. Hdw. on ptd. forms. 13x12x23. Co. agt. off.

Allotments

297. (ALLOTMENTS AND MARKETING CARDS), 1934-35. 1 file box.
Marketing and allotment cards for tobacco limitation program showing name of producer, date, number of acres cultivated, number of acres planted, number of acres withdrawn, number of pounds of tobacco, compensation allowed under contract, signature of producer, signature of government agent. Arr. by subject. No index. Hdw. on ptd. forms. 12x12x24. Co. agt. off.

Correspondence

298. CORRESPONDENCE, SOIL CONSERVATION PROGRAM, 1936--. 4 file boxes.
Miscellaneous correspondence of county agent concerning soil conservation program and allotments thereunder. Arr. alph. by subject. No index. Hdw. and typed. Aver. 13x12x23. Co. agt. off.

299. CORRESPONDENCE V. P. I. (Virginia Polytechnic Institute), 1918--. 5 file boxes. No title, 1918-37.
General correspondence of the county agricultural agent with the Virginia Agricultural and Mechanical College and Polytechnic Institute concerning animal industry and livestock, fertilizer, pastures, drought relief, and forestry. Also contains (Reports and Correspondence of Home Demonstration Agent), 1918--, entry 300. Arr. alph. by surname of correspondent. No index. Hdw. and typed. 13x12x23. Co. agt. off.

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7. Acts 1914, pp. 710-711; Code 1919, secs. 922, 923; Acts 1936-37, p. 34.
8. These records and forms are not mentioned in the statutes, but are at the discretion of State and Federal authorities: see footnotes 4, 5; Acts 1936-37, p. 34 (the Virginia Polytechnic Institute is designated the State agency for the carrying out of the Soil Conservation and Domestic Allotment Act, and authorized to use its personnel and facilities for the purpose, if not in conflict with its usual functions).

(Next entry 300, p. 176)

XXIX. TOBACCO INSPECTOR

The forerunner of the tobacco inspector was the person appointed in the proclamation fixing the rates of commodities in the early part of the seventeenth century to "censure the tobacco".[1] Tobacco is spoken of as one of the "Naturall commodities" of the country in colonial records of Virginia and those who raised it during the early period in Virginia were admonished to thoroughly air their tobacco before bringing it to the "Magazin." If after inspection by several competent men the commodity was not found merchantable, it was ordered to be burned before the owner's face.[2]

In 1624 a law was passed in regard to the inspectors of tobacco[3] and 8 years later, upon the complaint of any merchant, it became the duty of the commander of the colony to appoint two men to view the crop and report its condition to him.[4] The Assembly in 1632 ordered five warehouses to be built, to which the planters were required to bring their tobacco for viewing and repacking.[5] Viewers or inspectors were appointed regularly throughout the seventeenth and eighteenth centuries. In 1705 two viewers were appointed by the county court on the complaint that some growers were selling inferior tobacco.[6] The Governor appointed two inspectors for each public warehouse in 1730,[7] and in 1761 a third inspector was appointed to act only in cases of disagreement between the two original inspectors.[8] Until 1804, when an inspector of manufactured tobacco was appointed by the county court, there was no change. This type of inspection lasted for a period of 14 years.[9] In 1810 the number of inspectors was set at four, the appointment of the fourth inspector being optional with the Governor.[10]

The office of tobacco inspector was abolished in 1877 and the office of "sampler" created. The Governor appointed two samplers for each public warehouse every 4 years.[11]

In 1619, several years before the actual appointment of tobacco inspectors, the Governor commissioned four "tasters" of tobacco to give their opinion on oath.[12] During the years of greatest activity of the tobacco inspector, in order to prevent delays on account of sickness or necessary absence, the Governor, with the advice of the Privy Council, granted a commission for an assistant to officiate in cases of disagreement between the principal inspector as to the quality of the weed brought for their inspection.[13]

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1. Hening, Statutes, I, p. 126.
2. Colonial Records of Virginia, pp. 23-24.
3. See footnote 1.
4. Hening, Statutes, I, pp. 165, 190.
5. Ibid., I, pp. 204-205.
6. Ibid., III, p. 436.
7. Ibid., IV, p. 251.
8. Ibid., VII, p. 387.
9. Shepherd, Statutes, III, p. 61; Acts 1817-18, p. 18.
10. Acts 1809-10, p. 23.
11. Acts 1876-77, pp. 314-315.
12. Records of the Virginia Company, III, pp. 228-229.
13. Hening, Statutes, IX, p. 156.

Tobacco Inspector (Next entry 300, p. 176)

In the early part of the eighteenth century, all tobacco inspectors, before entering upon their duties as such, were required to take the oaths and give the bonds prescribed by law,[14] and, if sworn before the Governor or General Court, to produce certificates to be lodged with the clerk of the county court.[15] In 1852, the bond to be given by the tobacco inspector in counties wherein warehouses were located was fixed at $10,000 if the warehouse belonged to the State, and in any other case at $4,000. Within 30 days after the execution of such bond, the clerk of the court in which it was given was ordered to transmit a copy to the Auditor.[16] Failure to give bond within 60 days after qualification vacated the office.[17] The tobacco inspector collected fees varying in number and amount.[18] In 1730 for every hogshead of tobacco laid away, well lined and nailed, there was paid by the person receiving such hogshead, 5 shillings; and there was also allowed to the inspector 2 pounds of tobacco shrinkage for every 100 pounds delivered.[19] In 1755, because the crop was small, inspectors' salaries were discontinued for 1 year and fees were paid.[20] In 1796 the salary was increased by 25 percent, provided that the duties arising from the shipping of tobacco from the respective warehouses were deemed adequate to pay them.[21] Thus, through the years, the compensation of tobacco inspectors shifted from fees to salaries, and back again, until the office was abolished in 1877.[22]

Vacancies were usually filled by the Governor, who had authority to appoint any person he saw fit.[23] In any case where a tobacco inspector was removed from office, and the additional persons nominated by the court of the county were unable to give the security for the proper discharge of the functions of the office, the Governor had authority to appoint any other two persons in the county to act as inspectors.[24] Vacancies in the office of sampler were filled in the same manner as the original appointments were made, or by the Governor, if the General Assembly was not in session.[25]

There was very little variation in the duties of the tobacco inspectors. They weighed and rated the tobacco bought to the public warehouses and served as the agents of the owners from the time the tobacco was deposited in the warehouse until it was sold. In 1655, in order to improve the quality of the leaf and to increase the price, viewers were directed to receive as small a proportion of ground leaves in the tobacco as possible.[26] In 1730 the three inspectors of public warehouses attempted to prevent the exportation of unmerchantable tobacco[27] and during the same year the constable aided in in-

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14. Ibid., IV, p. 261; ibid., V, p. 11.
15. Ibid., VIII, p. 89.
16. Acts 1852, pp. 117-118.
17. Acts 1866-67, p. 968.
18. Hening, Statutes, IV, p. 252; ibid., VI, pp. 236-238; Acts 1808-9, p. 16; Acts 1830-31, p. 127; Acts 1872-73, p. 367.
19. Hening, Statutes, IV, p. 252.
20. Ibid., VI, pp. 567-568.
21. Shepherd, Statutes, II, p. 21.
22. Acts 1876-77, pp. 314-315.
23. Hening, Statutes, V, p. 11; ibid., IX, pp. 156-157.
24. Shepherd, Statutes, II, p. 33.
25. Acts 1876-77, p. 315.
26. Hening, Statutes, I, p. 399.
27. Ibid., IV, pp. 247, 251.

specting growing tobacco.[28] In 1736 the inspectors accounted to the county court for all "transfer tobacco" (small parcels or amounts of leaf less than enough to fill a hogshead) remaining in their hands.[29]

During the nineteenth century, the inspector conducted public sales of tobacco which had remained unsold and unclaimed for 3 years, the money received from such sales being turned into the State Treasury.[30] About this time the inspector stamped each hogshead of refused tobacco and sold it to stemmers or manufactures who reconditioned it and had it reinspected.[31] In 1826 inspectors gathered and sold for the Commonwealth all waste tobacco not already claimed; every 3 months they accounted to the State Auditor for such sales.[32]

Although there are inspectors or samplers (the name is used interchangeably) today, the office is not a county agency.[33] The circuit court has to authorize the establishment of a warehouse, but the samplers are State appointees who are answerable to the State for their acts and misdeeds.[34]

When the tobacco inspector was at the height of his activity, it was a common practice to issue what were known as crop and transfer notes (often used in lieu of money). The tobacco was lodged in the warehouses by the planter who received notes certifying the amount and quality of the leaf deposited by him, and in turn went to the merchant, sold the tobacco, and delivered the notes which entitled the merchant to delivery at the warehouse. A facsimile of the form of note used may be found in Book-keeping Methodized, by John Mair.[35]

No records of this agency were found in Powhatan.

XXX. HOME DEMONSTRATION AGENT

Like that of the county agricultural agent, the office of the home demonstration agent was authorized under the act of 1914 passed in anticipation of the Smith-Lever Act[1] and was established in Powhatan the same year. She is appointed in the same way as the county agent and likewise works through the extension division of the Virginia Agricultural and Mechanical College and Polytechnic Institute.

She conducts home demonstrations of model methods of housekeeping and organizes the girls' division of the Four-H (Head, Hands, Heart, Health) Club.

The records of the home demonstration agent are such as are prescribed by the Virginia Polytechnic Institute and are not covered by statute. They con-

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28. Ibid., IV, p. 242.
29. Ibid., IV, p. 481.
30. Acts 1808-9, p. 16.
31. Acts 1809-10, p. 22; Acts 1825-26, pp. 13-14.
32. Acts 1825-26, p. 13.
33. Acts 1876-77, pp. 314-315.
34. Code 1936, secs. 1348-50, 1364.
35. John Mair, Book-keeping Methodized . . ., (see Bibliography), pp. 331-338.

1. Statutes at Large of the United States, XXXVIII, (1913-15), pt. 1, pp. 372-374; Acts 1914, pp. 710-712.

sist of correspondence and copies of the various reports which the agent is required to make of her work.

300. (REPORTS AND CORRESPONDENCE OF HOME DEMONSTRATION AGENT), 1918--. In Correspondence V. P. I. (Virginia Polytechnic Institute), entry 299.

Copies of statistical and narrative reports, and weekly and monthly travel reports of the home demonstration agent to the Virginia Agricultural and Mechanical College and Polytechnic Institute, and correspondence pertaining to the work of the home demonstration agent.

XXXI. COUNTY MILITIA

In the era of the "plantation commander", in the early part of the seventeenth century, there was issued an edict to the effect that there be sufficient powder and ammunition within every plantation and "their pieces fixt and their arms compleate", and that no commander of any plantation suffer powder to be "spent unnecessarily in drinking, entertainment, &c."[1]

More than a century before the formation of the county of Powhatan, the commanders of the several plantations, appointed by commission from the Governor, were given power and authority to levy a party of men out of the inhabitants of that particular plantation, to be on the defensive in the protection of the people and their homes against the Indians.[2] These plantation commanders were commissioned to exercise the men under their command upon holy days and yearly on the first day of December, to take a muster of the men, together with the women and children, stating their ages, countries, and towns, where they were born, the ships they came in to this country, and also to take a list of arms and munitions, corn, cattle, hogs, goats, barques, boats, gardens and orchards. If these duties and commands were neglected, the several commanders were to be censured by the Governor and Council.[3] In 1634 the country was divided into eight shires, which were to be governed as the shires in England. Lieutenants were then appointed, as in England, to take care of the war against the Indians.[4]

The militia was a vital part of colonial life. There were strict orders given and laws passed for its better organization, so that it might be conducted in a manner fitted to guard the safety of the colony.[5] In 1679 every 40 tithables were assessed and obliged to supply a man with horse and full equipment to the militia.[6] Similar assessments continued from time to time.[7]

The county lieutenant was the most important officer of the militia. He was required to list all persons between the ages of 18 and 60.[8] Every 3

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1. Hening, Statutes, I, p. 127.
2. Ibid., I, p. 140.
3. Ibid., I, pp. 174-175.
4. Ibid., I, p. 224.
5. Ibid., I, p. 140; ibid., III, p. 14; ibid., V, pp. 18, 91.
6. Ibid., II, p. 435.
7. Ibid., III, pp. 84, 99, 120.
8. Hening, Statutes, I, p. 277; ibid., VI, p. 531; Bruce, Institutional History, II, p. 18.

months each captain had to muster every company of the militia.[9] Courts martial were to be held the day following the general muster to inquire into the age and abilities of listed persons, to try violators, and to inflict fines. Such a court was to be composed of the field officers and captains, who were permitted to select a clerk to register all proceedings, and lists of fines were to be delivered by the clerk to the sheriff for collection.[10]

The militia throughout the United States was made uniform by a Federal act passed in May 1792, entitled "An Act more effectually to provide for the National Defense by establishing an Uniform Militia throughout the United States." In this act the exact set-up of the militia was provided for and it was required that the legislature of each State within 1 year should direct the arrangement of the militia "into divisions, brigades, regiments, battalions and companies."[11]

Virginia passed its act in December 1792 complying with this Federal statute. By this act various counties were grouped together to form regiments and battalions. Since this date other acts have been passed to conform with the above Federal statute.[12] By the original act passed by the General Assembly of Virginia, the counties of Powhatan and Cumberland were each to compose one battalion, which two battalions combined to form one regiment.[13] By reference to the Code of 1860, it will be seen that the county of Powhatan was in the fourth brigade of the first division when the militia of Virginia was organized.[14] There was no law to prevent volunteer companies of one county from uniting with companies from contiguous counties in the formation of battalions and regiments.[15]

The only bonded officer was the paymaster;[16] but every commissioned officer of the militia, before he could execute a commission, had to take in the court of his county the oaths appointed by law.[17]

The plan of county militia organization was essentially simple. Before 1792 the "county lieutenant" (answerable to the Governor as commander in chief), called "colonel", commanded the county forces and had under him one or more majors, or battalion commanders, who, in turn, directed the captains or company commanders and their subordinates, the lieutenants.[18]

The county lieutenant, although nominally commander in chief of the local militia, rarely left the county with the troops who were called out for war

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9. Hening, Statutes, VI, p. 533.
10. Ibid., V, pp. 19-20; ibid., VI, pp. 534-535; ibid., IX, pp. 271-272; ibid., XII, pp. 21-22.
11. Statutes at Large of the United States, I, pp. 271-274.
12. Hening, Statutes, XIII, pp. 340-356; Shepherd, Statutes, I, pp. 203-207.
13. Ibid., I, p. 341.
14. Code 1860, p. 138.
15. Acts 1852-53, p. 36.
16. Ibid., p. 38.
17. Hening, Statutes, I, p. 23; ibid., VI, pp. 535, 540; ibid., IX, p. 268; Code 1819, I, p. 99.
18. Hening, Statutes, IX, p. 277; ibid., VI, p. 531; Bruce, Institutional History, II, p. 18.

service, but remained behind to raise supplies, enlist recruits, and watch out for stragglers or deserters.[19] From 1675 to 1819 every footman, horseman, and commissioned officer was paid first monthly, then yearly, with tobacco. A distinct list of names and numbers of officers and soldiers sent on duty, and of all persons impressed, with the time they served, attested on oath by the officer commanding, had to be certified to the Auditors of Public Accounts, to be by them examined and certified to the Treasurer for payment of what might be justly due. In 1782 all militia called into service were paid the same in money and allowed the same in rations as the officers and soldiers of the Continental Army.[20] Pensions were given to wounded and disabled soldiers as early as 1679.[21]

After 1819 all vacancies of militia officers might be supplied by appointment of the Governor, with the advice of the Privy Council, or recommendations from the respective county courts.[22]

The State troops were disbanded in 1865, when Virginia became a military district, and the new constitution which came into force in 1870 provided only for a volunteer militia in time of peace.[23] The same system remains in force today.[24]

No records of the militia have been found in Powhatan County.

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19. Statutes at Large of the United States, I, pp. 271-274.
20. Hening, Statutes, II, p. 331; ibid., III, pp. 18, 209; ibid., IV, pp. 200, 201; ibid., VI, p. 116; ibid., IX, p. 293; ibid., XI, p. 181.
21. Ibid., III, p. 22; ibid., XI, p. 440.
22. Code 1819, I, p. 36.
23. Const. 1869, art. IX, secs. 1, 2.
24. There is no militia provision in the present Constitution of Virginia.

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